

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

RESOLUTION #20-260

**A RESOLUTION AMENDING THE TOWNSHIP OF HOPWELL
PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, a policy has been added and required the Township of Hopewell to revise their Policy and Procedure Manual to reflect the change.

NOW, THEREFORE, BE IT RESOLVED, on the 20th day of July, 2020, by the Township Committee of the Township of Hopewell, County of Mercer, State of New Jersey, that the Township of Hopewell Personnel Policies and Procedures Manual be and is hereby amended as follows:

Title	Proposed Change
Table of Contents	Page numbers needed to be updated
Background Checks and Procedures for Candidates, Employees and Volunteers Who Work with Minors	This policy outlines procedures for candidates, employees and volunteers that work with minors.
Vacation Policy	Language needed to be removed for consistency.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Mid-Jersey Municipal Joint Insurance Fund Administrator's Office.

Date Adopted: July 20, 2020

CERTIFICATION

I, Laurie E. Gompf, Municipal Clerk, of the Township of Hopewell, County of Mercer, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Township Committee at the regular meeting held on the 20th day of July, 2020, via Zoom Video Communications.



Laurie E. Gompf, RMC, CMC
Municipal Clerk

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VACATION LEAVE POLICY

Vacation is a benefit accrued pro-rata on a monthly basis. An employee's entitlement to earn vacation is based on date of hire. All regular full-time employees are entitled to vacation as set forth in the following schedule:

A. First year of service. During the first year of service, vacation entitlement shall be up to 10 (ten) days and will accrue as follows:

<u>Month of Hire</u>	<u>% of Vacation Earned</u>
January – March	100%
April – June	75%
July – September	50%
October – December	25%

B. Two through five years of service. After one year of service, and upon completion of each additional year through five years of service, an employee is eligible to take 11 (eleven) days of earned vacation.

C. Six through ten years of service. After five years of service, and upon completion of each additional year through ten years of service, an employee is eligible to take 14 (fourteen) days of earned vacation.

D. Eleven through fifteen years of service. After ten years of service, and upon completion of each additional year through fifteen years of service, an employee is eligible to take 17 (seventeen) days of earned vacation.

E. Sixteen through twenty years of service. After fifteen years of service, and upon completion of each additional year through twenty years of service, an employee is eligible to take 20 (twenty) days of earned vacation.

F. Twenty-one or more years of service. After twenty years of service, and for every additional year of service thereafter, an employee is eligible to take 23 (twenty-three) days of earned vacation each year. Employees are eligible for one (1) additional day per year of service up to a maximum of 25 (twenty-five) days.

PROCEDURE

1. Vacation time shall be requested by the employee through the supervisor and approved by the Administrator. Such requests shall be made by completing and forwarding to the supervisor a Leave Request Form. The Leave Request Form shall be presented early enough to facilitate work scheduling. Department Heads and supervisors may limit any vacation to two (2) consecutive weeks at any one time. The Leave Request Form shall be forwarded to the Administrator for prior approval. A copy of the Leave Request Form shall be affixed to the payroll departmental report.

~~2. Employees must take the annual vacation allotted to each employee during the year in which it is earned. Unused vacation days may be carried over into the new calendar year only with the written authorization of the Administrator following written request.~~ Employees hired before May 21, 2010 shall not be allowed to carry over into the new calendar year more than two years of vacation leave. Employees hired on or after May 21, 2010 shall not be allowed to carry over into the new calendar year more than one year of vacation leave. Vacations days in excess of this amount shall be lost.

3. Regular part-time employees who regularly work more than twenty-five (25) hours per week receive prorated vacation time.

4. Newly-hired employees do not accrue vacation entitlement during the probationary period. However, at the completion of this probationary period, vacation accrual is retroactive to the date of hire. Newly-hired employees on probation are not permitted to take vacation time during the first six months of employment unless approved by the Administrator.

5. Vacation time is not earned during an unpaid leave of absence that exceeds thirty (30) calendar days. Earning resumes upon return to active status.

6. Unused vacation allowance will be paid to employees upon separation from service provided they have successfully completed the six-month probationary period and they have resigned in good standing. Vacation time earned during the last year of employment will be prorated. Pay will be computed based on the rate earned upon separation.

7. Should a paid holiday fall during an employee's vacation, the employee shall not be charged for a vacation day.

**BACKGROUND CHECKS AND PROCEDURES
FOR CANDIDATES, EMPLOYEES AND VOLUNTEERS
WHO WORK WITH MINORS**

The Township will conduct criminal background checks for persons over the age of 18 for positions, paid or volunteer, that may involve work directly or indirectly with children/youth/minors in accordance with the procedures outlined in this policy entitled “Background Checks and Procedures for Candidates, Employees and Volunteers Who Work with Minors”. The Township will conduct criminal background checks for candidates over the age of 18 for all other Township positions in accordance with the policy entitled, “Background Checks and Procedures for Candidates Who Do Not Work With Minors”.

BACKGROUND CHECKS REQUIRED

Criminal background checks are required of all candidates, 18 years old or older, whether paid or volunteer, that may work directly or indirectly with minors. Criminal background checks will also be performed every three years for each employee or volunteer that works directly or indirectly with minors. The titles of employees subject to background checks include all recreational positions, library positions, and maintenance and administrative positions pertaining to such programs.

BACKGROUND CHECK PROCEDURE

The Human Resources Director will perform or initiate criminal background checks and be the recipient of reports from outside agencies or contractors. These reports must include, but are not limited to, court records; police department and corrections agency records; registries or watch lists; state criminal record repositories; and the Interstate Identification Index maintained by the FBI. The prospective employee or volunteer must provide proof of payment associated with the costs of the background check to the Township for reimbursement. The Administrator will discuss potentially disqualifying information received with the employee or volunteer’s Department Head. The Administrator will determine whether the information is disqualifying based on whether it is job-related and consistent with business necessity. Written information received as a result of a “Request for Criminal History Record Information for a Noncriminal Justice Purpose” will be destroyed immediately after it has served its authorized purpose, as required by the State Police. Such information will be kept confidential and will not be published or disclosed in any manner not consistent with the procedures listed here. Such information is not a public record under P.L. 1963, c.73 (C:47:1A-1, et seq.) as amended and supplemented by P.L. 2001, c.404 (C:47:1A-5, et seq.).

When a disqualification decision has been made as a result of the employer’s “targeted screening process” described below, the Administrator will inform the candidate, volunteer, or employee, in writing, of any information that would disqualify the person from working with minors. If the Township contracts with an outside vendor to process the background checks, that contractor may be authorized to inform the person in writing of any information that would disqualify the person from working with minors.

In addition, the individual will be advised that he/she may explain the criminal record to demonstrate why the exclusion based on the employer's targeted screening process should not apply to him/her under the circumstances. This information may include evidence of an error in the criminal record; facts surrounding the conviction; age at the time of the conviction and/or release from prison; evidence of a clean criminal and employment record since release; rehabilitation efforts; positive references; and evidence that he/she is bondable. Thereafter, the employer will give the individual further consideration. Existing employees or volunteers will be placed on immediate suspension pending the outcome of a hearing or appeal. Employee suspensions will be without pay unless otherwise determined by the Administrator.

DISQUALIFICATION

A candidate, volunteer, or employee may be disqualified from employment in a position that works with minors if that person's criminal record history background check reveals a record of conviction of any of the following crimes and disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:

- Homicide (N.J.S.A. § 2C:11)
- Assault, reckless endangerment, threats, stalking (N.J.S.A. § 2C:12)
- Kidnapping (N.J.S.A. § 2C:13)
- Sexual Offenses (N.J.S.A. § 2C:14)
- Offenses against the Family, Children and Incompetents (N.J.S.A. § 2C:24)
- Controlled Dangerous Substances (N.J.S.A. § 2C:35 except for § 2C:35-10(a)(4))
- Robbery (N.J.S.A. § 2C:15)
- Theft (N.J.S.A. § 2C:20)

A disqualification from any position will be based only on a conviction for one or more of the above disqualifying crimes and offenses following a targeted screening process, by which the employer has considered the following factors:

1. The nature and gravity of the offense or conduct, including the consideration of (i) the harm caused by the crime; (ii) the legal elements required to prove the crime; and (iii) the classification of the crime (i.e., felony or misdemeanor, etc.);
2. The time that has elapsed since the offense, conduct, and/or completion of the sentence;
3. The nature of the job held or sought, including the consideration of: (i) the job duties (not merely the job title); (ii) the level of supervision to be provided; (iii) the working environment (e.g., private home, outdoors, warehouse); (iv) interaction with others, especially with vulnerable individuals such as children/youth/minors; and (v) the relationship of the criminal history to the job to be performed.

An acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a criminal offense, including a disqualifying criminal offense, is not a disqualifying conviction. Further, an arrest record standing alone may not be used to disqualify a candidate, volunteer, or employee from an employment opportunity. However, the employer

may make a disqualification decision based on the conduct underlying the arrest if the conduct makes the individual unfit for the position in question, in which case the conduct, not the arrest, is relevant for employment purposes.

APPEAL PROCESS

The Appeals Committee will be comprised of the Administrator, Chief of Police and Human Resources Director.

Once a candidate, employee or volunteer has been notified of a disqualifying conviction, the employee has fourteen (14) calendar days to file a Notice of Appeal with the Township. The Notice of Appeal must be sent in writing to the Administrator. The Notice of Appeal must include a Notice of Rehabilitation and/or a Notice that the information is inaccurate or incorrect, pursuant to NJAC 13:59-1.6.

During the 14-day period listed above, and until the issuance of the decision of the Appeals Committee, an employee will be on a suspension with pay, pending the outcome of the Notice of Appeal.

In determining the appeal, the following information will be considered:

1. The nature and responsibility of the position which the convicted individual would hold, has held, or currently holds, as the case may be.
2. The nature and seriousness of the crime or offense.
3. The circumstances under which the crime or offense occurred.
4. The date of the crime or offense.
5. The age of the individual when the crime or offense was committed.
6. Whether the crime or offense was an isolated or a repeated incident.
7. Any social conditions which may have contributed to the commission of the crime or offense.
8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received.
9. Acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

The Administrator will issue a written determination on the employee's appeal of their disqualifying conviction, setting forth the reasons for the determination.

**FINGERPRINT AND BACKGROUND CHECK CONSENT FORM
FOR EMPLOYEES, JOB APPLICANTS, AND VOLUNTEERS
THAT MAY WORK OR HAVE CONTACT WITH MINORS**

In accordance with N.J.S.A. 15A:3A-1 et seq., I understand that, as a condition of continued employment, new employment, or my volunteer service, the Township of Hopewell requires background checks on all individuals who will be working with children.

By signing this form, I agree to be fingerprinted and consent to a criminal background record check as a condition of new employment, continued employment, or voluntary service. I also represent, attest, and certify that I have never been convicted of any of the following crimes or disorderly persons offenses as defined by New Jersey law or the law of any other state, or that the guilty disposition of any of the crimes and/or offenses has been amended to a status of not guilty, or that any previous charges, as listed below, have been expunged:

2C:11 HOMICIDE all offenses

2C:12 ASSAULT, ENDANGERING, THREATS all offenses

2C:13 KIDNAPPING all offenses

2C:14 SEXUAL OFFENSES all offenses

2C:15 ROBBERY all offenses

2C:20 THEFT all offenses

2C:24 OFFENSES AGAINST THE FAMILY, CHILDREN AND INCOMPETENTS
all offenses

2C:35 CONTROLLED DANGEROUS SUBSTANCES
all offenses except paragraph (4) of subsection a. of N.J.S.A. 2C:35-10

Name (please print)

Applicant's signature

Date

BACKGROUND CHECKS AND PROCEDURES FOR CANDIDATES WHO DO NOT WORK WITH MINORS

BACKGROUND CHECKS REQUIRED

Criminal background checks are required of all candidates over the age of 18.

BACKGROUND CHECK PROCEDURE

The Township will perform or initiate criminal background checks and be the recipient of reports from outside agencies or contractors. These reports shall include, but are not limited, to court records; police department and corrections agency records; registries or watch lists; state criminal record repositories; and the Interstate Identification Index maintained by the FBI.

The Administrator will discuss potentially disqualifying information received with the candidate's Department Head, and a determination that the information is disqualifying shall be made based on whether the disqualification is job-related for the position and is consistent with business necessity.

Written information received as a result of a "Request for Criminal History Record Information For A Noncriminal Justice Purpose" will be destroyed immediately after it has served its authorized purpose, as required by the State Police. Such information will be kept confidential and will not be published or disclosed in any manner not consistent with the procedures listed herein. Such information will not be deemed a public record under P.L. 1963, c.73 (C:47:1A-1, et seq.) as amended and supplemented by P.L. 2001, c.404 (C:47:1A-5, et seq.).

When a disqualification decision has been made as a result of the Township's "targeted screening process" described below, the Administrator will inform the candidate or employee, in writing, of any information that would disqualify the person. If the Township contracts with an outside vendor to process the background checks, that contractor may be authorized to inform the person in writing of any information that would disqualify the person. In addition, the individual will be advised that he or she has the opportunity to explain the criminal record and to demonstrate why the exclusion based on the employer's targeted screening process should not apply to him or her under the circumstances. This information may include evidence of an error in the criminal record; facts surrounding the conviction; age at the time of the conviction and/or release from prison; evidence of a clean criminal and employment record since release; rehabilitation efforts; positive references; and evidence that he/she is bondable. Thereafter, the Township will give the individual further consideration.

CONDITIONS UNDER WHICH A CANDIDATE WILL BE DISQUALIFIED

A candidate may be disqualified from employment if that person's criminal record history background check reveals a record of conviction of a crime or disorderly persons offense as defined by New Jersey law or by analogous laws in other States.

A disqualification from a position will be based only on a conviction of a disqualifying crime or offense as a result of the employer's targeted screening process, by which the Township has considered the following factors:

1. The nature and gravity of the offense or conduct, including the consideration of (i) the harm caused by the crime; (ii) the legal elements required to prove the crime; and (iii) the classification of the crime (i.e., felony or misdemeanor, etc.);
2. The time that has elapsed since the offense, conduct, and/or completion of the sentence;
3. The nature of the job held or sought, including the consideration of: (i) the job duties (not merely the job title); (ii) the level of supervision to be provided; (iii) the working environment (e.g., private home, outdoors, warehouse); (iv) interaction with others, especially with vulnerable individuals such as children/youth/minors; and (v) the relationship of the criminal history to the job to be performed.

An acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a criminal offense, including a disqualifying criminal offense, is not a disqualifying conviction. Further, an arrest record standing alone may not be used to disqualify a candidate or employee from an employment opportunity. However, the employer may make a disqualification decision based on the conduct underlying the arrest if the conduct makes the individual unfit for the position in question, in which case the conduct, not the arrest, is relevant for employment purposes.

APPEAL PROCESS

The Appeals Committee will be comprised of the Administrator, Police Chief one other management official of the Township.

Once a candidate has been notified of a disqualifying conviction, the candidate has fourteen (14) calendar days to file a Notice of Appeal with the Township. Such Notice of Appeal must be sent in writing to the Administrator. The Notice of Appeal shall include a Notice of Rehabilitation and/or a Notice that the information is inaccurate or incorrect, pursuant to NJAC 13:59-1.6.

In determining the appeal, the Appeal Committee will consider the following information:

1. The nature and responsibility of the position which the convicted individual would hold, has held, or currently holds, as the case may be.
2. The nature and seriousness of the crime or offense.
3. The circumstances under which the crime or offense occurred.
4. The date of the crime or offense.
5. The age of the individual when the crime or offense was committed.
6. Whether the crime or offense was an isolated or a repeated incident.
7. Any social conditions which may have contributed to the commission of the crime or offense.

8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received.
9. Acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

The Township will issue a written determination on the candidate's appeal of his or her disqualifying conviction, setting forth the reasons for the determination.