

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

NOTICE

The next Regular Meeting of the Northwest Bergen County Utilities Authority will be held on Wednesday, September 12, 2018 immediately following the Work Session at 7:00pm, in the offices of the Authority located at 30 Wyckoff Avenue, Waldwick, New Jersey.

Formal action will be taken.

September 10, 2018

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

AGENDA REGULAR MEETING September 12, 2018

1. Meeting called to Order
2. Open Public Meetings Act Statement
3. Salute to the Flag
4. Roll Call
5. Chairman's Remarks
 - a. Committee Appointments
6. Approval of Minutes – Special Meeting – August 22, 2018
7. Public Comments (any subject)
8. Consideration for approval list of Resolutions attached dated September 12, 2018.
9. Report of Committees:
 - a. Finance Committee
 - b. Personnel Committee
 - c. Insurance Committee
 - d. Operating Committee
 - e. Strategic Plan Subcommittee
 - f. Buildings and Grounds Committee
 - g. Safety and Security Committee
10. Report of Treasurer
11. Report of General Counsel
12. Report of Consulting Engineer
13. Report of Executive Director
14. Report of Authority Engineer
15. Report of Superintendent
16. Old Business
17. New Business
18. Public Comments (on subjects 5 through 17)
19. Adjournment

Sept. 10, 2018

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTIONS September 12, 2018

CONSENT AGENDA

- 97-2018 Approval of Vouchers, Payroll and Tax Deposits
- 98-2018 Adoption of Personnel Policies and Procedures Manual
- 99-2018 Authorization for the Authority to enter into a Right-of-Way Agreement with the
Borough of Waldwick

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 97-2018

Date: September 12, 2018

APPROVAL OF VOUCHERS, PAYROLL TRANSFERS, PAYROLL TAX DEPOSITS AND PENSIONS & BENEFITS TRANSFERS

WHEREAS, the Northwest Bergen County Utilities Authority has received vouchers in claim for payment of materials supplied and/or rendered; and

WHEREAS, the said vouchers have been reviewed and the amount indicated on each voucher has been determined to be due and owing; and

WHEREAS, the Northwest Bergen County Utilities Authority has made payroll transfers, payroll tax deposits and Pensions & Benefits transfers for the month of August 2018 and Health Benefits and Dental Benefits transfers for September 2018; and

WHEREAS, the Commissioners of the Authority have reviewed the vouchers, payroll transfers, payroll tax deposits, Pensions and Benefits, and Health and Dental Benefits transfers listed on the attached reports and have found them to be in order.

NOW, THEREFORE, BE IT RESOLVED,

RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority, that all vouchers, payroll transfers, payroll tax deposits, Pensions & Benefits and Health and Dental Benefits transfers listed and reports attached hereto, dated September 12, 2018 be and they hereby are approved for payment from the proper accounts as follows:

ACCOUNT: Payroll Account
Net Payroll: \$208,218.47

ACCOUNT: Tax Deposit Account
Total: \$89,336.56

ACCOUNT: Health Benefits Contribution Employer
Total Transfer: \$113,885.91

ACCOUNT: Health Benefits Contribution Employee
Total: \$4,637.33

ACCOUNT: Dental Benefits
Total Transfer: \$4,196.64

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 97-2018

Date: September 12, 2018

APPROVAL OF VOUCHERS, PAYROLL TRANSFERS, PAYROLL TAX DEPOSITS AND PENSIONS & BENEFITS TRANSFERS

ACCOUNT: PERS and Contributory Insurance

Total Transfer: \$32,439.86

ACCOUNT: Defined Contribution Retirement Program – Employer

Total Transfer: \$12.50

ACCOUNT: Defined Contribution Retirement Program – Employee

Total Transfer: \$26.00

ACCOUNT: Operating Account

Total: \$298,937.75

ACCOUNT: General Improvement Account

Total: \$40,102.37

SECRETARY

CHAIRMAN

RECORDED VOTE:

	Bonagura	Chewcaskie	Duch	Kelahr	Lo Iacono	Mongelli	Ortega	Plumley	Kasparian
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 98-2018

Date: September 12, 2018

ADOPTION OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL

WHEREAS, it is the policy of the Northwest Bergen County Utilities Authority (hereinafter referred to as the “Authority”) to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General’s guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Authority has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Commissioners of the Northwest Bergen County Utilities Authority the following:

1. The Personnel Policies and Procedures Manual attached hereto is hereby adopted.
2. These personnel policies and procedures shall apply to all Authority officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.
3. This manual is intended to provide guidelines covering public service by Authority employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Authority.
4. To the maximum extent permitted by law, employment practices for the Authority shall operate under the legal doctrine known as “employment at will.”
5. The Executive Director and all managerial/supervisory personnel are responsible for these employment practices. The Human Resources Officer and the Authority’s Labor Counsel, shall assist the Executive Director in the implementation of the policies and procedures in this manual.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 98-2018

Date: September 12, 2018

ADOPTION OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL

IT IS HEREBY CERTIFIED that this is a true copy of a resolution adopted by the Northwest Bergen County Utilities Authority upon a roll call vote of all Commissioners of the Authority eligible to vote at a public meeting held on September 12, 2018.

CHAIRMAN

SECRETARY

RECORDED VOTE:

	Bonagura	Chewcaskie	Duch	Kelaher	Lo Iacono	Mongelli	Ortega	Plumley	Kasparian
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									



NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

POLICIES AND PROCEDURES MANUAL

**Municipal Excess Liability
Joint Insurance Fund**

September 2018 - DRAFT

The Northwest Bergen County Utilities Authority is an Equal Opportunity Employer, M/F

CONTENTS

GENERAL PERSONNEL POLICY	1
SECTION ONE - Policies Relating to Employee Rights and Obligations.....	2
Anti-Discrimination Policy.....	2
Americans with Disabilities Act Policy/New Jersey Pregnant Worker’s Fairness Act.....	2
Contagious or Life Threatening Illnesses Policy	3
Safety Policy	4
Transitional Duty Policy	4
Drugs and Alcohol Policy	5
Workplace Violence Policy	5
General Anti-Harassment Policy	6
Anti-Sexual Harassment Policy	6
Zero Tolerance Policy for Discriminatory Language and Harassment	8
“Whistle Blower” Policy.....	8
Employee Complaint Policy	9
Grievance Policy	10
Access to Personnel Files Policy	11
Conflict of Interest Policy	11
Political Activity Policy.....	12
Employee Evaluation Policy.....	12
Employee Discipline Policy.....	12
Resignation Policy	14
Work Force Reduction/Seniority Policy.....	14
Driver’s License Policy.....	16
SECTION TWO - Workplace Policies	18
Job Description Policy	18
Dress Code Policy.....	18
No Smoking Policy	18
Use of Vehicles Policy.....	18
Telephone Usage Policy	19
Communication Media Policy/Social Media Policy.....	19
Use of Internet Policy:	23
Bulletin Board Policy.....	23
SECTION THREE - Paid and Unpaid Time-Off Policies.....	25
Paid Holiday Policy	25
Vacation Leave Policy	25
Personal Leave Policy.....	26
Sick Leave Policy	26
Accumulated Sick Leave Policy	27
Authorized Time Off.....	28
Jury Duty Policy	28
Civic Duties	29

Leave of Absence Policy	29
Family and Medical Leave Act Policy.....	29
Domestic Violence Leave Policy.....	32
Military Leave Policy	33
SECTION FOUR - Compensation & Employee Benefits Policies	35
Pay Period and Paycheck Distribution.....	35
Credit Information & Wage Assignments	35
Time Reporting	35
Overtime Compensation Policy	36
Health Insurance Policy	36
Prescription Eye Glasses Benefit Policy.....	37
Retirement Policy.....	37
Workers' Compensation Policy	37
Employee Assistance Policy.....	38
Educational Assistance and Tuition Policy.....	38
Conference and Seminar Policy.....	39
SECTION FIVE - Managerial/Supervisory Procedures	40
Employment Procedure.....	40
Background Checks and Procedures for Candidates, Employees and Volunteers	41
Nepotism Procedure.....	42
Open Public Meetings Act concerning Personnel Matters Procedure	43
Processing and Orientation of New Employees Procedure	43
Initial Employment Period Procedure.....	44
Employee Handbook Procedure	44
Performance Evaluation Procedure.....	44
Disciplinary Action Procedure.....	46
Personnel File Procedure	47
Employee Complaint Investigation Procedure	48
Requests for Employment Verification and Reference Procedure	49
Continuing Education Procedure	49
SECTION SIX - Forms.....	50

GENERAL PERSONNEL POLICY

It is the policy of the Northwest Bergen County Utilities Authority (the “Authority” or “NBCUA”) to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Authority shall apply to all employees, volunteers, officials (elected or appointed) and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract, or Federal or State law, 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 Heads shall be appointed and promoted by the Commissioners of the Authority. No person shall be employed or promoted unless there exists a position created by a resolution adopted by the Authority as well as the necessary budget appropriation.

The Executive Director and all managerial/supervisory personnel are authorized and responsible for personnel policies and procedures. The Authority has appointed the Administrative Assistant to assist the Executive Director implement personnel practices. The Executive Director and Administrative Assistant shall also have access to the Attorney appointed by the Authority for guidance in personnel matters.

As a general principle, the Authority has a “no tolerance” policy towards workplace wrongdoing. Authority officials, employees and independent contractors are to report anything perceived to be improper. The Authority believes strongly in an Open Door Policy and encourages employees to talk with their supervisor, Department Head, Executive Director, and Administrative Assistant.

The Personnel Policies and Procedures Manual adopted by the NBCUA is intended to provide guidelines covering public service by Authority employees and is not a contract. This manual contains many, but not necessarily all of the rules, regulations, and conditions of employment for Authority personnel. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Authority.

To the maximum extent permitted by law, the employment practices of the Authority shall operate under the legal doctrine known, as “employment at will.” Within Federal and State law, and any applicable bargaining unit agreement, the Authority shall have the right to terminate an employee at any time and for any reason, with or without notice.

SECTION ONE - Policies Relating to Employee Rights and Obligations

Anti-Discrimination Policy

The Authority is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act, as amended by the Equal Opportunity Act of 1972, and the New Jersey Law Against Discrimination, as amended by the New Jersey Pregnant Worker's Fairness Act ("LAD"). Under no circumstances will the Authority discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, breastfeeding, liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law. Decisions regarding the hiring, promotion, transfer, demotion or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer their Department Head, Executive Director or the Administrative Assistant.

Americans with Disabilities Act Policy/New Jersey Pregnant Worker's Fairness Act

In compliance with the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination, as amended by the New Jersey Pregnant Worker's Fairness Act ("LAD"), the Authority does not discriminate based on disability, pregnancy, pregnancy related medical condition or childbirth. The Authority will endeavor to make every work environment handicap accessible and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as the ADA Amendments Act.

It is the policy of the Authority to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act and 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 or perceived disability, pregnancy, childbirth, breastfeeding or pregnancy related medical condition. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities or pregnant, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the Authority.

The Executive Director or his/her designee shall engage in an interactive dialogue with disabled/pregnant employees and prospective disabled/pregnant employees and/or their respective physicians to identify reasonable accommodations. In the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child. All decisions with regard to reasonable accommodation shall be made by the Executive Director. The Americans with Disabilities Act does not require the Authority to offer permanent “light duty”, relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc. Employees who are unable to safely perform the essential functions of their job even with a reasonable accommodation shall be subject to separation from employment. Accommodations which impose an undue burden upon the Authority are not considered “reasonable.”

Employees should also offer assistance, to the extent possible, to any member of the public who request or needs an accommodation when visiting Authority facilities. Any questions concerning proper assistance should be directed to the Executive Director.

Contagious or Life Threatening Illnesses Policy

The Authority encourages employees with contagious diseases or life-threatening illnesses to continue their normal pursuits, including work, to the extent allowed by their condition. The Authority 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 Authority. The Authority will take reasonable precautions to protect such information from inappropriate disclosure, including the following:

- Medical information 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.

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

Safety Policy

The Authority will provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety and Health Act (“PEOSHA”). The Authority 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. Failure to do so constitutes grounds for disciplinary action. Any occupational or public unsafe condition, practice, procedure or act must be immediately reported to the supervisor or Department Head. Any on-the-job accident or accident involving Authority facilities, equipment or motor vehicles must also be immediately reported to the supervisor or Department Head.

Transitional Duty Policy

The Authority will endeavor to bring employees with work-related temporary disabilities back on the job as soon as possible and may, but is not required to, assign transitional duty to employees who temporarily cannot perform the essential functions of their positions because of injury or illness. Transitional duty is not guaranteed and will not exceed 60 workdays. If a department already has one (1) employee on transitional duty, it is unlikely that another employee from that department will be assigned transitional duty.

An employee requesting transitional duty or the Workers’ Compensation Physician shall notify the Executive Director as soon as the temporarily disabled employee is able to start their transitional duty assignment, if one is offered. Transitional duty will only be assigned if it is more likely that not that the employee will be able to perform the essential functions of his or her permanent position after the transitional duty period. Transitional duty assignments may be in any department and not just the employee’s normal department. The Executive Director will decide if it is in the best interest of the Authority to approve a transitional duty request and will notify the employee of the decision. The Authority reserves the right to terminate the transitional duty assignment at any time without cause.

Employees may not refuse transitional duty assignments. In such cases, failure to report to work as directed shall constitute immediate grounds for dismissal. If the employee believes that the transitional duty assignment is beyond the employee’s abilities, the employee may request a meeting with the Executive Director who will render a written response within twenty-four (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 Executive Director. If transitional duty is approved, the employee or Workers Compensation Physician must keep the Executive Director informed of the medical progress. If at the end of transitional duty period the employee is not able to return to his or her permanent position without restrictions, the Authority 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 and Medical Leave Act, the Fair Labor Standards Act, the Contagious or Life Threatening Illnesses Policy or other Federal or State law.

Drugs and Alcohol Policy

The Authority recognizes that the possession, sale, transfer, distribution, solicitation, manufacture or use of unlawful drugs and/or abuse of prescription medications and/or abuse of alcohol pose a threat to the health and safety of all employees. The Authority has adopted a Drugs and Alcohol policy which is appended to this Manual.

Workplace Violence Policy

The Authority will not tolerate workplace violence. Violent acts or threats made by an employee against another person or property are cause for immediate dismissal and will be fully prosecuted. This includes any violence or threats made on Authority property, at Authority events or under other circumstances that may negatively affect the Authority's ability to conduct business.

Prohibited conduct includes:

- Physically striking another person;
- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive, hostile, or bullying behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Possession of a firearm while on Authority property or while on Authority business except with the authority of the Police Chief; and
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Any potentially dangerous situations must be immediately reported. The Authority will actively intervene in any potentially hostile or violent situation.

General Anti-Harassment Policy

It is the Authority's policy to prohibit harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee on the basis of actual or perceived sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), gender identity or expression, liability for service in the United States armed forces, and/or any other characteristic protected by law. Harassment of non-employees by our employees is also prohibited. While it is not easy to define precisely what harassment is, it includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, caricatures or representations of persons using electronically or physically altered photos, drawings, or images, and other similar verbal written, printed or physical conduct.

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

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

Notification of appropriate personnel of any harassment problem is essential to the success of this policy and the Authority generally. The Authority cannot resolve a harassment problem unless it knows about it. Therefore, it is the responsibility of all employees to bring those kinds of problems to attention of the appropriate officials so that steps are taken to correct them.

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

The Authority agrees to provide a training program for harassment in the workplace for all employees. Such training shall be provided by a consultant experienced with the policies of the State of New Jersey and/or by the New Jersey Joint Insurance Fund (NJJIF).

Anti-Sexual Harassment Policy

It is the Authority's policy to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee. The Authority prohibits sexual harassment from occurring in the workplace or at any other location at which Authority sponsored activity takes place. Sexual harassment of non-employees by our employees is also prohibited. The purpose of this policy is not to regulate personal morality or to encroach upon one's personal life, but to demonstrate a strong commitment to maintaining a workplace free of sexual harassment.

Unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment 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 an employment decision affecting the individual; or
- 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.

Regarding unwelcome sexual advances toward non-employees, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature constitute harassment when:

- Submission to such conduct is made either explicitly or implicitly in exchange for a benefit;
- Submission to or rejection of such conduct by an individual is used as the basis for a decision affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's activities or creating an intimidating, hostile or offensive environment.

Sexual harassment may include unwanted sexual advances; offering employment benefits in exchange for sexual favors; visual conduct (leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters); verbal sexual advances, propositions or requests; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, caricatures or representations of persons using electronically or physically altered photos, drawings, or images; notes or invitations; and/or, physical conduct (touching, assault, impeding or blocking movements).

If an employee is witness to or believes that the employee has experienced sexual harassment, they must immediately notify their supervisor or other appropriate person. See Employee Complaint Policy.

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

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

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

Zero Tolerance Policy for Discriminatory Language and Harassment

The Authority has a zero tolerance policy for discriminatory language and harassment. Such words and conduct are prohibited by the Authority's Anti-Discrimination Policy, the Authority's General Anti-Harassment Policy and the Authority's Anti-Sexual Harassment Policy and are unlawful under Federal and State laws, rules and regulations. This zero tolerance policy means that any employee using racial slurs, racist nicknames, racial language or any other type of speech which is offensive to, or could be perceived as offensive by, another person or group of people on the basis of their race, nationality, ethnicity, color, age, gender, religion, disability, sexual orientation or other protected category, while on Authority time and/or on Authority premises, will be subject to immediate and severe disciplinary action, up to and including termination of employment.

Further, any employee who hears another employee using such language, or sees another employee engaging in discriminatory harassment, must immediately report same to their supervisor, the Superintendent and/or upper management. Employees who fail to do so are also subject to disciplinary action, up to and including termination. Any employee who interferes with, or attempts to retaliate against, an employee who reports discriminatory language or harassment to management will be subject to immediate disciplinary action, up to and including termination of employment.

“Whistle Blower” Policy

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

The Authority 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 Head, the Executive Director, other official or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. 34:19-1, et seq.) an activity, policy or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law;

- Providing information to, or testifying before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
- Objecting to, or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear public policy mandate concerning the public health, safety, or welfare.

In accordance with the statute, the employee must bring the violation to the attention of his/her supervisor. However, disclosure is not required where (1) the employee is reasonably certain that the violation is known to one or more officials; (2) where 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 Authority a reasonable opportunity to correct the activity, policy or practice. The administration of whistle blower complaints is not subject to the limitations in the Grievance Policy.

Employee Complaint Policy

Employees who observe actions they believe to constitute harassment, 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 the Department Head, Human Resources Officer or the Executive Director. Reporting of such incidents is encouraged both when an employee feels that he or she is subject to such incidents, or observes such incidents in reference to other employees. Employees should report incidents in writing using the Employee Complaint form, but may make a verbal complaint at their discretion. If the employee has any questions about what constitutes harassment, sexual harassment, or any other workplace wrongdoing, they may ask their supervisor or one of the individuals listed above. All reports of harassment, sexual harassment, or other wrongdoing will be promptly investigated by a person who is not involved in the alleged harassment or wrongdoing.

No employee 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, and even if the charges cannot be proven. 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. Disciplinary action up to and including discharge will also be taken against individuals who make false or frivolous accusations, such as those made maliciously or recklessly. Actions taken internally to investigate and resolve harassment complaints will be conducted confidentially to the extent practicable and appropriate 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 an incident.

Grievance Policy

For purposes of this Policy, a “grievance” is any formal dispute concerning the interpretation and application of this Manual. Examples of matters which may be the cause of a grievance appropriate under this policy include:

1. A belief that Authority policies, practices, rules, regulations or procedures have been applied in a manner detrimental to the employee; or,
2. Improper or unfair administration of employee benefits or conditions of employment, such as scheduling, vacation, benefits, promotions, retirement, holidays, performance evaluation, salary or seniority.

A grievance under this Policy shall not include matters which concern the Authority’s Anti-Discrimination, General Anti-Harassment Policy, Anti-Sexual Harassment Policy or Whistleblower Policy, which shall solely and exclusively be handled within the procedures set forth in such policies.

A grievance under this Policy shall not include matters which concern the interpretation, application and enforcement of a collective bargaining agreement, which shall solely and exclusively be handled pursuant to the terms of the applicable collective bargaining agreement.

All grievances must be presented within five (5) calendar days after arising and failure to report a grievance within such time shall be deemed as a waiver of the grievance.

Step One: Any employee with a grievance shall verbally communicate the grievance to his or her supervisor, who will discuss the matter with the Superintendent (or his/her designee). The supervisor will communicate the decision to the employee within ten (10) calendar days.

Step Two: If the employee is not satisfied with the decision, the employee must submit a written grievance to the Executive Director (or his/her designee), 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) calendar days of the Step One decision. After consulting the Authority’s labor and employment counsel, as appropriate, the Executive Director (or his/her designee) will render a written decision to the employee within fifteen (15) calendar days after receipt of the written grievance. This decision shall be final and may not be adjudicated in any other forum.

In the event of a resolution or decision that results in a determination of monetary liability, such

liability shall be paid not less than sixty (60) calendar days after the final adjudication of the grievance.

No employee will be penalized for filing a grievance in good faith. However, any employee who knowingly: 1) makes false statements of fact; 2) omits or fails to disclose material information; or, 3) engages in conduct intended to disrupt, delay or obstruct any portion of this Grievance Procedure, including filing baseless or meritless grievances, shall be subject to disciplinary action, up to and including termination of employment.

Access to Personnel Files Policy

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

Conflict of Interest Policy

Employees including Authority officials must conduct business according to the highest ethical standards of public service. Employees are expected to devote their best efforts to the interests of the Authority. Violations of this policy will result in appropriate discipline including termination.

The Authority recognizes the right of employees to engage in outside activities that are private nature and unrelated to Authority business. However, business dealings that appear to create a conflict between the employee and the Authority's interests are unlawful under the New Jersey Local Government Ethics Act. Under the Act, certain employees and officials are required to annually file a state mandated disclosure form. The Authority Administrative Assistant will notify employees and Authority officials subject to the filing requirements of the Act.

A potential or actual conflict of interest occurs whenever an employee including an Authority official is in a position to influence an Authority decision that may result in a personal gain for the employee or an immediate relative including a spouse or significant other, child, parent, stepchild, sibling, 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. Employees are required to disclose possible conflicts so that the Authority may assess and prevent potential conflicts. If there are any questions whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Executive Director to obtain clarification.

Employees are allowed to hold outside employment as long as it does not interfere with their Authority responsibilities. Employees are prohibited from engaging in outside employment

activities while on the job or using Authority time, supplies or equipment in the outside employment activities. The Executive Director may request employees to restrict outside employment if the quality of Authority work diminishes. Any employees who holds an interest in, or is employed by, any business doing business with the Authority must submit a written notice of these outside interests to the Executive Director.

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their Authority duties. Under no circumstances accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Authority or any person or firm seeking to influence Authority decisions. Employees are required to report to the Executive Director any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

Political Activity Policy

Employees 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 are prohibited from engaging in political activities while performing their public duties and from using Authority time, supplies or equipment in any political activity. Any violation of this policy must be reported to the supervisor, Department Head, Executive Director, Administrative Assistant or the Authority Attorney

Employee Evaluation Policy

The supervisor (Superintendent, Administrative Assistant or Executive Director) may complete a written evaluation and appraisal form for every employee not covered by the Collective Bargaining Agreement to measure progress and to encourage self-improvement. 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 will review the results with the employee and return the form(s) with the signed acknowledgement to the Executive Director. After review by the Executive Director, the form(s) are to be forwarded to the Administrative Assistant for inclusion in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Executive Director or Administrative Assistant.

Employee Discipline Policy

The Authority retains the sole right to discipline or discharge employees for cause. Cause for discharge shall include, but shall not be limited to, the following:

- a. proven theft of Authority or employee property;
- b. possession of or being under the influence of alcoholic beverages or non-prescribed drugs on company property;

- c. calling or participating in an unauthorized walkout, job action, or strike;
- d. proven assault or fighting while on company time;
- e. proven deliberate damage to company property;
- f. excessive absenteeism or tardiness;
- g. immoral or indecent conduct;
- h. insubordination or failure to follow instructions;
- i. falsification of records;
- j. abusive behavior toward coworkers or supervisory personnel;
- k. punching other employees' clock cards;
- l. violation of safety rules;
- m. smoking in areas where smoking is prohibited;
- n. gambling on company premises;
- o. leaving post without permission of the supervisor;
- p. leaving post before the relief shift or person has arrived;
- q. failure to fully perform job duties whether or not in response to a direct instruction (including failure to apply knowledge expected of an advanced license holder when the employee is receiving a license incentive);
- r. any other sufficient cause including conduct on the part of any employee of such nature as to disturb the harmonious relations between the Authority and the Collective Bargaining Unit Employees
- s. violation of the drug and alcohol policy
- t. conduct unbecoming of a public employee
- u. causing damage to an Authority vehicle or equipment and/or causing a violation of Federal/State regulations as to plant operations or maintenance

Major disciplinary action includes termination, disciplinary demotion or suspension. Minor discipline includes a formal, written reprimand or a suspension. Employees who object to the terms or conditions of the discipline are entitled to a hearing under the applicable grievance 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 Authority 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 managers may utilize the following corrective tools: verbal reprimand; written reprimand; suspension and dismissal. At the discretion of the Authority, action 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.

Notice of appeal from discharge must be made to the Executive Director, in writing, within five (5) working days (Monday through Friday) from the date of the discharge.

The inadvertent failure to discipline or discharge in any particular instance shall not be deemed a waiver of the Authority's right with respect to future instances, or as a precedent for other instances involving the same or other employees or conduct.

Neither this manual nor any other Authority guidelines, policies or practices create an employment contract. Employment with the Authority may be terminated at any time with or without cause or reason by the employee or Authority.

Resignation Policy

Resignation is a voluntary action of an employee notifying the Authority of intent to leave his/her position. All employees are required to give two (2) weeks' notice to the Executive Director or his/her designee prior to their voluntary termination of employment. This notice shall be a condition precedent to the employee's entitlement to any unused and accumulated vacation or sick leave. Notices of resignation are considered final and binding by the Authority; the Authority is under no obligation to accept or honor an employee's attempt to rescind a resignation once submitted.

After giving notice of resignation, 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. During the last two weeks, the employee may not use paid time off except paid holidays. The Department Head will prepare an Employee Action form showing any pay or other money owed the employee. The Authority 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.

Work Force Reduction/Seniority Policy

After the probationary period, seniority shall be determined upon the length of service with the Authority from the original date of hire.

To the extent allowed by New Jersey statutes, court decisions and reported decisions of the Public Employment Relations Commission, the Authority agrees that, given equal qualifications as determined at the sole discretion of the Authority, the more senior of equally qualified candidates should receive the promotion.

The Authority shall notify all employees of layoff, simultaneously with posting of any vacancy on the bulletin board, to facilitate all members of the bargaining unit having the opportunity to apply for promotions. To the extent allowed by New Jersey statutes, court decisions and reported decisions of the Public Employment Relations Commission, the parties agree that given equal qualifications, as determined at the sole discretion of the Authority, the most senior employee on layoff shall be given preference, even over a more senior employee still working at the Authority. Employees on layoff shall have five (5) calendar days from receipt of the notice to indicate their interest in the vacancy by phone, registered or certified mail, but in no event later than ten (10) calendar days after posting and sending of notice. The same form of notice shall be served upon employees on layoff as the notice posted. Such notice shall set forth the title of the job to be filled, anticipated hours of work and days of relief, the rate of pay and an outline of duties, as well as the person to contact.

When a job vacancy occurs in a job classification, a notice of such vacancy shall be posted on the applicable bulletin board and sent to employees on layoff for ten (10) calendar days. Employees interested in obtaining the job may bid for same by submitting a completed Personnel Action Form and any other information on their qualifications within the ten (10) calendar day posting period.

It is understood and agreed that the Authority has the exclusive right to terminate or otherwise discipline any employees who are on a temporary basis or who are within their probationary period and in such event said employees shall have no recourse to any of the provisions within this Agreement nor shall they have any specific recourse to the grievance procedure.

Seniority and the employees' rights shall be terminated and lost for any of the following reasons:

- a. when an employee quits;
- b. when an employee is discharged;
- c. when an employee is laid off for a continuous period of twelve (12) months;
- d. when an employee fails to return upon expiration of leave of absence;
- e. accepting other employment when on a requested leave of absence;
- f. if an employee fails, on recall from lay-off, to comply with notice and reporting requirements following the receipt of notification of recall; and,
- g. except for extraordinary circumstances, when an employee is absent for three (3) consecutive working days without reporting. (It is understood, of course, that it is necessary for an employee to make an immediate report of any absence from work.)

All layoffs shall be in the inverse order of seniority, i.e., the last person hired shall be the first person laid off; provided, however, that the senior employee has the demonstrated ability to immediately perform the available work to the sole satisfaction of the Authority.

In the event of a recall, employees shall be called back in seniority order, i.e., the last person laid off shall be the first person recalled; provided, however that the recalled employee(s) have the demonstrated ability to perform the available work to the sole satisfaction of the Authority. The laid off employees shall be given notice of recall by registered or certified mail, sent to the address last given to the Executive Director or his/her designee by the employee. It shall be the

responsibility of the employee to keep the Executive Director or his/her designee informed of the employee's current address and telephone number. Within five (5) calendar days after receipt of the notice, the employee must notify the Executive Director or his/her designee by telephone, or registered or certified mail, of his/her intent to return to work, and must actually report on the date specified in the recall notice, unless it is mutually agreed, in writing, that the employee need not return to work within said time or in the event that the recall notice is for another period. Every attempt shall be made to give at least one (1) week's notice of recall before the actual reporting date. In the event the employee fails to comply with these requirements, he/she shall lose all seniority rights under this Agreement and shall be considered as a voluntary quit.

With respect to Bargaining Unit Employees, the Authority shall have the right to temporarily transfer employees for a period not to exceed sixty (60) working days, in which event and during which time the employee shall receive the higher rate of pay for either the new job or the employee's old job. Said person may be extended for as long as the Authority is making a good faith effort to permanently fill the job. The transfer does not cover intermittent or short-term (ten (10) working days or less) assignments.

The Authority shall submit a seniority list of bargaining unit employees to the Chief Shop Steward on an annual basis, unless there is a change.

Driver's License Policy

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

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

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

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

Any information obtained by the Authority in accordance with this section shall be used by the Authority 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 including qualifications shall be maintained for each position. All job descriptions must be approved by the Executive Director. The Administrative Assistant will make copies available upon request.

Dress Code Policy

Dress, grooming and personal hygiene must be appropriate for the position. Collective bargaining unit employees shall be required to wear Authority-issued clothing at all times; no outside clothing shall be worn while the employee is working. All other employees are required to dress in a manner that is normally acceptable in similar establishments and consistent with applicable safety standards. Employees shall not wear suggestive attire. The Authority will make reasonable religious accommodations that do not violate safety standards. Employees violating this policy shall be required to take corrective action or will be sent 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 Authority has adopted a smoke-free policy for all buildings. This policy includes electronic cigarettes and chewing tobacco. Authority facilities shall be smoke-free and no employee or visitor will be permitted to smoke anywhere in Authority buildings. Employees are permitted to smoke only outside Authority buildings and such locations as not to allow the re-entry of smoke into building entrances. Smoking inside vehicles owned by the Authority 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

Authority owned vehicles shall be used only on official business and all passengers must be on Authority business. Vehicles may be taken home only with the advance approval of the Department Head to facilitate responses to after-hours emergency calls. When an employee takes home an Authority vehicle, it is to be used only for official Authority business; any other use is not permitted. Any violation of this policy constitutes cause for disciplinary action, up to and including termination.

Please refer to the Collective Bargaining Agreement for collective bargaining unit employees.

Telephone Usage Policy

Authority telephones are for official use only.

Communication Media Policy/Social Media Policy

The Authority's Communication Media are the property of the Authority and, as such, are to be used for legitimate business purposes only. For purposes of this Communication Media Policy, "Communication Media" includes all electronic media forms provided by the Authority such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax. Employees are restricted from accessing or using the company's Communication Media for personal purposes during company time or company equipment without prior authorization from the Administration to do so.

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

The Authority respects the individual privacy of its employees. However, employee communications transmitted by the Authority's Communication Media are not private to the individual. **All Communication Media and all communications and stored information transmitted, received, or contained in or through such media may be monitored by the Authority. The Authority reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Authority's Communication Media.** By using the Authority's equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Authority personnel. The existence of passwords does not restrict or eliminate the Authority's ability or right to access electronic communications. However, pursuant to New Jersey Law the Authority cannot require the employee to provide the password(s) to his/her personal account(s).

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (N.J.S.A. 47:1A-1). Employees of the Authority are required to use the assigned Authority email account for ALL Authority business and correspondence. The use of private email accounts for ANY Authority business or during business hours is strictly prohibited. Employees are hereby advised that if they conduct work-related business on their personal emails, cell phones or other personal Communication Media, it is also subject to the provisions of the Open Public records Act. However, nothing in this social media policy prevents employees from using his/her own personal Communication Media during the employee's non-working hours to engage or participate in protected concerted activities pursuant to the National Labor Relations Act. Protected concerted activities include when an employee addresses group concerns with the employer; forms, joins or helps a labor organization; initiates, induces or prepares for group

action; or speaks on behalf of or represents other employees. Nevertheless, employees are encouraged to resolve workplace grievances internally by discussing issues with their supervisor and/or the Administration, and are asked to refrain from posting comments or materials on Communication Media that can be viewed as malicious, obscene, threatening, intimidating, or that could create a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law if the employee chooses to address their grievances using Communication Media.

Employees can only use the Authority's Communication Media for legitimate business purposes. Employees may not use Authority's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Authority rules or policy. Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived age, race, religion, sex, sexual orientation, gender identity or expression, genetic information, disability, national origin, ethnicity, citizenship, marital status or any other legally recognized protected basis under federal, state or local laws, regulations or ordinances. Further, discriminatory remarks, harassment, bullying, threats of violence and similar behavior that is not tolerated in the workplace are also not acceptable through Communication Media, whether same is performed on the Authority's equipment or on the employee's own personal Communication Media.

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

Information security is necessary to protect the Authority's information (data and software) from accidental or intentional unauthorized disclosure, modification or loss. Information security is managed under guidelines dealing with identification, authentication, authorization, production environment, and ability to audit. All employees should be familiar with such security measures adopted by the Authority.

All employees may access only data for which the Authority has given permission. All employees must take appropriate actions to ensure that Authority data is protected from unauthorized access, use or distribution consistent with these policies. Employees may not access or retrieve any information technology resource and store information other than where authorized. All Authority data must be stored centrally as required by the Authority. This provides greater security and ensures backup of all Authority data is performed.

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

Employees may not install, modify or remove ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Authority. Employees may not upload, download, or otherwise transmit

commercial software or any copyrighted materials belonging to parties outside of the Authority, or licensed to the Authority. Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized. Workstation settings and configurations and network settings must not be modified by unauthorized employees. Internet security settings (where applicable) must not be changed. The foregoing includes but is not limited to the systems Network ID (or Computer Name), IP Address, Gateway and DNS addresses, etc.

Social Media and its uses in government and daily life are expanding each year; however, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media.

Only those employees directly authorized by the Administration may engage in social media activity during work time through the use of the Authority's Communication Media, as it directly relates to their work and it is in compliance with this policy.

Employees must not reveal or publicize confidential Authority information. Confidential proprietary or sensitive information may be disseminated only to individuals with a need and a right to know, and where there is sufficient assurance that appropriate security of such information will be maintained. Such information includes, but is not limited to the transmittal of personnel information such as medical records or related information. In law enforcement operations, confidential, proprietary or sensitive information also includes criminal history information, confidential informant identification, and intelligence and tactical operations files.

No Authority employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves. In addition employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Authority's Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Executive Director. Except in "emergency situations," Employees are prohibited from taking digital images or photographs with media equipment not owned by the Authority. For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Authority's Communication Media. If such situation occurs, employee agrees that any images belong to the Authority and agree to release the image to the Authority and ensure its permanent deletion from media device upon direction from the Authority.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the Authority or on behalf of the Authority, through the use of the Authority's Communication Media may be issued unless it has first been approved by the Authority's Administration. Specifically, employees are forbidden from using the Authority's Communication Media to impersonate the employer; to make statements on behalf of the employer without authorization; and/or make statements that can be construed as establishing

what the employer's official position or policy is on any particular issue. In addition, employees are prohibited from placing or posting on the Internet through the employer's Communication Media or the employee's own personal media, either during working or non-working hours, any employer-related confidential, sensitive or other employer information of a proprietary nature, including but not limited to employer records or documents, trade secrets, internal reports, tips based on inside information that may be considered insider trading, screenshots of computer stations, pictures of monitors and/or actual documents of the employer, any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incidents or occurrences.

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

All users are personally accountable for messages that they originate or forward using the Authority's Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else) is prohibited.

Employees must respect the laws regarding copyrights, trademarks, rights of public Authority and other third-party rights. Any use of the Authority's name, logos, service marks or trademarks outside the course of the employee's employment, without the express consent of the Authority's is strictly prohibited. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information used and cite copyrighted works identified in online communications.

If employees choose to identify themselves as an Authority employee on their personal social media accounts and even those that do not should be aware that he or she may be viewed as acting on behalf of the Authority, as such no employee shall knowingly represent themselves as a spokesperson of the Authority, post any comment, text, photo, audio, video or other multimedia file that negatively reflects upon the Authority expresses views that are detrimental to the Authority's mission or undermine the public trust or is insulting or offensive to other individuals or to the public in regard to religion, sex, race or national origin. Authority employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as Authority employees.

To the extent that employees use social media outside of their employment while engaging in protected concerted activities as defined above, employees will not be subject to discipline or retaliation for expressing views, opinions, and/or facts surrounding the Authority's employment policies. For all other communications by employees on personal social media sites in which matters related to the Authority are discussed, employees must add a disclaimer on the front page stating that the posting does not express the views of the Authority and that the employees are expressing their own personal views. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer." The disclaimer must be placed in a prominent position and repeated for each posting that is expressing an opinion related to the Authority or the Authority's business, with the exception of

postings and social media communications by employees engaging in protected concerted activities. Employees are advised that if they post information on social media that is in violation of either the terms and conditions of the within social media policy, or in violation of federal, state or local laws, the disclaimer will not shield them from disciplinary action. However, no retaliation or discipline will result if and when employees are engaging in protected concerted activity, and/or choose to report inappropriate social media activities to the Authority's Administration.

Nothing in these policies is designed to interfere with, restrain or prevent social media communications by employees engaging in protected concerted activities regarding wages, hours, or other terms and conditions of employment pursuant to the National Labor Relations Act. All Authority employees have the right to engage in or refrain from such activities.

Use of Internet Policy:

The Authority provides Internet access to its employees in order to make available a vast array of information resources and to allow participation in and access to increasing county and state resources.

Employees must comply with all policies adopted by the Authority, including but not limited to policies regarding prohibition of discrimination and harassment and all applicable federal, state and local laws, including laws governing the transmission and dissemination of information while accessing the Internet.

Employees who are using the Internet may not:

- Use the network to make unauthorized entry into other computational, informational or communications services or resources;
- Distribute unsolicited advertising
- Invade the privacy of others;
- Make any attempt to damage computer equipment or software;
- Engage in any activity that is harassing or defamatory;
- Use the Internet for any illegal activity, including violation of copyright or other rights of third parties, or in a manner inconsistent with the Authority's tax exempt status or its proper operation; and/or
- Download unauthorized software, fonts, templates or scripts.

As stated in the Communications Policy above, the Authority reserves the right to monitor the employee's Internet usage. In addition, the Authority has the right to restrict access to specific types of prohibited content through the use of a content filtering system.

Bulletin Board Policy

The bulletin boards located in the Authority administrative building and other facilities are intended for official notices regarding policies, procedures, meetings and special events.

The Authority shall provide two (2) bulletin boards for posting notices to its employees in the vicinity of both time clocks and agrees that the collective bargaining unit(s) within the Authority may use such bulletin board for notices addressed to its members as to meetings and other business. All postings shall be either on letterhead and/or signed by an authorized representative of such bargaining unit. No such material shall be derogatory, discriminatory, demeaning and/or inflammatory towards other employees and/or the Authority.

SECTION THREE - Paid and Unpaid Time-Off Policies

Paid Holiday Policy

The following fifteen (15) holidays shall apply to all personnel:

1. New Year's Day
2. Martin Luther King Jr.'s Birthday
3. Washington's Birthday
4. Good Friday
5. Memorial Day
6. Independence Day
7. Labor Day
8. Columbus Day
9. Election Day
10. Veteran's Day
11. Thanksgiving Day
12. Friday after Thanksgiving
13. Christmas Eve
14. Christmas Day
15. New Year's Eve

When a listed holiday falls on a Saturday, it will be celebrated the preceding Friday. When a listed holiday falls on a Sunday, it will be celebrated the following Monday.

If a holiday falls during a vacation period, the employee shall be granted an additional day of vacation which may be scheduled at the option of the employee either at the beginning or end of the scheduled vacation. An employee not scheduled to work on a listed holiday (regular day off) shall receive a compensatory day to be selected by the employee as set forth in Paragraph 2 of the Overtime Compensation Policy.

Personnel working on a listed holiday shall be paid eight (8) hours for the day in money, and paid at the rate of time and one-half (1½) the normal rate for the hours actually worked.

It is understood and agreed that the Plant Superintendent or Executive Director has the right to demand that an employee, who does not work on his or her regular work day immediately preceding or following a recognized holiday, produce substantive evidence that he/she was ill. Normally a doctor or licensed medical practitioner's note will suffice. If the employee does not produce such evidence, the Authority has the right to not pay the employee for the holiday or to take appropriate disciplinary action.

Vacation Leave Policy

Effective January 1, 2018, all full-time employees are entitled to an annual vacation with pay according to the following schedule, based on the employee's years of completed service:

After one (1) year of employment	Two (2) weeks of pay
After five (5) years of employment	Three (3) weeks of pay
After ten (10) years of employment	Four (4) weeks of pay
After eleven (11) years of employment	Four (4) weeks and one (1) day of pay
After twelve (12) years of employment	Four (4) weeks and two (2) days of pay
After thirteen (13) years of employment	Four (4) weeks and three (3) days of pay
After fourteen (14) years of employment	Four (4) weeks and four (4) days of pay
After fifteen (15) years of employment	Five (5) weeks of pay

Partial and split vacations may be granted at the discretion of the Executive Director.

Effective beginning January 1, 2018, vacation time may not be accumulated and must be used within the anniversary year; however, a one (1) week carryover of vacation time from one (1) anniversary year to the next, not to exceed five (5) vacation weeks in any one (1) anniversary year, may be arranged provided it does not interfere with the plant work schedule and the “carryover week” is utilized within the first (1st) three (3) months of the following anniversary year.

In order to be eligible for full vacation pay in a particular year, an employee must have received pay in at least thirty (30) different work weeks during the fifty-two (52) week period immediately prior to the employment year in which the vacation would be taken. If an employee did not, he/she shall be entitled to the amount of time shown above based upon his seniority, multiplied by the fraction that is arrived at by the actual number of work weeks in which he/she has worked during the year over the number fifty-two (52).

Personal Leave Policy

Each employee will be permitted two (2) paid personal business days in any one (1) calendar year upon prior notice and authorization from the Executive Director or his/her designee. Permission will be reasonably given based upon the work schedules and plant operations. Personal business is limited to business and personal affairs of the employee, not otherwise excused, that cannot be accomplished other than during the employee’s normal work hours. These days may not be accumulated and must be used within the calendar year. Employees will not be compensated for personal business days not used. After completing six (6) months of employment with the Authority, full-time employees shall be eligible to use their two (2) personal business days. Those employees whose date of employment is later than March 31 will be permitted to carry the personal days to the following year in their first year of employment.

Up to three (3) sick days *may* be taken in any one (1) calendar year for personal business under the conditions set forth above.

Sick Leave Policy

After completing six (6) months of employment with the Authority, full-time employees shall be allowed sick leave at the rate of one (1) day for each completed calendar month worked. Sick leave is available as set forth herein whenever an employee is required to be absent from work

for a bona fide sickness or illness. Sick leave shall not be interpreted as including a period where the employee serves in the role of a nurse or housekeeper during an illness of another member of the family.

In all cases wherein an employee requests a sick leave or day, the Authority reserves the right to send a doctor to examine and report on the conditions of the employee or, in its discretion, to require the employee to visit a physician designated by the Authority.

Whenever an absence due to sickness or illness: (1) exceeds three (3) successive work days; or, (2) is on a day immediately before or after scheduled days off or holidays or other days not worked; or, (3) occurs when an employee is scheduled to work on a weekend or holiday, the employee may be required to produce a physician's verification of said illness. In its discretion, the Authority reserves the right to have the employee examined by a physician before returning to duty. The Authority's right to demand a doctor's note to verify sick leave will not be exercised arbitrarily, capriciously, discriminatorily, or in bad faith.

Every absence on account of illness or disability in excess of three (3) successive working days must be certified by a written statement from a physician, using the form provided by the Authority. The Authority reserves the right to waive this requirement or to require the employee to be examined by a physician of the Authority's choice before the employee may return to work.

In case of a prolonged illness beyond accumulated sick leave, the Authority will continue its payments to the New Jersey State Health Benefits Plan and Extended Sickness Benefit Plan to a maximum of one (1) year from the date accumulated sick leave was exhausted, provided the employee is on an authorized medical leave. An applicable collective bargaining unit within the Authority may request that payments be continued beyond the maximum one (1) year period which may be granted in the sole discretion of the Authority.

A request for medical leave shall be in writing and submitted to the Executive Director of the Authority together with the appropriate medical proof of illness. The Authority shall consider each such request on a case by case basis.

The grant of a request for an extension of benefits and/or a medical leave shall not be a waiver of the Authority's discretionary right to deny a request in any subsequent instance(s).

Accumulated Sick Leave Policy

Sick leave not used may be accumulated (saved for the future). Sick leave neither accumulated nor used will be compensated for at the normal base pay, without premium rates, by January 15 of the following calendar year.

In addition to the above, any employee who does not use sick leave, including converting sick leave to personal leave, during the calendar year will be paid one (1) full day's pay in the first (1st) regular pay check of the next calendar year.

When a full-time employee has accumulated the maximum of sixty (60) days of sick leave, he/she shall be compensated at his/her normal base pay for the number of sick leave days in excess of sixty (60) days not used. Furthermore, any employee who retires on or after January 1, 2016 shall be dollar (\$) capped at 7,500.00.

In the event of an employee's death, payment for all accumulated sick leave up to sixty (60) days will be paid at the employee's base rate, without premium rate, to the employee's estate.

Authorized Time Off

In order to receive authorized time off with full or partial pay, the employee must have previously filed (except for Death in the Family which shall be addressed below), in writing, on the appropriate NBCUA form by written letter and receive prior authorization from the Executive Director or designee. Authorized time off shall include the following:

Death in the Family

If there is a death in the employee's immediate family, the employee will be excused from work up to three (3) calendar days without a loss of pay, one (1) of which shall be the day of funeral or the actual day of death, whichever the employee chooses. It is the intention of this provision to make sure an employee has three (3) bereavement days off without loss of pay. If an employee cuts short a scheduled vacation on account of the death, the employee shall be entitled to reschedule the remaining portion of the vacation in the same manner as other compensatory days. Immediate family shall be limited to spouse or significant other, children, step-children, mother, step-mother, father, step-father, brother, sister, nephew, niece, mother-in-law, father-in-law, sister-in-law, brother-in-law, the maternal and/or paternal grandparents of the employee and his or her spouse/significant other, and grandchildren of the employee and/or his/her spouse/significant other. An employee shall be entitled to three (3) bereavement leave days in addition to any other regular time-off from work scheduled at the time when a death in the employee's immediate family occurs. In order to be eligible for bereavement leave, the employee must fill out and submit a bereavement leave request form with his/her supervisor, subsequent to the leave being taken.

Jury Duty Policy

An employee called upon to serve as a juror will receive the difference between the jury payment and the employee's regular pay for a normal work week, upon presentation of satisfactory proof of the amount received from jury duty. To allow sufficient time for the Authority to schedule a replacement, jury notices are to be presented to the employee's supervisor or the Executive Director as soon as received but in no instance less than two (2) weeks before the date the employee is supposed to commence jury or military service, unless the employee did not receive two weeks' notice. Employees who do not provide this required notice will still be excused but will not receive payment under this Article.

Civic Duties

In the event of a serious emergency (not routine calls) an employee may be excused without a reduction in pay from his regular duties if he/she is a member of a local volunteer fire department, auxiliary police force, or ambulance corps. In order to qualify for this provision, the employee's services must be required by the commander of the unit involved. Said request shall be made to the Plant Superintendent.

Because the efficient operating of the Plant is also vital to the public health, all employees who wish to offer their time to voluntary fire, police and ambulance services must supply the Authority with some proof (such as a letter) from the head of such voluntary service acknowledging the active participation of the employee. The employee shall be required to notify the voluntary services of his or her work schedule at the Authority so that the service will first call other volunteers and avoid calling the employee away from duty. No employee, while on duty, may leave his/her post or position for a civic matter without the express prior authorization of the Executive Director or designee. Failure to receive such authorization and leaving their post/position will result in immediate termination from the Authority's employ.

Leave of Absence Policy

A leave of absence without pay may be requested by any employee who will submit in writing all facts bearing on the request to the Executive Director, who will consider each request on its merits, without establishing a precedent. No leave of absence without pay will initially be granted for more than three (3) months (90 calendar days).

In the event a second (2nd) leave of absence is requested, the procedures applying to such request shall be the same as in the case of a first request. No leave of absence shall be granted to any employee that totals more than six (6) months (180 calendar days) leave in any twelve (12) month period.

During leaves of absence, credits shall not accrue for sick leave, vacation time, and other benefits as well as other leaves of absence without pay, except for leaves of absence for military or other purposes if provided by statute.

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 Authority; 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 and is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of the worksite (for Federal leave). Eligible employees may receive up to 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 Authority reserves the right to deny any request for extended leave. Additional information concerning the Family Leave Policy and eligibility requirements are available from the Human Resources Officer.

Commencing July 1 2009, Family Temporary Disability ("FTD") payments for up to six (6) weeks in a twelve (12) month period will become available for eligible employees who are caring for a seriously ill immediate family member who is incapable of self-care or care of a newborn or adopted child. To be eligible, the employee must have worked at least 20 weeks at minimum wage within the last 52 weeks or earned 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 will run 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 increments necessary to address the circumstances that precipitated the need for leave. An employee seeking intermittent paid family leave is required to provide the Authority 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 Authority with a regular schedule of days for intermittent leave.

Employees may also be eligible for an unpaid leave for up to twenty-six (26) workweeks in a year to care for a family member on active duty in the military or a covered veteran (a covered veteran is an individual who was discharged or released under conditions other than a dishonorable at any time during the five-year period prior to the first date the eligible employee

takes FMLA leave to care for the covered veteran) with a serious injury or illness incurred in the line of duty on active duty for which the service member is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, or up to twelve (12) weeks in a year for a qualifying exigency. A qualifying exigency occurs when a military member is called to covered active duty (requires deployment to a foreign country) and a close member of his/her family must attend official ceremonies or family support or assistance meetings, there is a short-notice deployment, to attend to childcare matters, attend to financial and/or legal matters, or counseling. A serious injury or illness means an injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank, or rating.

A serious injury or illness also means an injury or illness that was incurred by the covered veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran's active duty and was aggravated by service in the line of duty on active duty, and that is either:

1. a continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; *or*
2. a physical or mental condition for which the veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and the need for military caregiver leave is related to that condition; or
3. a physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; or
4. an injury that is the basis for the veteran's enrollment in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Any *one* of these definitions meets the FMLA's definition of a serious injury or illness for a covered veteran regardless of whether the injury or illness manifested before or after the individual became a veteran.

Upon employer's request, an employee must provide a copy of the covered military member's active duty orders to support request for qualifying exigency leave. In addition, upon an employer's request, certification for qualifying exigency leave must be supported by a certification containing the following information:

- statement or description of appropriate facts regarding the qualifying exigency for which leave is needed;
- approximate date on which the qualifying exigency commenced or will commence;

- beginning and end dates for leave to be taken for a single continuous period of time;
- an estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; and
- if the qualifying exigency requires meeting with a third party, the contact information for the third party and description of the purpose of the meeting.

Eligible employees may also take leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.

Employees who request qualifying exigency leave to spend time with a military member on Rest & Recuperation may take up to a maximum of fifteen (15) calendar days. Upon an employer's request, an employee must provide a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave.

Domestic Violence Leave Policy

The New Jersey Security and Financial Empowerment Act, also known as the "NJ SAFE Act," provides protection for employees and their family members who have been the victim of domestic violence or sexual assault. Employees are entitled to twenty (20) days of unpaid protected leave from work to:

- Seek medical attention for physical or psychological injuries;
- Obtain services from a victim services organization, pursue psychological or other counseling;
- Participate in safety planning for temporary or permanent relocation;
- Seek legal assistance to ensure health and safety of the employee or the employee's relative; or
- Attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

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

- The employee or their child, parent, spouse or domestic partner must be a victim of domestic violence or a sexually violent offense;
- The employee must have worked for the employer for at least twelve months and for at least 1,000 hours during the twelve (12) month period immediately preceding the requested leave; and
- The twenty (20) day leave must be taken within one (1) year of the qualifying event.

Employees may take leave on an intermittent basis but such leave cannot be shorter than one (1) full day. To the extent the leave is foreseeable, employees must provide advance notice. In addition, employee seeking leave must provide proof that they qualify for the leave. Such proof

may include a restraining order, letter from a prosecutor, proof of conviction, medical documentation or a certification from an agency or professional involved in assisting the employee.

In certain circumstances, the basis for the leave may also qualify under the federal Family and Medical Leave Act and/or the New Jersey Family Leave act. If so, the Authority will treat the leave concurrently with the leave under those statutes. Employees may be required to use accrued paid vacation leave, personal time or sick leave concurrently.

The Authority shall protect the privacy of employees who seek leave by holding the request for leave, the leave itself or the failure to return to work “in the strictest confidence.”

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

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. 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.

To allow sufficient time for the Authority to schedule a replacement, military orders are to be presented to the employee’s supervisor or the Executive Director as soon as received but in no instance less than two (2) weeks before the date the employee is supposed to commence military service, unless the employee did not receive two weeks’ notice. Employees who do not provide this required notice will still be excused but will not receive payment under this Policy.

During military leaves of absence, credits shall accrue for sick leave, vacation time, and other benefits.

Employees on military service will also continue to receive paid health insurance coverage during the period of the paid leave plus an additional thirty days calendar days after the paid leave is exhausted. After this period has expired, employees may continue coverage for themselves or their dependents under the Authority 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

Pay Period and Paycheck Distribution

All employees, plant and office, are paid every second (2nd) Friday. Base pay will include the Saturday prior to pay day.

If a holiday falls on a scheduled payday, the preceding Thursday will be the payday.

The normal workweek for Office Personnel shall consist of five (5) working days from Monday through Friday. Working hours are 8:30 AM to 4:30 PM with a one (1) hour lunch period resulting in a 35 hour work week. Office Personnel may vary these hours during the summer months of July and August, with approval of the Executive Director providing the work week is no less than 35 hours.

Because of the nature of the Authority's operations, coverage must be maintained 24 hours a day, 7 days a week. Plant personnel shall work a 40 hour week with working hours defined by the Collective Bargaining Agreement.

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

Credit Information & Wage Assignments

Only information about employees that is classified as "public record" is made available to those making credit inquiries. All other requests for information, other than verification of employment, must be made in writing.

All employees are expected to pay their creditors when due. If employees fall behind on their credit payments, court ordered garnishments of wages may occur. If this happens, the Authority is legally required to deduct a portion of the employee's salary from his/her paycheck and forward it to the creditors.

Time Reporting

Accurate and complete attendance records shall be maintained by the Authority. These records are the official records used to determine the employee's eligibility for pay benefits.

Each hourly employee is required to submit a Time Sheet for the pay period prior to pay day. This record includes any absences or overtime that an employee has incurred during the pay period.

Overtime Compensation Policy

For hourly employees overtime work shall be compensated at the rate of one and one-half (1 ½) times the employee's normal base rate of pay for all hours worked in excess of the normal work week for that employee's position, provided such extra hours are worked in the same normal pay week, being defined as Sunday through Saturday. For hourly employees in the collective bargaining unit, please refer to the Collective Bargaining Agreement.

Hourly employees may request compensatory time off equal to the amount of time actually worked. The compensatory time off would be equivalent to time and one-half (1 ½). The Authority retains the sole discretionary right to grant such a request and the granting of such a request in any one instance is not a waiver of the Authority's sole discretionary right to deny a request in any subsequent instance(s). The accumulation of compensatory time is hereby discontinued. Employees who are granted compensatory time must utilize it by the conclusion of the following payroll period in which the time is granted or it will be paid by the Authority.

In computing overtime compensation the nearest one-half of an hour shall be the smallest fraction of an hour to be reported and paid.

In the event of a holiday, an authorized vacation day or an illness which causes the employee to be absent, these days will be counted as time worked to compute overtime. Personal time off (PTO) and accumulated holiday time (AHT) will NOT count as time worked in the computation of overtime.

Under the Federal Fair Labor Standards Act, certain employees in managerial, supervisory, administrative, computer and professional positions are exempt from the provisions of the Act. The Administrative Assistant 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 Executive Director's prior approval and at the sole discretion of the Executive Director.

All other employees are classified as Non-Exempt and are subject to the provisions of the Act. Depending on work needs, Non-Exempt employees may be required to work overtime. Rules governing overtime and overtime compensation are detailed in the Collective Bargaining Agreement.

Health Insurance Policy

The Authority, being a participant in the New Jersey State Health and Dental Benefits Plan, offers all eligible employees and their dependents benefits under this system. Enrollment shall include the employee's family, as defined by the Plan. Drug Prescription coverage is also provided to the extent covered by the health benefit plan.

Premiums for these insurance programs shall be borne by the Authority, subject to employee contributions (including applicable retirees) required by Ch. 78, P.L. 2011, effective July 1, 2014.

Prescription Eye Glasses Benefit Policy

The Authority will reimburse an employee up to Four Hundred Dollars (\$400.00) annually for the purchase of one (1) pair of prescription eyeglasses and a related eye examination for replacements of the same only, due to damage or loss while on duty.

Retirement Policy

Under State law, all employees must enroll in the New Jersey Public Employee 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 the Department Head in writing. The State retirement plans request six (6) 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 Head will prepare an Employee Action form showing any pay or other money owed the employee. The Administrative Assistant 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 are injured while working must make an immediate report of such injury to the Supervisor. All injuries, no matter how slight they may be, must be reported within four (4) hours after the injury. All injuries incurred in or arising out of the course of employment shall be subject to Worker's Compensation Law of the State of New Jersey. Any employee who on any day is unable to complete a full day's work because they suffered an accident within the course and scope of their employment shall receive full pay for eight (8) hours on that day, seven (7) hours for administrative staff employees.

The Authority covers workers compensation benefits through its membership in a joint insurance fund. All required medical treatment must be performed by a Workers Compensation Physician appointed by the joint insurance fund and payment for unauthorized medical treatment may not be covered pursuant to the Act.

An employee absent because of an injury arising out of his employment shall continue to receive his wages as long as the injured employee endorsed over to the Authority his/her temporary disability check received by reason of said injury. Such salary continuation shall be up to a maximum of six (6) months from the date of injury. An applicable collective bargaining unit within the Authority may request an extension beyond a six (6) month period which may be granted in the sole discretion of the Authority.

Employee Assistance Policy

The Northwest Bergen County Utility Authority participates in the Bergen County Employee Assistance Program (EAP). The EAP provides confidential assessments, referrals, and monitoring to employees for such personal matters as family and marital relations, legal or financial difficulties, substance abuse, and other problems. The EAP has proven to be an important and successful health personnel service for all county employees and municipal employees in nine towns.

Three major classes of referrals for the EAP include substance abuse, psychological or family, and legal. For additional information contact the Bergen County Office of Alcohol & Drug Dependency, 327 East Ridgewood Avenue, Paramus, NJ 07652 • Phone (201) 634-2740.

Educational Assistance and Tuition Policy

All bargaining unit employees seeking payment for license and trade incentives in accordance with Articles 22 and 23 of the Collective Bargaining Agreement, effective January 1, 2017, shall bear all the costs for obtaining and/or maintaining said licenses. The Authority shall pay no costs/fees whatsoever nor shall reimbursement be permitted. The Authority will allow paid time off to obtain/maintain such licenses when requested in writing to the Superintendent at least ten (10) calendar days in advance of such time off and so long as the time off does not interfere with Authority operations as determined by the Authority or create an overtime opportunity for other bargaining unit members.

Upon approval of the Superintendent and/or Executive Director, employees may apply for reimbursement of tuition expenses incurred for training or college courses directly related to the employee's work. The Executive Director will be the sole judge of whether a particular course or program is "directly related" to the employee's work. Employees are strongly urged to obtain this determination before enrolling in a course or program.

Employees may receive reimbursement for up to 100 percent (100%) of the tuition cost for training or college courses that they take on their own initiative. The reimbursement must be repaid if the employee leaves Authority employment within twenty-four (24) months of receipt.

Conference and Seminar Policy

Requests to attend a conference or seminar must be approved by the Department Head and the Superintendent. Requests shall be made sufficiently in advance to take advantage of discounts for early registration. Requests must be in writing including the conference schedule, registration information and estimated costs. The Department Head is responsible to detail all training requests during the budget formulation process. Approval of any conference or seminar request is conditioned upon the availability of funds.

SECTION FIVE - Managerial/Supervisory Procedures

Employment Procedure

- **Recruitment:** The Executive Director in conjunction with the Administrative Assistant will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, and Equal Employment Opportunity Commission (“EEOC”) requirements. When a vacancy occurs, it is the responsibility of the Department Head or Superintendent to notify the Executive. The Executive Director will undertake to recruit qualified applicants in accordance with applicable Federal and State law. Where positions are advertised, the media or other periodical utilized must have as wide circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the Authority is an equal opportunity employer.
- **Applications:** All candidates must fully complete an application form. A resume will not be considered as a substitute for this form. The application is a confidential document and will not be available to anyone who is not directly involved in the hiring process, except as required by law.
- **Interviews:** The Executive Director, Superintendent or Department Head will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries. The Authority will make reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided the accommodation does not impose an unreasonable hardship on the Authority.
- **Physical Examinations:** All permanent full-time employees are required to have a comprehensive physical examination as a condition of employment, which they must pass in order to be employed. NBCUA shall schedule and pay for physical examinations of all potential hires.

The Authority may request a physical examination of any employee at any time in its discretion. Said physical examination shall be made at the Authority’s expense and by a doctor of the Authority’s choice.

All employees are required to participate in the NBCUA Drug and Alcohol Screening Program which includes random testing for employees. Penalties for failure of the test(s) or failure to participate in the program are described in the Program which is distributed to each employee.

- **Criminal Background Checks:** Criminal background checks are required of all candidates, whether paid or volunteer, that may work directly or indirectly with the Authority.
- **Job Offers:** The final decision will be made by the Authority Executive Director after all references and other information has been verified. Every effort shall be made to offer reasonable accommodations to known physical and mental limitations of all 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 an unreasonable hardship on the Authority. The employment offer must be made in a letter to the candidate outlining all terms and conditions of the offer. The letter will also establish a deadline for acceptance.
- **Acceptances and Rejections:** If the first offer is rejected, the Authority Executive Director will decide to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.
- **Employability Proof:** After acceptance, but before starting employment, all new employees shall be required to fill out an employment verification form (I9) and to provide acceptable proof of right to employment in the United States.
- **Record Retention:** All applications, notes made during interviews and reference checks, job offers and other documents created during hiring process must be returned to the Administrative Assistant. Documents related to the successful candidate will be placed in the employee's official personnel file except medical records including physical examinations must be maintained in a separate file. All records documents related to other candidates must be retained for at least one year. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

Background Checks and Procedures for Candidates, Employees and Volunteers

- **Background checks required:** Background checks are required of all candidates, whether for paid or volunteer positions, working directly or indirectly with the Authority.
- **Background check procedure:** The Authority will initiate background checks and be the recipient of reports from outside agencies or contractors. The Administrative Assistant will discuss disqualifying information received with the Superintendent or Executive Director. 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.).

The Administrative Assistant will inform the candidate, volunteer, or employee, in writing, of any information that would disqualify the person from working for the Authority. If the Authority 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 for the Authority. Existing employees or volunteers will be placed on immediate suspension pending the outcome of a hearing or appeal. Employee suspensions may be with or without pay at the discretion of the Executive Director.

- **Conditions Under Which An Employee Will Be Disqualified From Working for the Authority:** A candidate, volunteer, or employee may be disqualified from employment in a position 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. 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.

Nepotism Procedure

Unless otherwise provided by law or collective bargaining unit agreements, immediate relatives shall not be hired, promoted or transferred to a regular full-time or regular part-time position where:

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

For purposes of this policy, immediate relative includes 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.

Open Public Meetings Act concerning Personnel Matters Procedure

Discussions by the governing body of the Authority concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session, with the right of the employee to be present, unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the governing body of the Authority concerning such matters, the Board Secretary shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session.

Processing and Orientation of New Employees Procedure

All new regular full-time and regular part-time employees will be scheduled to meet with the Department Head on their first day for a general orientation. Copies of all forms and acknowledgements must be returned to the Administrative Assistant for inclusion in the employee's official personnel file. The orientation will include:

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

Initial Employment Period Procedure

Except where State requirements direct otherwise, new employees (or present employees transferring to new positions) will be hired subject to an initial employment period of not less than 180 days. During this initial employment period, the new employee or transferee will be provided with training and guidance from the supervisor. At the end of the initial employment period, the supervisor will conduct an employee evaluation – see Performance Evaluation Procedure. New employees may be discharged at any time during this period if the Authority concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Executive Director may extend the initial employment period. (Newly hired employees are not eligible for payment of paid time off except holidays until the successful completion of the initial 180 day employment period.)

Nothing in the procedure set forth in this section shall alter the Authority’s employment at will policy. Employment with the Authority is at will and may be terminated at any time with or without cause or notice by the Authority or the employee.”

Employee Handbook Procedure

The Administrative Assistant with the assistance of the Authority Attorney shall draft an Employee Handbook for the approval of the Executive Director. A separate version of the Handbook will be drafted for part-time and seasonal employees as well as for major bargaining groups if appropriate. Once approved, copies will be distributed and employees will be required to sign an acknowledgement of receipt that will be placed in the official personnel file. The Handbook will be revised and re-distributed whenever there is a significant change in personnel practice or every two years.

Performance Evaluation Procedure

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

- **Setting the Stage:** The reviewer must create a productive climate for the discussion. In preparing the evaluation form, prior evaluations should be reviewed to identify trends. Employees must be notified in advance of the meeting and should be given a copy of the blank evaluation form. The meeting should be private without interruptions in a comfortable environment.

- **Confirm Expectations:** The reviewer should start the discussion of each performance area by reviewing expectations. Ask the employee to confirm the employee's understanding of job requirements. Refer to the job description as appropriate.
- **Rating:** Continue the discussion by giving the employee's rating in each performance area. The supervisor should be prepared to refer to documentation. Employees should be evaluated based on set standards, not as they compare to other employees. It is rare that any person's rating in all areas is either high or low. The evaluation should consider performance during the entire period, not just the recent past. Care should be taken to avoid allowing one aspect of a person's performance to overshadow all other performance factors be it positive or negative. Ideally, each performance area should be evaluated individually based on specific behaviors exhibited.
- **Discussing Future Plans:** This is where the reviewer should turn to the discussion to the future performance and development of the employee. A Counseling Action Plan form must be completed if any item is rated "Needs Improvement" or "Does Not Meet Minimum Standards." Specific performance goals must be established for the next review period along with plans for achieving those goals.
- **Closing the Discussion:** When all performance areas have been discussed, close the discussion by summarizing all of ratings in an overall rating for the review period.

It is crucial that all reviewers complete the evaluation forms with care and with complete candor. Although reviewers are encouraged to set forth areas of strength and utilize tact in presenting criticism, it is important that all performance issues of any significance be addressed thoroughly and in unambiguous terms in the evaluation form, and verbally with the employee.

Exceeds Expectations means consistently exceeds established standards in most areas of responsibility. All requirements must be met and objectives achieved above the established standards.

Meets Job Requirements means all job requirements were met and planned objectives accomplished within established standards. There were no critical areas where accomplishments were less than planned.

Needs Improvement means performance in one or more critical areas does not meet expectations. Not all planned objectives were accomplished within the established standards and some responsibilities were not completely met.

Does Not Meet Minimum Standards means performance is unacceptable and important objectives have not been accomplished. Needs immediate improvement.

After completing the evaluation, the reviewer will return the form(s) with the signed acknowledgement to the Executive Director. After review by the Executive Director, the form(s)

are to be forwarded to the Administrative Assistant for inclusion in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Executive Director.

Disciplinary Action Procedure

All employees are expected to meet the Authority's work performance standards. The intent of the Disciplinary Action Procedure is to formally document problems and provide the employee with a reasonable time to improve performance. The process should encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with the Authority's policies and procedures and other disciplinary problems.

Should a supervisor believe that an employee is not conforming to the Authority's policies and rules or to specific instructions, or has acted improperly, the supervisor will first privately discuss the matter with the employee to obtain the employee's view. If the supervisor determines that the employee has acted improperly, the supervisor shall take one of the following actions depending upon the gravity and the employee's past record. At the discretion of the supervisor, action may begin at any step, and/or certain steps may be repeated or by-passed.

- **Verbal Reprimand:** Depending on the circumstances, the supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The supervisor will prepare a record of the verbal reprimand including the date, time and what was discussed with the employee. This record must be forwarded to the Administrative Assistant for the employee's official personnel file.
- **Written Reprimand:** When a supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Superintendent and/or Human Resources Officer. The reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e., termination) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement and comments must be forwarded to the Administrative Assistant for the employee's official personnel file.
- **Suspension:** Whenever an employee is recommended for suspension, the Executive Director will make the decision and may seek the advice of the Authority Attorney if appropriate. Suspended Employees may request a hearing under the applicable grievance procedure.
- **Dismissal:** Whenever an employee is recommended for dismissal, the Executive Director will make the decision only after seeking the advice of the Authority Attorney. There must be a complete review of the employee's personnel file and all other facts to

determine if there is sufficient cause for the dismissal. Terminated employees may request a hearing under the applicable grievance procedure.

Personnel File Procedure

The official personnel files shall be maintained by the Administrative Assistant and employee medical information will be maintained in a separate file. At least annually, the Administrative Assistant will review files to make sure they are up-to-date and will follow-up with the Department Heads as necessary.

The Official file shall include at least the following:

- The original application signed by the employee;
- Notes from any pre-employment interview and reference check;
- The original letter detailing an offer of employment and any additional correspondence concerning the employee's hiring;
- A signed acknowledgement that the employee received a copy of the Employee Complaint Policy letter;
- A signed acknowledgement that the employee has received the Employee Handbook;
- A signed acknowledgement that the employee received the safety orientation;
- Annual written performance evaluations including documentation that the evaluation was reviewed with the employee;
- Counseling Action Plans;
- Records relating to on-the-job accidents;
- Disciplinary actions including an acknowledgement that the employee was notified of the proposed disciplinary action and was given an opportunity to respond;
- Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.;
- Educational transcripts; and
- Any other pertinent information.

Employee Complaint Investigation Procedure

Employees have the right to formally or informally report any statement, act, or behavior by a co-employee, supervisor, elected official or visitor that they believe to be improper.

- **Reporting:** Employees should be asked to report complaints in writing utilizing the Employee Complaint form, but are not compelled to do so.
- **Identification/Screening:** The supervisor must report all written or verbal complaints to the Executive Director unless the complaint is against the Executive Director. Upon receipt, the Executive Director will determine if the complaint was made pursuant to the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy, the Whistle Blower Policy, a grievance procedure or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed and the response action plan. As soon as possible but no later than ten days after receiving the complaint, the Executive Director or investigator appointed by the Executive Director will interview the employee. If the employee is reluctant to sign a written complaint, the Executive Director or investigator will prepare written notes of the date, time and place of the complaint and the specific allegations. These notes will be read back to the employee who will be asked to affirm, preferably in writing the information's accuracy.
- **Investigation:** The Executive Director may seek the advice of the Authority Attorney when planning the investigation. The investigation should be conducted by the Attorney/ or county prosecutor if it involves potential criminal charges. The investigation should establish the frequency and nature of the alleged conduct and whether the complaint coincides with other employment events such as a poor performance evaluation. The investigation should also determine if other employees were subjected to similar misconduct. It is important to protect the rights of both the person making the complaint and the alleged wrongdoer.
- **Response Plan – No Corrective Action Required:** The Executive Director will review the conclusions with the Attorney if necessary and render a decision within fourteen days after the investigation is complete. If the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee should be notified in writing. Care should be taken to avoid being too specific, confrontational or accusatory and to avoid any language that might be construed as defamatory. A general statement is usually more appropriate that the claim was thoroughly investigated, but could not be sufficiently documented or confirmed to justify taking formal action. The employee should be assured that future complaints will be investigated and that the Authority is committed to eliminating wrongful employment practices when they are found to exist. If the investigation reveals that the complainant intentionally and maliciously levied false charges against the alleged wrongdoer, the complainant must be notified of the seriousness of filing a false complaint, and the appropriate disciplinary penalty under the circumstances, up to and including termination.
- **Response Plan – Corrective Action Required:** If the investigation reveals that the complaint is justified and substantiated, the Executive Director will formulate with the

advise of the Attorney a corrective action plan as well as possible disciplinary action. The complaining employee will be notified, in writing that it appears that the complaint was justified and an appropriate response plan has been formulated. A copy of the response plan should be attached to the letter. The response plan should provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior.

Requests for Employment Verification and Reference Procedure

Inquiries and written requests for references or employment verification regarding a current or former employee must be referred to the Administrative Assistant. No employee may issue a reference letter without the permission of the Administrative Assistant. Under no circumstances should any information be released over the phone.

In response to a request for information, the Administrative Assistant will only verify an employee's name, dates of employment, job title, department and final salary. No other data or information will be furnished unless (1) the Authority is required to release the information by law or (2) the employee or former employee authorizes the Authority in writing to furnish this information and releases the Authority from liability.

Continuing Education Procedure

The Authority will arrange for employment practices seminars at least annually to train all managerial/supervisory personnel. The Authority will also offer non-mandatory training to all other employees with special emphasis on employee rights and protections under various Federal and State laws as well as Authority employment practices. Records will be maintained in the official personnel files of all employees trained under this procedure.

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

SECTION SIX - Forms

- Notice of Personnel Discussion
- Employee Letter Concerning Employee Complaint Procedure
- Sample Notices Concerning Whistleblower Act
- Application for Employment
- NJ Division of Civil Rights Guide on Pre-Employment Inquiries
- Performance Appraisal
- Counseling Action Plan
- Employee Evaluation Checklist
- Fingerprint and Background Check Consent Form for Employees and Job Applicants.



NOTICE OF PERSONNEL DISCUSSION

To: _____

Address: _____

This is to notify you, pursuant to the Open Public Meeting Act, that the NBCUA plans to discuss the subject matter(s) checked below relating to your employment.

- Application for Employment
- Promotion or Transfer
- Compensation
- Performance Evaluation
- Special Leave Request
- Grievance
- Discipline
- Possible Termination
- Other (Specify): _____

The discussion will take place at the following meeting(s):

Date of Meeting(s): _____

Time: _____

Location: _____

The discussion will be in closed session, not open to the public, unless before the meeting the Authority receives a request, in writing, in which you ask that the discussion be held in public. If the discussion will affect other employees or potential employees, it may be closed to the public unless all such affected persons submit such signed requests. You are not required to attend this meeting.

Notice Date: _____ Signed: _____ (title) _____

Conscientious Employee Protection Act "Whistleblower Act"

Employer retaliatory action; protected employee actions; employee responsibilities

1. New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:
 - a. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
 - b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
 - c. Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - d. Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - e. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
 - (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
 - (2) is fraudulent or criminal; or
 - (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. N.J.S.A. 34:19-3.
2. The protection against retaliation, when a disclosure is made to a public body, does not apply unless the employee has brought the activity, policy or practice to the attention of a supervisor of the employee by written notice and given the employer a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where the employee reasonably believes that the activity, policy or practice is known to one or more supervisors of the employer or where the employee fears physical harm as a result of the disclosure, provided that the situation is emergency in nature.

CONTACT INFORMATION

Your employer has designated the following contact person to receive written notifications, pursuant to paragraph 2 above (N.J.S.A. 34:19-4):

Name: Eric Bernstein, Esq.
Address: 34 Mountain Blvd, Bldg A, Box 4922
Warren NJ 07059
Telephone Number: 732-805-3360

This notice must be conspicuously displayed.

Once each year, employers with 10 or more employees must distribute notice of this law to their employees. If you need this document in a language other than English or Spanish, please call (609) 292-7832.



La Ley de protección al empleado consciente

"Ley de protección del denunciante"

Acciones de represalia del empleador; protección de las acciones del empleado

1. La ley de New Jersey prohíbe que los empleadores tomen medidas de represalia contra todo empleado que haga lo siguiente:
 - a. Divulgue o amenace con divulgar, ya sea a un supervisor o a una agencia pública toda actividad, directriz o norma del empleador o de cualquier otro empleador con el que exista una relación de negocios y que el empleado tiene motivos fundados para pensar que violan alguna ley, o en el caso de un trabajador licenciado o certificado de la salud y que tiene motivos fundados para pensar que se trata de una manera inadecuada de atención al paciente;
 - b. Facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la violación de alguna ley, regla o reglamento que el empleador o algún otro empleador con el que exista una relación de negocios; o en el caso de un trabajador licenciado o certificado de la salud que facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la calidad de la atención al paciente; o
 - c. Ofrece información concerniente al engaño o la tergiversación con accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
 - d. Ofrece información con respecto a toda actividad que se pueda percibir como delictiva o fraudulenta, toda directiva o práctica engañosa o de tergiversación que el empleado tenga motivos fundados para pensar que pudieran estafar a accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
 - e. Se opone o se niega a participar en alguna actividad, directriz o práctica que el empleado tiene motivos fundados para pensar que:
 - (1) viola alguna ley, o regla o reglamento que dicta la ley o en el caso de un empleado licenciado o certificado en cuidado de la salud que tiene motivos fundados para pensar que constituya atención inadecuada al paciente;
 - (2) es fraudulenta o delictiva; o
 - (3) es incompatible con algún mandato establecido por las directrices públicas relacionadas con la salud pública, la seguridad o el bienestar o la protección del medio ambiente. Artículo 34:19-3 de las Leyes comentadas de New Jersey de protección del empleado consciente (N.J.S.A., por sus siglas en inglés)
2. No se puede acoger a la protección contra la represalia, cuando se hace una divulgación a un organismo público, a no ser que el empleado le informe al empleador de tal actividad, política o norma a través de un aviso por escrito y le haya dado al empleador una oportunidad razonable para corregir tal actividad, política o norma. Sin embargo, no es necesaria la divulgación en los casos en que el empleado tenga indicios razonables para creer que un supervisor o más de un supervisor del empleador tienen conocimiento de tal actividad, política o norma o en los casos en los que el empleado teme que tal divulgación pueda traer como consecuencia daños físicos a su persona siempre y cuando la naturaleza de la situación sea la de una situación de emergencia.

Información del Contacto

Su empleador ha designado a la siguiente persona para recibir notificaciones de acuerdo al parágrafo 2, de la ley (N.J.S.A. 34:19-4):

Nombre: Eric Bernstein
Dirección: 34 Mountain Blvd, Ridge, PO Box 4922
Warren NJ 07059
Número de teléfono: 732-805-3360

Este aviso se debe exponer a la vista de todos.

Anualmente, patronos con 10 o más empleados, deberán distribuir notificación de esta ley a todos sus empleados. Si necesita este documento en algún otro idioma que no sea inglés o español, sírvase llamar al (609) 292-7832.



NBCUA Employee Complaint Form

Date_____

Attach additional sheets if necessary to fully complete all questions

Name: _____ **Department:** _____

TITLE: _____ **SUPERVISOR:** _____

Time period covered by this complaint: _____

Individuals who allegedly committed the acts being complained of:

Describe the nature and dates of the acts allegedly committed by each individual:

Identify all persons with knowledge of the complained conduct:

Are there any documents or other evidence that supports the occurrences described above?

If you previously complained about this or related acts to a supervisor or official, please identify the individual to whom you complained, the date of the complaint, and any action taken.

Have you missed any time from work or incurred any un-reimbursed medical expenses as a result of the alleged acts?

Are you afraid that someone may retaliate against you because you filed this complaint? If so, please identify the person(s) and indicate the reasons why you feel the person(s) may retaliate against you.

What is your requested remedy for this complaint?

ACKNOWLEDGMENT

The information provided above is true and correct to the best of my knowledge.

BY: _____ DATE:

To investigate your complaint, it will be necessary to interview you, the accused party, and any witnesses with knowledge of the allegations or defenses. All persons involved in the investigation will be notified that (1) the complaint is confidential, (2) that any unauthorized disclosures of information concerning the investigation or retaliation could result in disciplinary action up to and including discharge.

I am willing to cooperate fully in the investigation of my complaint and to provide whatever evidence is deemed relevant.

BY: _____ DATE: _____



**NORTHWEST BERGEN COUNTY
UTILITIES AUTHORITY**

30 Wyckoff Avenue
at Authority Drive
P.O. Box 255
Waldwick, NJ 07463

Tel: 201.447.2660
Fax: 201.447.0247
www.nbcua.com

EMPLOYMENT APPLICATION

(Attached)



**NORTHWEST BERGEN COUNTY
UTILITIES AUTHORITY**

30 Wyckoff Avenue
at Authority Drive
P.O. Box 255
Waldwick, NJ 07463

Tel: 201.447.2660
Fax: 201.447.0247
www.nbcua.com

APPLICATION FOR EMPLOYMENT

PERSONAL *(Please print clearly)*

Last			First		M.I.	Telephone Number
NAME						
Number and Street		City		State	Zip Code	Are you in the U.S. on a visa that prohibits you from working? YES NO
ADDRESS						
New Jersey Driver's License			YES	NO		
Driver's License No.			Years of Residence In this state: County:			
Person to notify in case of accident or emergency:						
Name:			Phone Number:			
Address:			Relationship to you:			
Military Service			Have you been in the U.S. Military Service?		YES	NO
If YES, describe duties while on active duty:					Honorably Discharged? YES NO	

POSITION

Job Applied for:		When can you start:	
Can you work any assigned shift? YES NO		Are you available weekends? YES NO	
		Holidays? YES NO	
Please list any languages other than English which you speak, read or write		List and describe any internships, licenses, certifications or registrations connected with your profession or trade. (Give name of state in which license, certification or registration is held)	
_____		_____	
_____		_____	
_____		_____	

Machines operated and/or special skills (including steno, software programs):			
Typing? YES NO WPM:			
Have you any previous New Jersey State, County or Municipal Employment?			
YES	Permanent	Employer	Date:
NO	Temporary	Department	Job Title:
WORK EXPERIENCE <i>(List most recent employer first)</i>			
Present or last employer:		Street Address:	Supervisor's name:

Time Employed: Mo. Yr. <i>To</i> Mo. Yr.	City	State	Zip	Phone Number:
Your Duties:				Starting Salary:
Reason for Leaving:				Final Salary:
Previous employer:	Street Address:			Supervisor's name:
Time Employed: Mo. Yr. <i>To</i> Mo. Yr.	City	State	Zip	Phone Number:
Your Duties:				Starting Salary:
Reason for Leaving:				Final Salary:
Previous employer:	Street Address:			Supervisor's name:
Time Employed: Mo. Yr. <i>To</i> Mo. Yr.	City	State	Zip	Phone Number:
Your Duties:				Starting Salary:
Reason for Leaving:				Final Salary:
ADDITIONAL INFORMATION (Attach resume):				

How were you referred to NBCUA? Newspaper (give name): _____ Walk-in Employee (give name): _____ Other (indicate): _____
--

REFERENCES

Do not give relatives or former employers as references. Check here if you do not want us to contact your present employer _____

Name	Address	Telephone	Business or Occupation	Known how long?

Give name of any relative working for NBCUA _____	In what department do they work? _____
---	--

**NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY
AGREEMENT**

I CERTIFY that answers given herein are true and complete to the best of my knowledge. In the event of my employment, I understand that false or misleading information given in my application or interview(s) may result in discharge.

I UNDERSTAND that as a condition of employment, I may be required to pass the Authority's employment physical and any future physical examinations required by the NBCUA.

I HEREBY AUTHORIZE the Authority to contact former employers, and/or other reference sources, as part of the evaluation of my application for employment, and I hereby release such reference sources from any liability for the consequences of information which they may release to the Authority.

I UNDERSTAND that this application is not intended to be a contract of employment;

I ALSO AGREE, upon termination of employment, to return any Authority property issued to me, or to allow reasonable value of same to be deducted from my wages or to pay the replacement cost of same to the Authority before my final check will be released to me.

Date of Application _____	Signature of Applicant _____
Federal law prohibits discrimination in employment because of race, color, religion, age, gender, disability, marital or veteran status, sexual orientation or national origin.	

**NJ DIVISION ON CIVIL RIGHTS GUIDE
ON PRE-EMPLOYMENT INQUIRIES**

Category	It is discriminatory to inquire about:	Some examples of acceptable inquiries:
Name	<ul style="list-style-type: none"> a) The fact of a change of name or the original name of an applicant whose name has been legally changed b) Maiden name 	Whether or not the applicant has ever worked under another name or was the applicant educated under another name. (Allowable only when the data is needed to verify the applicant's qualifications)
Birthplace and Residence	<ul style="list-style-type: none"> a) Birthplace of applicant b) Birthplace of applicant's parents c) Requirement that applicant submit birth certificate, naturalization or baptismal record d) Own home, rent, board or live with parents e) Citizenship 	<ul style="list-style-type: none"> a) Are you in the United States on a visa, which prohibits you from working here? b) Are you either a US citizen or a permanent resident alien?
Creed and Religion	<ul style="list-style-type: none"> a) Applicant's religious affiliation b) Church, parish, or religious holidays observed by applicant 	
Race or Color	<ul style="list-style-type: none"> a) Applicant's race b) Color of applicant's skin, eyes, hair, etc. c) Driver's license number 	
Photographs	<ul style="list-style-type: none"> a) Photographs with application b) Photographs after interview, but before a hiring 	
Age	<ul style="list-style-type: none"> a) Date of birth or age of applicant b) Age specifications, limitations, or implications in a newspaper advertisement which might bar workers under or over a certain age c) Driver's license number 	Applicant may be asked if he/she is over the minimum legal age and under a bona fide mandatory retirement age
Language	<ul style="list-style-type: none"> a) Applicant's mother tongue b) Language commonly used by applicant at home c) How the applicant acquired ability to read, write, or speak a foreign language 	Language applicant speaks and/or writes fluently (only if job related)
Relatives	Name and/or address of any relative of the applicant	Name and address of person to be notified in case of accident or emergency
Military Experience	<ul style="list-style-type: none"> a) Applicant's military experience in other than United States Armed Forces b) National Guard or Reserve Units of applicant c) Draft classification or other eligibility for military service d) Applicant's whereabouts during periods of armed conflict e) Dates, conditions and type of discharge 	<ul style="list-style-type: none"> a) Military experience of applicant in Armed Forces of United States only when used for employment history b) Whether applicant has received any notice to report for duty in Armed Forces
Organizations	Any clubs, social fraternities, sororities, societies, lodges, or organizations to which the applicant belongs	Membership in a union, professional or trade organization

References	The name of applicant's pastor or religious leader	Names of persons willing to provide professional and/or character references for applicant
Sex and Marital Status	<ul style="list-style-type: none"> a) Sex or marital status or any questions which would be used to determine same b) Number of dependents, number of children c) Spouse's occupation 	
Arrest and Conviction Record	The number and kind of arrests of an applicant	Convictions which bear a relationship to the job
Height and Weight	Any inquiry into height or weight of applicant	
Physical Disabilities	Any inquiry as to physical disability, which has no direct bearing on satisfactory performance of the specific job in question. (For example, questions as to the mobility of a person without the use of his or her legs, when the job in questions involves working in a stationary position.)	Does applicant have any physical disability, which would prevent him or her from satisfactorily performing the job? (For example, questions concerning hearing impairment are acceptable on applications for a telephone operation position.)
Education	Whether or not the applicant is a high school graduate	<ul style="list-style-type: none"> a) Show highest grade completed b) Detail your educational background

NBCUA PERFORMANCE APPRAISAL

EMPLOYEE NAME: _____ SUPERVISOR: _____

DEPARTMENT/JOB TITLE: _____ DATE OF HIRE: _____

PRESENT REVIEW DATE: _____ LAST REVIEW DATE: _____ TIME IN POSITION (YRS.): _____

Use the Comments section to note goals being appraised and to provide future goals.

Overall Rating (circle)

1 – Does not meet minimum standards 2 - Needs Improvement 3 – Meets Job Requirements 4 – Exceeds Expectations

TRAINING/ JOB KNOWLEDGE: *Consider knowledge of methods, techniques, procedures, tools, and maintenance of certifications necessary to perform the position.*

Lets certification expire. No desire to improve skills. Insufficient knowledge and understanding of the job.

New in a position and still learning. Often requires additional instruction. Making progress, but not fully proficient. Needs to improve certain skills or job knowledge.

Fully understands job responsibilities. Maintains needed certification. Can operate all equipment required to perform his or her job.

Takes the initiative to improve job through evaluation of job processes. Can lead work group through unusual or unique situations.

Comments:

PERFORMANCE: *Consider dependability, communication skills, and the quality and quantity of work based on established standards.*

Frequently damages government property and/or equipment. Work not up to expectations.

Needs a better grasp of job. New employee still in learning process, not yet proficient. Not always as productive as expected.

Completely performs job meeting all job standards. Consistently provides quality work requiring minimal revision to correct errors.

Job output continuously above standards and before deadlines. Takes initiative to take on other tasks whenever possible.

Comments:

WORK CONDUCT: *Consider employee's interest in the position, commendations received, organizational support, personal appearance, and disciplinary actions.*

Frequently or repeatedly receives disciplinary actions and substantiated complaints from the community and co-workers.

Occasionally has disciplinary problems, but is working to correct behavior. Needs to project a positive outlook and pleasant manner.

Never has any discipline problems. Supervisor has complete trust in employee. Always conforms to dress code.

Consistent positive methods and behaviors, which translates into quality work. Has pride in work. Influences others in a positive way.

Comments:

COOPERATION: *Consider teamwork, or the ability to work with others in a cooperative and productive manner.*

Seldom works well with others. Difficult to work with. Does not promote teamwork. Files unsubstantiated grievances.

Slow to help others. Does not readily accept additional assignments required of job. Lack of tact or consideration for others.

Fully cooperates with co-workers. Accepts new ideas. Helps others. Willing to work overtime as needed.

Continually goes out of way to help co-workers. Learns other job responsibilities to aid in coverage. Fosters teamwork.

CUSTOMER SERVICE: Consider responsiveness to public the needs and requests.

- Responds inappropriately to questions, requests, or situations.
- Occasionally does not respond tactfully or completely.
- Exhibits courtesy and tact. Answers questions or refers to the appropriate party.
- Responds to requests with enthusiasm and a sense of commitment. Always follows through by providing or obtaining complete information.

Comments:

JUDGMENT: Consider ability to produce quality work in a cost conscious manner without needing guidance from manager.

- Constantly uses poor judgment occasionally increasing costs. Requires close and constant supervision.
- Often afraid to make and take responsibility for decisions. Needs to better identify and communicate problems.
- Exemplifies good sense of judgment. Not afraid to make decisions when provided information. Learns from mistakes.
- Anticipates potential problems. Takes full responsibility for mistakes. Takes initiative to obtain information.

Comments:

ATTENDANCE: Consider absenteeism and punctuality.

- Frequently arrives to work late. Excessive absenteeism beyond allotted time.
- Occasionally arrives late. Uses nearly all allotted sick time each year.
- Always arrives on time. Takes an average amount of sick time.
- Always prepared for work. Highly reliable attendance.

Comments:

VOLUNTEER : Consider willingness to volunteer at work and in the community.

- Never volunteers to help. Puts down others who do volunteer work.
- Usually not interested in volunteering for projects, teams, etc.
- Willing to volunteer if asked to volunteer.
- Actively seeks opportunities to volunteer at both work or in the community.

Comments:

DIRECTING WORK: Consider planning, organizing, problem solving, leadership, and supervisory skills.

Does this person have supervisory responsibilities?

- All the time as part of job requirement.
- Supervises on an as needed basis.

- Continually fails as a supervisor. Lack of leadership, planning, and organizational skills. Unit does not achieve objectives. Does not treat subordinates fairly.
- New supervisor and still learning. Making progress, but not fully proficient. Having trouble making leap from co-worker to supervisor.
- Fully proficient and competent leader. Delegates when needed. Solves problems and makes decisions. Is in complete control of department and sets an example.
- Goes out of way to help subordinates. Consistently treats all employees fairly. Develops highly effective work plans. Assumes responsibility for solving problems.

Comments:

EMPLOYEE COMMENTS: _____

I have reviewed the appraisal and discussed its contents with my supervisor.

EMPLOYEE SIGNATURE: _____ **DATE:** _____

SUPERVISOR SIGNATURE _____ **DATE:** _____

AUTHORITY COUNSELING ACTION PLAN

EMPLOYEE NAME _____ **DATE** _____

DEPARTMENT _____ **POSITION** _____

I met with the above employee to discuss performance regarding the following problem(s):

This is a *verbal*, *written*, *final* meeting with this employee concerning this matter.

The reason for the counseling session:

Employee's performance is not acceptable for the following reasons:

Employee must achieve the following goals in order to reach acceptable standards:

Employee should reach these goals by:

- Immediately**
- Employee is on a probationary status and will be re-evaluated on _____**
- Employee is Suspended: Dates: _____**

Consequences of failure to improve or achieve goals:

- May result in further disciplinary action, up to and including termination.**
- Termination.**

Employee's Comments:

I have read the above. I understand that it constitutes a warning and I understand the amount of time I have to attain the stated performance goals. I also understand the consequences of my failure to improve or attain the above goals.

Employee Signature: _____ Date: _____

Department Head Signature _____ Date: _____

Executive Director Signature: _____ Date: _____

AUTHORITY EMPLOYEE EVALUATION CHECKLIST

Be Prepared

- Know the objectives and goals of the meeting.

Time and Place

- Choose a quiet, private spot with as few interruptions as possible.

Conducting the interview

- Create a positive environment and help the employee feel at ease.
- Give balanced feedback, both positive and negative, but start with the positive.
- Focus on the job, NOT the person.
- Ask questions and allow the employee to provide feedback.
- When discussing areas for improvement, discuss methods and objectives for improving.
- Discuss possibilities for advancement, the employee's aspirations and professional development necessary to be a candidate for such future positions.

Conclusion

- Summarize and review the important points of the discussion.
- Restate the action steps that have been recommended and provide a time frame for completion.
- Make sure employee reviews the appraisal and provides comments.
- Have employee sign the acknowledgement that the employee has read the appraisal (does not signify agreement with the content).

Follow-up

- Follow-up with the employee to see how plans are proceeding within the given time frames.
- Offer the employee assistance in achieving objectives and encourage discussion of successes and obstacles.

Fingerprint and Background Check Consent Form for Employees and Job Applicants

In accordance with Authority Policy and N.J.S.A. 15A:3A-1 et seq, I understand that, as a condition of continued employment or new employment, the Authority requires background checks on all individuals. .

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 NJS.2C:35-10

Name (please print) _____

Applicant's signature _____ Date _____

APPENDIX A

POLICY ON DRUGS & ALCOHOL SCREENING



**NORTHWEST BERGEN COUNTY
UTILITIES AUTHORITY**

POLICY ON DRUG & ALCOHOL SCREENING

Adopted 2/9/2010

**NORTHWEST BERGEN COUNTY UTILITY AUTHORITY
POLICY ON DRUG & ALCOHOL SCREENING**

Contents

1.	Introduction	3
2.	Purpose	3
3.	Definition of Terms	3
4.	Drug and Alcohol Testing Parameters	4
5.	Testing Procedures	5
6.	Alcohol Testing	7
7.	Processing of Urine Specimen	7
8.	Drug Test Results	9
9.	Record Keeping	11
10.	Responsibilities To Report	11
11.	Responsibility For Compliance	12
	Certification	Attachment A
	Workplace Drug and Alcohol Testing Program for Commercial Drivers (CDLs)	Attachment B

NORTHWEST BERGEN COUNTY UTILITY AUTHORITY POLICY ON DRUG & ALCOHOL SCREENING

1. Introduction

The Northwest Bergen County Utilities Authority (NBCUA) has a responsibility and managerial obligation to maintain a safe work environment for its employees, as well as a duty to protect the community. The professional responsibilities, legal prerogative and the integrity of any agency demands that its employees, particularly its Safety Sensitive employees refrain, without excuse or exception, from the misuse of alcohol and the use and possession of illegal or medically unauthorized controlled dangerous substances (herein "drugs"), and formally register prescribed medication, which may include drugs as the term is defined herein.

As part of this effort, the NBCUA participates in controlled substances and alcohol testing of NBCUA's Commercial Drivers pursuant to the Federal Highway Administration regulations. This program is designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles. The specifics of this program are provided in a companion document (attached) and incorporate the requirements of the Federal Highway Administration.

There is conclusive proof that the use and/or abuse of alcohol and many types of drugs, including prescribed medication, can and does produce negative effects on an individual's cognitive, emotional and physical health and conduct. A condition of employment for all employees must be a complete absence of adverse effect on performance caused by drugs. It is, therefore, the policy of NBCUA that no employee shall possess or use any drugs, whether on or off duty, unless the drug has been legally prescribed for the employee by a physician licensed to practice medicine and used in the manner prescribed.

2. Purpose

The purpose of this policy is to protect the integrity, credibility and effectiveness of the operations of the Authority; and to further ensure an alcohol and drug free workplace for all employees. Testing employees for substance and/or prescribed medication abuse, and/or unregistered but medically prescribed use, in accordance with legally authorized parameters, will help ensure that these objectives are accomplished, while balancing the need to safeguard the rights of the individual employees tested against unreasonable intrusions into their person. It is acknowledged that legal requirements pertaining to drug testing may change and evolve; the policy may be amended from time to time to reflect changes in legal requirements and parameters, as well as the negotiated pacts of the Authority and its employees, including Safety Sensitive employees.

3. Definition of Terms

- A. **Safety Sensitive Employees:** any employee who, in the regular or foreseeable discharge of responsibilities, engages in conduct creating a reasonable risk of injury to self or others such that even a momentary lapse of attention could reasonably result in consequences of harm, loss or injury elevated by use, prescribed or otherwise, of drugs.
- B. **Supervisors:** Administrative, supervisory personnel assigned to positions having day-to-day responsibilities for supervision of employees.

**NORTHWEST BERGEN COUNTY UTILITY AUTHORITY
POLICY ON DRUG & ALCOHOL SCREENING**

- C. **Breath Alcohol Technician (BAT):** The Breath Alcohol Technician (BAT) is a person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing or alcohol screening device, respectively.
- D. **Official Monitor:** A third party sub-contractor or other Authority appointed designate responsible for urine sample acquisitions as it pertains to the NBCUA Drug and Alcohol Screening Policy.
- E. **Urinalysis:** A urine test administered under approved conditions and procedure for detecting illegal drug usage.
- F. **Reasonable Individualized Suspicion:** An apparent state of facts and/or circumstances found to exist upon inquiry by a trained supervisor, which would induce a reasonably intelligent and prudent person to believe that a reasonable, objective basis exists to suspect that a urinalysis will produce evidence of a drug as defined by this policy.
- G. **Random Testing:** A standardized random selection methodology of testing individual employees for drugs and alcohol that does not depend upon reasonable individualized suspicion and does not predetermine who will be tested.
- H. **Drugs:** All urine specimens are analyzed for the following drugs:
 - 1. Marijuana (THC metabolite)
 - 2. Cocaine
 - 3. Amphetamines
 - 4. Opiates (including heroin)
 - 5. Phencyclidine (PCP)

4. Drug and Alcohol Testing Parameters

- A. **Pre-Employment or Probationary Period Screening** – Drug and alcohol screening shall occur as part of the pre-employment medical examination administered to persons applying for any Safety Sensitive employee positions with NBCUA. Additionally, screening at the discretion of NBCUA may take place at any time during a Safety Sensitive employee's probationary period.
- B. **Employment Screening** – In balancing the NBCUA community's right and obligation to have a drug-free work environment against the employee's right to privacy, urinalysis will be the chosen method of drug screening while breath analyzers will be the method of alcohol screening. Screening will be administered as follows: (1) screening of any employee in the absence of "reasonable individualized suspicion" may be conducted at NBCUA's discretion at any time following random selection or (2) individual screening will be administered when there is a "reasonable individualized suspicion" to believe that an individual employee is using drugs in violation of this policy.

Testing on the basis of "reasonable individualized suspicion" will be required based on the objective facts and on rational inferences, drawn by a supervisor, to

NORTHWEST BERGEN COUNTY UTILITY AUTHORITY POLICY ON DRUG & ALCOHOL SCREENING

indicate that the usage of alcohol or any drug may be the cause of an unfit condition where the Safety Sensitive employee is:

1. Impaired in, or incapable of performing their assigned duties; and/or;
2. Involved in a job related accident; and/or
3. The subject of investigation where sufficient evidence and facts are present to constitute a "reasonable/individualized suspicion" that they are involved in the use, possession or sale of alcohol or drugs; and/or
4. Experiencing (without plausible, legitimate explanation proffered and fully validated) excessive absenteeism and significantly reduced productivity; and/or
5. Found to have excessive or otherwise suspicious on-duty injuries or motor vehicle accidents indicating negligence in relation to assigned duties; and/or
6. Exhibiting unusual and/or bizarre behavior patterns reasonably deemed inconsistent with regular and appropriate behavior patterns.

5. Testing Procedures

- A. **Medications** - : Many prescription drugs come with warnings against the operation of machinery for a specified period of time after use. Any Safety Sensitive employee who is consuming a prescribed medication which may not otherwise be defined as a drug under this policy, shall, upon being ordered to submit to drug testing, inform his or her immediate supervisor of the nature of the illness or injury, along with the name and type of medication being taken and the physician prescribing same.

Safety Sensitive employees have an affirmative obligation to disclose and register with the Authority through formally identified procedures as well as with their immediate supervisor each and every prescription medication taken. A prescribed drug shall be identified and registered with the Authority and through the employee's immediate supervisor prior to the start of duty during which the prescribed medication is issued and to be taken. The registration form to be utilized is set forth on Attachment A. Absent extraordinary circumstances, a Safety Sensitive employee's failure to register any and all prescribed medication may be cause for termination. The presence of any prescription drugs not registered and found in the employee's system after random or reasonable individualized suspicion testing will be cause for termination. It is also the responsibility of the employee to register with the Authority any non-prescription drugs that provide a warning against operation of machinery or heavy equipment.

**NORTHWEST BERGEN COUNTY UTILITY AUTHORITY
POLICY ON DRUG & ALCOHOL SCREENING**

- B. **Reasonable Individual Suspicion:** Supervisors shall prepare a written report requesting urinalysis or breath analyzer test, where there is credibility to the sources of information, e.g., personal knowledge, observations, other documentation or reliable information that a employee is a user of alcohol or drugs. The report, which shall be confidential, shall be forwarded to the Superintendent, documenting the specific reasons for the request with all circumstances and/or corroborating evidence supporting individualized, reasonable suspicion (e.g., relevant facts exhibited by the Safety Sensitive employee).

The decision to test a Safety Sensitive employee based upon satisfaction of the standards for reasonable individualized suspicion shall be made by the Authority Superintendent. Under emergent circumstances, the Executive Director may order testing based upon an oral report. If the Executive Director cannot be contacted within a reasonable period of time, an NBCUA designee may (acting in his absence) order such test.

- C. **Random Testing:** In the case of random testing, a published standardized, selection procedure shall be utilized to select no more than twenty-five percent (25%) of the pool of employees for drug testing at any one time. This procedure must conform with the following guidelines:

1. The selection of any employee must be based purely upon chance that may only include mathematical probability as a likelihood of selection.
2. Any of the following members of NBCUA administration (or their successors in position responsibility) may be present to witness the selection process:
 - a. Superintendent
 - b. Executive Director
 - c. General Counsel or his designee
3. Any unionized employee has the right, as his/her request, to have a duly authorized representative present as a witness to the selection process.
4. As the selection is truly random, there is no limit on the number of times one may be randomly selected nor will there be any alteration in the selection procedure regardless of comparable differences among Safety Sensitive employees in times selected. CDL license holders randomly tested as part of the Federal test program are not exempt from the random test program conducted in accordance with the policy.
5. There will be no more than five (5) random tests per year to be scheduled at NBCUA's discretion.
6. As the procedure is publishable, it will be available to all employees for validity testing as a random process.
7. **Confidentiality:** The identification of employees selected from random

**NORTHWEST BERGEN COUNTY UTILITY AUTHORITY
POLICY ON DRUG & ALCOHOL SCREENING**

testing as well as the fact that a random selection and testing procedure has been determined and scheduled to occur, prior to the collection of specimens, shall remain confidential to the extent practicable. Any employee who without authorization from NBCUA, discloses either the identity of selected employees or the planning of a random selection and testing, shall be subject to severe discipline. This, without mitigation of an extraordinary nature, is a terminable offense.

8. The only matter grievable under this Policy is whether the testing procedure reasonably leads to truly random selection. The only available remedy to a grievance hereunder is directed reform of the testing procedure to provide for a truly random selection process.

D. Notification of Drug Screening

- A. An employee tested on the grounds of "reasonable individualized suspicion", discretionary testing during his/her probationary period, or random testing, need receive no minimum notification that drug and alcohol screening, will be conducted prior to reporting to the testing location, other than that notification time that is necessary for transportation purposes. Whenever practicable, employees shall be notified during their scheduled shift on the date of the test, and testing itself will be conducted during such scheduled shift.
- B. Any employee who refuses to appear for testing at the time and place designated by the Authority after being notified to do so, shall be subjected to the same penalties and consequences as those employees who test positive for the presence of illegal drugs including, but not limited to, the termination of employment from NBCUA, following provision of applicable due process of law.
- E. **Responsibility** — A supervisor designated by the Superintendent shall be directly responsible for scheduling and supervising the conducting of all drug screening for employees.

6. Alcohol Testing

- A. Alcohol tests are to be performed using screening and evidential devices approved by the National Highway Traffic Safety Administration (NHTSA), by a Breath Analyzer Technician (BAT) trained and certified by the Drug and Alcohol Testing Training Institute to perform such testing.

7. Processing of Urine Specimen

- A. **Designated Laboratory and Test** - Testing will be conducted at a facility that is licensed as a clinical laboratory by the New Jersey Department of Health under the New Jersey Clinical Laboratory Improvement Act for testing procedures for Safety Sensitive employees

**NORTHWEST BERGEN COUNTY UTILITY AUTHORITY
POLICY ON DRUG & ALCOHOL SCREENING**

- B. **Preliminary Acquisition Procedures** - Before an employee is ordered to submit to a drug test on the basis of "reasonable individualized suspicion", the Superintendent shall prepare a confidential report which documents the basis thereof. The Superintendent (or such individual designated by this policy to render approval of testing) shall base his/her decision on the contents of this confidential report. No such report shall be required in the event of either emergent circumstances mandating immediate testing, or allowable random testing.

Upon approval of testing the employee will be escorted to the designated testing facility where the official monitor will be responsible for sample acquisition and analysis.

Prior to the submission of a urine sample for any type of testing, the employee shall complete a medical questionnaire which clearly describes all medications which he or she ingested during the prior thirty (30) days.

C. Specimen Acquisition Procedure

1. After the official monitor has reviewed the appropriate forms for accuracy and inspected the empty specimen collection container for signs of tampering, the employee shall void into the container. The employee shall seal the specimen container and deliver it to the official monitor.
2. At the time the urine sample is provided, the employee will have the option to submit two (2) samples. Both samples will be acquired according to the procedures outlined herein. Both will be forwarded to the laboratory. One will be tested while the other will be stored by the laboratory for a period not to exceed 30 days. The second sample may be tested if requested by the employee.
3. To the maximum extent possible, privacy will be maintained during the specimen production process, however, should the official monitor have documented reason to believe the employee will adulterate the specimen or otherwise compromise the integrity of the test process, the official monitor or his/her designee (of the same gender as the employee) may directly observe the employee while he/she produces the specimen.
4. In the event an employee is unable to produce a urine specimen, the employee may remain under the supervision of the official monitor until he/she is satisfied that the employee cannot produce a specimen. At such time, the official monitor may allow the employee to drink fluids in an attempt to induce production of a specimen. An employee's continued inability to produce a specimen may result in the employee being examined by a physician of NBCUA's choice and at NBCUA's expense to determine if the inability to produce the sample is the result of a medical/physical infirmity or a refusal to cooperate with the drug testing process. A determination by the examining physician, that the inability to

**NORTHWEST BERGEN COUNTY UTILITY AUTHORITY
POLICY ON DRUG & ALCOHOL SCREENING**

produce a urine specimen is based upon a refusal to cooperate with the drug testing process shall be cause for termination of the employee.

5. Upon successful production and delivery of a required urine sample to the official monitor, he/she shall maintain the chain of custody by submitting the sealed specimen container(s) to the testing facility within one (1) working day of collection. In the event the specimen cannot be submitted within one (1) working day, it shall be stored in a controlled access refrigerated storage area until submission.
6. Throughout the testing process, the identities of the tested employee shall remain confidential to the extent practicable. Individual specimens shall be identified by social security numbers only. Employees' names shall not appear on specimen containers or forms submitted to the testing laboratory.

8. Drug Test Results

- A. **Notification** - It shall be the procedure of the laboratory to notify the Superintendent, as to the result of the urinalysis, immediately upon completion of the test. The laboratory will retain only those samples that have been confirmed to be positive for the presence of drugs. All oral notifications will be confirmed by written reports within fifteen (15) working days of submission of the specimen.
- B. **Positive Results** - All Safety Sensitive employees who are tested, and are confirmed to be positive for the presence of drugs, shall:
 1. Be notified of this fact by the Superintendent as soon as practicable after oral notification is received from the laboratory.
 2. Be provided with a copy of the laboratory report, as soon as practicable after receipt of same.
 3. Be suspended from duty immediately without pay, pursuant to Authority policy and any applicable and controlling collective bargaining agreement pending a due process hearing for dismissal from employment.
 4. Be terminated from employment, in accordance with Authority policy and any applicable and controlling collective bargaining agreement provisions.
 5. Be given the opportunity to challenge a termination from employment based upon a confirmed positive result in the same manner as provided in Authority policy or applicable and controlling collective bargaining agreement for challenging disciplinary impositions involving potential termination of employment. The only grievable issues with regard to discipline resulting from a positive drug test shall be a challenge to the testing results.

**NORTHWEST BERGEN COUNTY UTILITY AUTHORITY
POLICY ON DRUG & ALCOHOL SCREENING**

6. Safety Sensitive employees who have produced two (2) simultaneous samples may, upon notification of a positive test result, request that the Authority release the second (2nd) sample for the sole purpose of having the same independently tested. Under such circumstances, the Safety Sensitive employee must designate as the independent testing facility a laboratory licensed to conduct such tests by the New Jersey Department of Health under the New Jersey Criminal Laboratory Improvement Act. If an authorized representative of the designated laboratory does not take possession of the second (2nd) sample maintaining an appropriate chain of custody, within thirty (30) days of production, the sample will be destroyed.
7. Administrative staff and other non Safety Sensitive employees are not subject to automatic termination as described above. After suspension for conduct prohibited by this program, and before returning to duty, the employee shall undergo a return to duty alcohol test with a result of less than a 0.02 BAC, if the alcohol prohibitions were violated; or receive a confirmed negative result from a controlled substance urinalysis test, if the controlled substance prohibitions were violated. Following successful completion of any approved treatment program, the employee will be required to submit to at least six (6) random drug tests during the next consecutive 12 months, and follow-up testing may be conducted for up to 60 months. Failure to adhere to this condition or a repeat offense is grounds for immediate termination.

C. Negative Results

1. If the test result as determined at any stage of the process is negative, the allegation of drug abuse against the employee shall be classified as "unfounded".
2. Any employee whose specimen is found to be negative, or who has a verified, lawfully issued, medically valid prescription explaining a positive result, shall receive a letter from the Superintendent stating that no illegal substances were found and no negative inferences may be drawn from the testing itself. A copy of the letter will be provided to the employee, and at the employee's election placed in the employee's personnel file. Records and documents relating to a test based upon asserted reasonable individualized suspicion will be made available to the employee in accordance with legal mandate, or the terms of their Collective Bargaining Agreement.
3. Negative specimens shall be destroyed immediately upon completion of urinalysis.

9. Record Keeping

- A. The Secretary of the Authority shall maintain the following records of random and individualized reasonable suspicion testing:
1. the identities of all employees ordered to submit to testing;
 2. the reason for the order;
 3. the date of the testing;
 4. the identity of the official monitor of the collection process;
 5. the chain of custody of the urine sample(s) from the time of collection to the time of submission to the testing facility.
 6. the results of the testing;
 7. copies of notifications to employees selected or order to undergo testing; and
 8. documentation of disciplinary action taken against any employee who tests positive or refuses to submit to testing.
- B. The Secretary of the Authority shall also maintain the following records for all random testing:
1. a description of the process used to randomly select employees for drug and alcohol testing;
 2. the date selection was made;
 3. a copy of the document listing the identities of those selected for testing;
 4. a list of those who were actually tested; and
 5. a roster of NBCUA personnel with knowledge of the specific testing process and those identified for testing. (To the extent practicable, this roster will be confined to those with a need to know in accordance within legal parameters, managerial prerogative and public policy.)

10. Responsibilities To Report

- A. **Employees' Responsibilities** — All employees have an affirmative responsibility not to aid and abet the violation of this policy by other employees or in any way hinder the aggressive enforcement of this policy. Such conduct is itself significant misconduct and will be disciplined up to and including

**NORTHWEST BERGEN COUNTY UTILITY AUTHORITY
POLICY ON DRUG & ALCOHOL SCREENING**

termination.

- B. **Supervisor's Responsibilities** — Upon personally observing or receiving information from a supervisor or any other employee having information that a Safety Sensitive employee is involved in alcohol or drug related activities or is unable to perform his/her assigned function because of the possible use or abuse of drugs, Supervisors shall:
1. Notify the Superintendent and comply with instructions received.
 2. Conduct an investigation to determine whether there are sufficient facts to constitute a reasonable individualized suspicion that an employee member is using drugs or alcohol.
 3. Make necessary notifications and scheduling for testing pursuant to this policy.
 4. Transport or meet the employee and his/her supervisor at the laboratory.
 5. Immediately forward a preliminary report of the drug-related incident to the Superintendent.
 6. Forward a final report to the Superintendent with findings, recommendations and conclusions.

11. Responsibility For Compliance

All employees are responsible for both the understanding of and compliance with this policy and procedure. Undermining the enforcement of this policy will not be tolerated and will be dealt with swiftly and severely.

**NORTHWEST BERGEN COUNTY UTILITY AUTHORITY
POLICY ON DRUG & ALCOHOL SCREENING**

ATTACHMENT A - CERTIFICATION

In accordance with controlling Authority policy and any applicable controlling collective agreement I, _____ (insert name), hereby certify as follows:

1. I am currently employed in active status with NBCUA;
AND
2. I am currently being treated by a licensed health care practitioner with the following duly prescribed medications:

Medication:	Prescribed by:	Starting Date:	End Date:

3. I hereby authorize the Authority to contact my health care practitioner(s) specified herein solely for the purpose of confirming that the prescribed medication and/or substances to which I have certified herein was duly prescribed by said health care practitioner(s).

Signed to and Certified by:

(Signature)
on this _____ day of _____

ATTACHMENT B

Workplace Drug and Alcohol Testing Program for Commercial Drivers (CDLs)



Workplace Drug and Alcohol Testing Program for Commercial Drivers (CDLs)

PURPOSE:

The purpose of this program is to set forth the procedures for the implementation of controlled substances and alcohol testing of NBCUA's Commercial Drivers pursuant to the Federal Highway Administration regulations. This program is designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles. The Program Administrator designated to monitor, facilitate, and answer questions pertaining to these procedures is the Superintendent.

REFERENCES:

- A. Code of Federal Regulations, Title 49, Subchapter B-Federal Motor Carrier Regulations, Federal Highway Administration (FHWA), Part 382-Controlled Substances and Alcohol Use and Testing.
- B. Code of Federal Regulations, Title 39, Subchapter B-Federal Motor Carrier Regulations, Federal Highway Administration, Part 40-Procedures for Transportation Workplace Drug Testing Programs.

DEFINITIONS:

When interpreting or implementing these procedures, the following definitions apply:

- A. "Alcohol" means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
- B. "Alcohol concentration (or content)" means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this part.
- C. "Collection site" means a place where individuals present themselves for the purpose of providing breath or body fluid to be analyzed for specified controlled substances. The site must possess all necessary personnel, materials, equipment, facilities and supervision to provide for the collection, security, temporary storage and transportation or shipment of the samples to a laboratory.

- D. "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
 2. Has a gross vehicle weight rating of 26,001 or more pounds; or
 3. Is designed to transport 16 or more passengers, including the driver; or
 4. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations ([49 CFR Part 172, subpart F](#)).
- E. "Controlled Substance" and "Drug" are interchangeable terms and have the meaning assigned by 21 U.S.C. 802 and includes all substances listed on Schedules I through V as they may be revised from time to time ([21 CFR 1308](#)). This program will test for the presence of the following substances: Marijuana, Cocaine, Opiates, Amphetamines, and Phencyclidine (PCP).
- F. "Driver" means any employee who operates a commercial motor vehicle. All employees operating a commercial motor vehicle must have a current valid State of New Jersey Commercial Driver's License. Drivers include, but are not limited to: full time, regularly employed drivers; casual part time, and intermittent or occasional drivers. For the purposes of pre-employment/pre-duty testing only, the term "driver" includes a person applying to a position which requires a CDL.
- G. "Performing a safety sensitive function" means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately after performing any safety-sensitive functions.
- H. "Random selection process" means that alcohol and drug tests are unannounced; and that each driver has the same equal chance of being tested each time selections are made.
- I. "Reasonable cause" means that the actions or appearance or conduct of a commercial motor vehicle driver who is on duty as defined below, are indicative of the use of a controlled substance.
- J. "Safety-sensitive function" means any of those on-duty functions set forth in [CFR 49 part 395.2](#).
- K. "On duty time" means all time from the moment a driver begins to work or is required to be in readiness to work until he/she is relieved from work and all responsibility for performing work.

EMPLOYEE NOTIFICATION AND EDUCATION MATERIALS

- A. All driver employees and all prospective drivers will receive educational materials explaining the requirements of the federal regulations and of this program. The materials will be distributed to each driver prior to the start of alcohol and drug testing.

- B. All drivers will sign a statement certifying that he or she has received a copy of the educational materials. Each department shall maintain the original certificate, and may provide a copy to the employee.
- C. All supervisory persons of drivers shall receive at least 60 minutes of training on alcohol misuse awareness and at least 60 minutes of training on drug use awareness. The training shall cover physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of drugs.

PROHIBITIONS

- A. Alcohol Prohibitions: This program prohibits any alcohol misuse that could affect performance of a safety-sensitive function, including:
 - 1. Use while on-duty.
 - 2. Use for the 4-hours before duty.
 - 3. Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.04 or greater.
Note: A driver found to have an alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety-sensitive functions for at least 24 hours. The other consequences imposed by the regulations and discussed below do not apply. However, documentation of this test constitutes written warning that NBCUA'S program has been violated, and the next occurrence could result in disciplinary action.
 - 4. Possession of alcohol, unless the packaging seal is unbroken.
 - 5. Use during eight hours following an accident, or until he/she undergoes a post-accident test.
- B. Drug Prohibitions: In accordance with FHWA rules, urinalysis will be conducted to detect the presence of the following substances: Marijuana, Cocaine, Opiates, Amphetamines, and Phencyclidine (PCP). Detection levels requiring a determination of a positive result shall be in accordance with the guidelines adopted by the FHWA in accordance with the recommendations established by the DOT. This program prohibits any drug use that could affect performance of safety-sensitive functions, including:
 - 1. Use of any drug, except by doctor's prescription, and then only if the doctor has advised the driver that the drug will not adversely affect the driver's ability to safely operate the commercial motor vehicle.
 - 2. Testing positive for any drug.
 - 3. Refusal to Take Required Test: Refusal by employee to submit to required alcohol and/or drug testing will constitute a positive test result.
 - 4. Prescription Medications. Drivers taking legally prescribed medications issued by a licensed health care professional familiar with the driver's work-related responsibilities must report such use to their immediate supervisor or dispatcher, and may be required to present written evidence from the health care professional which describes the effects such medications may have on the driver's ability to perform his/her tasks. In the sole discretion of the driver's supervisor, a driver may be temporarily removed, with pay, from a safety-sensitive position if deemed appropriate.

TESTS REQUIRED

- A. Applicant Testing. As a condition of employment, all Authority applicants will be required to submit to and pass a urine drug test. Offers of employment are made contingent upon passing the drug test. All newly hired drivers shall be on a probationary status for 3 months, contingent upon medical clearance for illicit controlled substance, as well as other conditions explained in the personnel policies. Under no circumstances may a driver perform a safety sensitive function until a confirmed negative result is received.
- B. Drivers. Under all circumstances, when a driver is directed to provide either a breath test or urine sample in accordance with these procedures, he/she must immediately comply as instructed. Refusal will constitute a positive result, and the driver will be immediately removed from the safety-sensitive function, and will be subject to further disciplinary action.
- C. Suspicion-Based Testing:
- i. Reasonable Suspicion. If a driver is having work performance problems or displaying behavior that may be alcohol or drug related, or is otherwise demonstrating conduct that may be in violation of this program where immediate management action is necessary, a supervisor, with the concurrence of another supervisor trained in drug and alcohol awareness, will require that driver to submit to a breath alcohol test or urinalysis. The following conditions are signs of possible alcohol or drug use (not all-inclusive):

Abnormally dilated or constricted pupils
Slowed reaction rate
Glazed stare, redness of eyes (sclera)
Dulled mental process
Excessive, unexplained absences
Flushed face
Change of speech
(i.e. faster or slower)
Difficulty walking
Constant sniffing
Slurred speech
Increased absences
Smell of alcohol

Constant fatigue or hyperactivity
Redness under nose
Sudden weight loss
Needle marks
Change in personality
(i.e. paranoia)
Increased appetite for sweets
Forgetfulness
Performance faltering
Poor concentration
Borrowing money from coworkers or seeking
an advance or any other unusual display of
need for money

- ii. Supervisors must take action if they have reason to believe one or more of the above listed conditions is indicated, and that the substance abuse is affecting a driver's job performance or behavior in any manner. A supervisor observing such conditions will take the following actions immediately:
- iii. Confront the employee involved, and keep the employee under direct observation until the situation is resolved.
- iv. Secure another supervisor's concurrence to observations, if available; job performance and program violations must be specific.
- v. Supervisors will arrange to observe or talk with the driver. If he/she believes, after observing or talking to the driver, that the conduct or performance problem could be due to substance abuse, the driver can be immediately required to submit to a breath test or urinalysis. If the driver refuses to submit to testing for any reason, the driver will be informed that continued refusal may result in termination.
- vi. Employees will be asked to release any evidence relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline or suspension from driving duties. All confiscated evidence will be receipted for with signatures of both the receiving supervisor and the provider.
- vii. If upon confrontation by the supervisor, the driver admits to use but requests assistance, the supervisor will arrange for assessment by the Bergen County Employee Assistance Program and an appropriate substance abuse professional (SAP). Reassignment to the driver position is conditional to completing the SAP's guidelines and return to work testing.
- viii. The supervisor shall, within 24 hours or before the results of the controlled substance test are released, document the particular facts related to the behavior or performance problems.
- ix. The supervisor will remove or cause the removal of the driver from the Commercial motor vehicle and ensure that the driver is transported to an appropriate collection site.
- x. If, during the course of employment, the driver acknowledges a substance abuse problem and requests assistance, the problem may be treated as if it were an illness, subject to the provisions set forth below:
 - 1. The decision to seek diagnosis and accept treatment for the substance abuse problem, and any associated costs, are the responsibility of the driver; and
 - 2. The diagnosis and prescribed treatment of the driver's condition will be determined by health care professionals designated by the NBCUA, in conjunction with the driver's physician; and
 - 3. The driver may be placed on medical leave for a predetermined period recommended by those medical professionals if the SAP determines that such action is appropriate.

D. Post Accident Testing. The FHWA defines an "accident" as an accident which results in the death of a human being; or results in bodily injury to a person who, as a result of the injury, immediately received medical treatment away from the scene of the accident; or results in one or more of the involved vehicles being towed from the scene. Except for a fatality accident, a driver must receive a citation for a moving violation with respect to the accident to be required to submit to testing.

- a. All drivers operating a commercial motor vehicle involved in an accident (as defined by FHWA) are required to provide a breath test and a urine specimen for testing "as soon as practicable" after an accident.

- b. The driver shall remain readily available for post-accident testing and shall not leave a scene of an accident before a required test is administered, or may be deemed by their supervisor to have refused to submit to testing. No alcohol may be consumed for eight hours after the accident or until a test is conducted. If the driver is seriously injured and cannot provide a specimen at the time of the accident, he/she shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any controlled substances in his/her system.
 - c. If the testing is not performed within 2 hours following the accident, the supervisor shall prepare and maintain on file a record stating the reasons why the tests were not promptly performed. If an alcohol test required by this program is not administered within eight hours following the accident, the supervisor shall cease attempts to administer the alcohol test and shall prepare and maintain a record of reasons.
 - d. If a controlled substance test is not administered within 32 hours, the supervisor shall cease attempts to test, and shall prepare and maintain a record of reasons. These records will be made available to FHWA upon request.
- E. Random Testing. The NBCUA will conduct random testing for all drivers as follows:
- 1. A random selection process, this process will select drivers through the use of a computerized program.
 - 2. The random testing, once begun, will provide for alcohol testing of at least twenty five percent (25%) of all drivers, and will provide for drug testing of at least fifty percent (50%) of all drivers, or as designated by FHWA for a given year.
 - 3. The random testing will be reasonably spaced over any twelve (12) month period.
 - 4. Once notified, a driver must proceed immediately to the assigned collection site.
- F. Return To Duty Testing. After engaging in conduct prohibited by this program, and before the driver returns to duty requiring the performance of a safety-sensitive function, the driver shall undergo a return to duty alcohol test with a result of less than a 0.02 BAC, if the alcohol prohibitions were violated; or receive a confirmed negative result from a controlled substance urinalysis test, if the controlled substance prohibitions were violated.
- G. Follow-up Testing. Following successful completion of any approved treatment program, the driver will be required to submit to at least six (6) random drug tests during the next consecutive 12 months, and follow-up testing may be conducted for up to 60 months. Failure to adhere to this condition is grounds for immediate termination.

COLLECTION OF BREATH AND URINE SPECIMENS AND LABORATORY ANALYSIS

- A. Breath alcohol testing will be conducted either on site or at a prearranged location by a qualified Breath Alcohol Technician according to [CFR 49 Part 40](#) procedures. Refusal to submit to testing will also be considered a positive result. Refusal may be defined as not providing a breath sample or urine as directed, neglecting to sign appropriate control forms, using alcohol within eight hours following an accident, or engaging in conduct that clearly obstructs the testing process.

- B. Specimen collection will be conducted in accordance with applicable state and federal law. The collection procedures will be designed to ensure the security and integrity of the specimen provided by each driver, and those procedures will strictly follow federal chain-of-custody guidelines. Moreover, every reasonable effort will be made to maintain the dignity of each driver submitting a specimen for analysis in accordance with these procedures.
- C. Collection of breath and urine samples must always be documented and sealed with a tamper-proof sealing system in the presence of the driver, to insure that all tests can be correctly traced to the driver.
- D. A laboratory certified by Department of Health and Human Services (DHHS) to perform urinalysis for the detection of the presence of controlled substances will be retained by NBCUA. The laboratory will be required to maintain strict compliance with federally approved chain-of-custody procedures, quality control, maintenance and scientific analytical methodologies.
- E. Drug tests analysis from the DHHS approved laboratory will be forwarded directly to the Program Administrator.

TEST RESULTS

- A. Any driver testing positive for the presence of a controlled substance will be contacted by the Program Administrator.
- B. Within 72 hours after the driver has been notified of a positive test result for drugs, he/she may request a retest of the split sample. This signed request will be provided to the Program Administrator in writing, who will then initiate the new laboratory analysis. If a different result is detected by the subsequent laboratory, all tests will be voided by the Program Administrator. A retest may be initiated as appropriate.
- C. If the test result is positive, the employee shall be removed from safety sensitive functions immediately.
- D. The Authority, via the Bergen County Employee Assistance Program, will be responsible for designating the appropriate substance abuse professional who, in conjunction with the driver's physician, will diagnose the problem and recommend treatment. The driver's successful completion of the approved treatment program is a condition of continued employment as a driver.

CONSEQUENCES

- A. No driver shall perform safety-sensitive functions, including driving a commercial motor vehicle, if the driver has engaged in conduct prohibited by this program.
- B. No supervisor shall permit any driver to perform safety-sensitive functions, including driving a commercial motor vehicle, if the supervisor has determined that the driver has violated this program.
- C. Each driver who has engaged in conduct prohibited by this program shall be referred to the Bergen County Employee Assistance Program where they will be advised of the resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and use of controlled substances.

D. Each driver who engages in conduct prohibited by this program shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and controlled substance use.

E. Return to Duty:

- i. Before a driver returns to duty requiring the performance of safety-sensitive functions after engaging in conduct prohibited by this program, the driver shall undergo a return-to-duty test with a result indicating an alcohol concentration of less than 0.02 if the conduct involved alcohol, or a controlled substances test with a verified negative result if the conduct involved a controlled substance.
- ii. In addition, each driver identified as needing assistance in resolving problems associated with alcohol misuse or controlled substance use:

Shall be evaluated by a substance abuse professional to determine that the driver has properly followed any rehabilitation program prescribed under this program, and; shall be subject to unannounced follow-up alcohol and controlled substance tests as directed by the substance abuse professional, and at least six tests in the next consecutive 12 months.

RECORD RETENTION AND CONFIDENTIALITY

- A. Under no circumstances, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be released without written request from the applicable employee.
- B. Drivers are entitled, upon written request, and not later than 30 days after any drug or alcohol test, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substance tests.
- C. The Authority is responsible for providing and maintaining confidential record keeping.
 - a. The following records shall be maintained for five years:
 - Records of driver alcohol tests with an alcohol concentration of 0.02 or higher,
 - Records of driver verified positive drug tests,
 - Documentation of refusals to take required alcohol and/or drug tests,
 - Driver evaluation and referrals.
 - b. The following records shall be maintained for two years:
 - Records relating to the alcohol and drug collection process.

- c. The following records shall be maintained for one year:
 - Records of negative and canceled drug test results, and
 - Records of alcohol test results with an alcohol concentration of less than 0.02.

NBCUA PROCEDURES ON RULES OF MISCONDUCT

A. Positive Screen Test:

Drivers who are tested, and are confirmed positive for presence of drugs and/or alcohol, shall:

- i. Be notified of this fact by the Program Administrator as soon as practicable after notification is received by the testing laboratory.
- ii. Be provided a copy of the laboratory report, as soon as practicable after receipt of same.
- iii. Be suspended from duty immediately without pay pending a due process hearing for dismissal from employment.
- iv. Be terminated from employment, pursuant to Authority policy and any applicable and controlling collective bargaining agreement pending a due process hearing for dismissal from employment.
- v. Be given the opportunity to challenge a termination from employment upon confirmed positive result in the same manner as provided in Authority policy and any applicable and controlling collective bargaining agreement for challenging disciplinary impositions involving potential termination of employment. The only grievable issue with regard to discipline resulting from a positive drug test shall be the challenge to the testing results.
- vi. Consequences of Test Refusal:
 - 1. Prospective Employee: Refusal to give written consent for a drug screening test will terminate further action towards employment. Such applicants may reapply after a period of six months.
 - 2. Employee: Refusal by an employee to submit to screen testing will result in disciplinary action up to and including discharge.
- vii. Employees convicted for possessing or trafficking drugs may be terminated.

Receipt for Personnel Policies and Procedures Manual

I acknowledge that I have received a copy of Authority's Personnel Policies and Procedures Manual. I agree to read it thoroughly. I agree that if there is any policy or provision in the manual that I do not understand, I will seek clarification from my supervisor, the Executive Director or the Administrative Assistant. I understand that the Authority is an "at will" employer and consistent with applicable Federal and State law, as well as applicable bargaining unit agreements, employment with the Authority 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 Authority 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 manual states Authority's personnel policies in effect on the date of publication. I understand that nothing contained in the manual may be construed as creating a promise of future benefits or a binding contract with Authority for benefits or for any other purpose. I also understand that these policies and procedures are continually evaluated and may be amended, modified or terminated at any time.

Please sign and date this receipt and return it to the Administrative Assistant.

Date: _____

Signature: _____

Print Name: _____

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 99-2018

Date: September 12, 2018

**RESOLUTION AUTHORIZING
THE NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY
TO ENTER INTO A RIGHT-OF-WAY AGREEMENT
WITH THE BOROUGH OF WALDWICK**

WHEREAS, the Northwest Bergen County Utilities Authority (the “NBCUA”) has previously determined the need for the installation of fiber optic lines on utility poles within the Borough of Waldwick (the “Borough”); and

WHEREAS, the NBCUA was granted permission by the Borough of Waldwick by Resolution No. 121-2018 dated August 28, 2018, a copy of which is annexed hereto and made a part of this Resolution; and

WHEREAS, the Executive Director and the NBCUA’s General Counsel have reviewed and approve the Right-of-Way Agreement providing the NBCUA accesses to install the fiber optic lines on the utility poles throughout the Borough; and

NOW THEREFORE BE IT RESOLVED, that the NBCUA Chairman is authorized to execute the Right-of-Way Agreements in substance and form acceptable to the NBCUA’s General Counsel with respect to the Agreement.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Commissioners of the Northwest Bergen County Utilities Authority as follows:

1. The Authority is hereby authorized to enter into a Right-of-Way Agreement with the Borough of Waldwick;
2. The Chairman, or his designee, be and hereby is authorized to execute any such documents in connection the Right-of-Way Agreement.
3. The Northwest Bergen County Utilities Authority shall be responsible for ensuring that all the installation of fiber optic lines comply with all laws of the State of New Jersey Local Public Contracts Law, N.J.S.A 40A:11-1 et. seq., and all other provisions of the revised statutes of the State of New Jersey.

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

No. 99-2018

Date: September 12, 2018

**RESOLUTION AUTHORIZING
THE NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY
TO ENTER INTO A RIGHT-OF-WAY AGREEMENT
WITH THE BOROUGH OF WALDWICK**

IT IS HEREBY CERTIFIED that this is a true copy of a Resolution adopted by the Northwest Bergen County Utilities Authority upon a roll call vote of all Commissioners of the Authority eligible to vote at a regular meeting held on September 12, 2018.

CHAIRMAN

SECRETARY

DATED: September 12, 2018

	Bonagura	Chewcaskie	Duch	Kelاهر	Lo Iacono	Mongelli	Ortega	Plumley	Kasparian
Offered									
Seconded									
Aye									
Nay									
Absent									
Abstain									
Recuse									

**MAYOR AND COUNCIL
OF THE
BOROUGH OF WALDWICK
Bergen County, New Jersey**

RESOLUTION NO. 121-2018

August 28, 2018

Authorizing Right of Way Agreement with the Northwest Bergen County Utilities Authority

WHEREAS, The Northwest Bergen Utilities Authority (NBCUA) is proposing to install fiber optic lines on utility poles within the Borough's Right of Way; and

WHEREAS, the NBCUA has requested permission from the Borough for this installation; and


WHEREAS, the Borough of Waldwick permits and grants to the NBCUA the right to use and occupy the Right of Way for the installation, construction, maintenance, operation and removal of said fiber optic lines.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Waldwick that the Mayor is authorized to sign the Right of Way agreement.

Moved by: Mr. Farricker

Seconded by: Mr. Sciolaro

Council Member	Yes	No	Council Member	Yes	No	Council Member	Yes	No	Mayor	Yes	No
Bjork	X		Farricker	X		Schatz	X		Giordano		
Dellavechia	X		Oravetz			Sciolaro	X				

Attest: 
Kelley Halewicz, RMC/CMC
Municipal Clerk

Approved: 
Thomas A. Giordano, Mayor

RIGHT OF WAY AGREEMENT

The Borough of Waldwick, a municipal corporation (herein after referred to as "Grantor"), for and in consideration of the installation of fiber optic lines of which is hereby acknowledged, and intending to be legally bound hereby, does hereby grant unto the Northwest Bergen Utilities Authority (NBCUA) (hereinafter referred to as "Grantee"), its successor and assigns the nonexclusive, free and uninterrupted perpetual right, use, liberty and privilege of installing fiber optic lines on the utility poles in the right of way located on the north and south side of Franklin turnpike at the Ho-Ho-Kus border to Wyckoff Avenue, on the east and west side of Wyckoff Avenue from Franklin Turnpike to Whites Lane, on the east and west side of Andover Terrace to Wyckoff Avenue, on the east and west side of Wyckoff Avenue to Whites Lane, and on the north and south side of Whites Lane to the NBCUA.

Together with free ingress, egress and regress to and for the said grantee, its successors and assigns and its agents and employees, on, over and through the Right of Way, at all times and seasons in order to construct, reconstruct, maintain, repair, upgrade, operate and use such fiber optic lines. Grantor hereby expressly reserves and retains, for itself and its successors and assigns, all tenants and other lawful occupiers of the real property on which the Right of Way is located, and their respective invitees and business guests, the right to maintain vehicular and pedestrian access to and from Grantor's Real Property across the Right of Way at all times and seasons, provided that any of the aforesaid are constructed and maintained in accordance with all applicable Federal, State and Local laws, regulations, rules and ordinances, and provided further that the same do not materially and adversely affect the Grantor's property within the Right of Way.

Grantor, as a covenant running with the land for itself and its successors and assigns, does covenant that except as otherwise stated herein, no buildings, other structures or other improvements shall be erected or maintained within the Right of Way.

Grantee, by its acceptance of this grant, does hereby agree with Grantor and its successors in title or interest, that in the event Grantee in exercising its rights under this agreement in the future causes any damages to the trees, fences, buildings, roads, other improvements or land of the Grantor, the Grantee will repair said property to the same condition as existed prior to such disturbance or damage.

Grantee agrees to indemnify and hold Grantor harmless against and from any claim, liability or expense, including without limitation reasonable attorneys' fees and costs, on account of any property damage or personal injury to Grantor, Grantee, their officers, employees, servants, agents, representatives, customers, business invitees and licensees or third parties related to the fiber optic lines and the Right of Way area, or the exercise of the rights granted hereunder, unless such property damage or personal injury was caused by the sole negligence or willful misconduct of the Grantor or its officers, employees, agents or representatives.

Any modifications of the terms of this agreement may be made only by written agreement of Grantor and Grantee, which agreement shall be recorded in the Office of Deeds in and for Bergen County, NJ.

The grant of Right of Way shall be binding upon Grantor, its successors and assigns, and all other present and future owners of Grantor's Real Property.

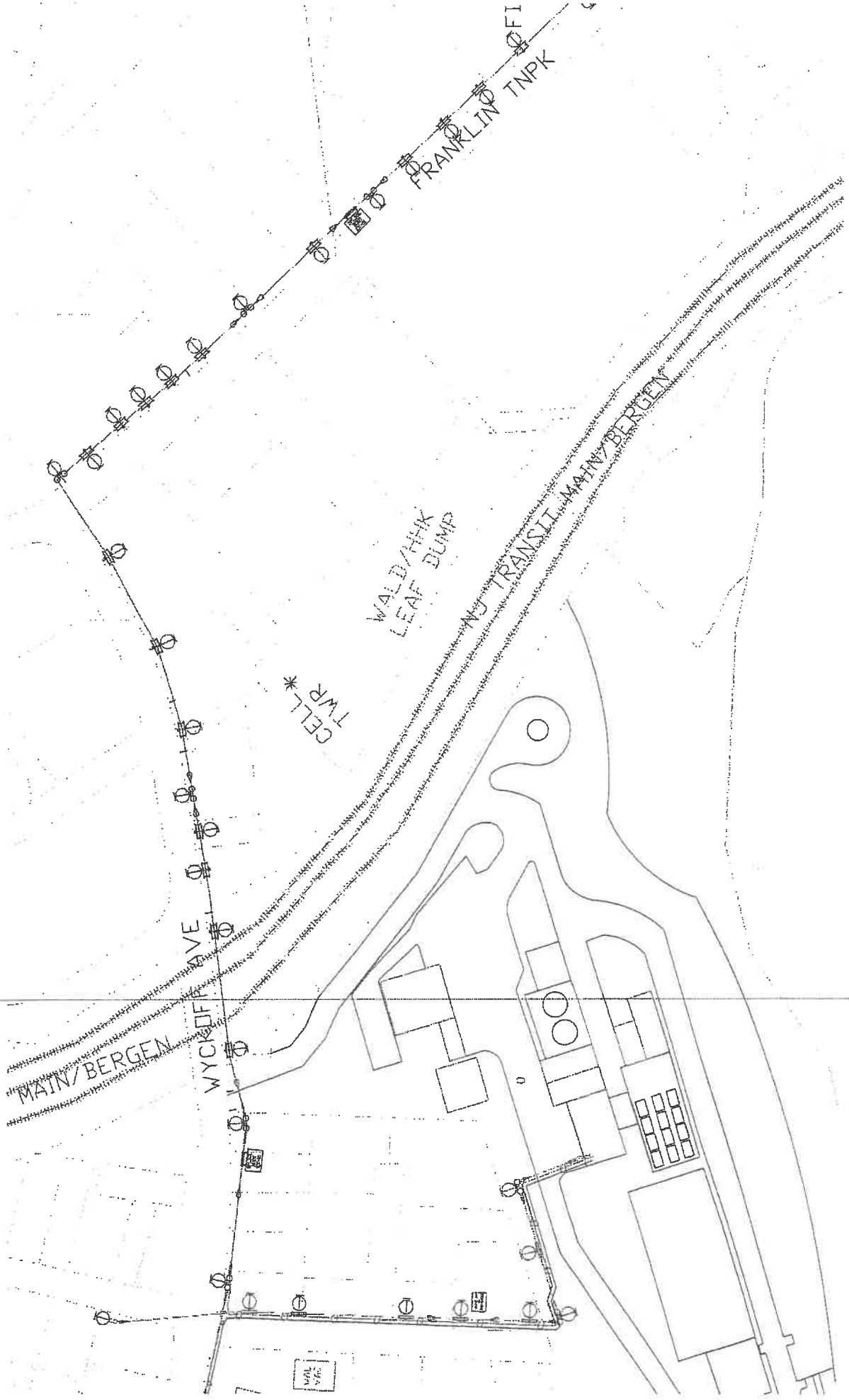
In Witness Whereof, this Agreement has been executed by the undersigned this 30th day of August, 2018.

GRANTOR:

Thomas A Giordano
Thomas Giordano
Mayor

Kelley Halewicz
Attest

GRANTEE:



WALD/HK
LEAF BUMP

FRANKLIN TNPK

NJ TRANSIT MAIN/BERGEN

TWR
CELL*

MAIN/BERGEN

WYCKOFF AVE

MAIL

RANSIT MAIN/BERGEN

WYCKOFF AVE

WYCKOFF AVE

1986 WED 1986

