

POLICIES AND PROCEDURES

MANUAL

Hanover Township

Board of Fire Commissioners

District #3

February 2, 2017

Hanover Township Board of Commissioners is an Equal Opportunity Employer, M/F.

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GENERAL PERSONNEL POLICY:

It is the policy of the Fire District to treat employees, volunteers, and prospective employees in a manner consistent with all applicable employment laws and regulations. The personnel policies and procedures of the Fire District shall apply to all employees, volunteers, elected or appointed officials 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 including the New Jersey Civil Service Act, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

All employees, officers and volunteers shall be appointed and promoted by the Board of Fire Commissioners of Fire District No. 3. No person shall be employed or promoted unless there exists a position created by a resolution adopted by the Board of Fire Commissioners of Fire District No. 3 as well as the necessary budget appropriation and salary resolution.

The Fire Chief and all managerial/Officer personnel are authorized and responsible for personnel policies and procedures. The Fire Chief shall also have access to the Fire District legal counsel appointed by the Fire District for guidance in personnel matters. The Fire Chief shall notify the Board when advice and assistance from legal counsel is sought.

As a general principle, the Fire District has a “no tolerance” policy towards workplace wrongdoing. Fire District officials, employees, volunteers, and independent contractors are to report anything perceived to be improper. The Fire District believes strongly in an Open Door Policy and encourages employees and volunteers to talk with their Officer or the Fire Chief concerning any problem.

The Personnel Policies and Procedures Manual adopted by the Fire District is intended to provide guidance covering public service by Fire District employees and volunteers. This Manual contains many, but not necessarily all of the rules, regulations, and conditions of employment for Fire District personnel.

NEITHER THIS MANUAL NOR ANY OTHER GUIDELINES, POLICIES OR PRACTICES OF THE FIRE DISTRICT CREATE AN EMPLOYMENT CONTRACT OR GUARANTEE ANY PARTICULAR FORM OF EMPLOYMENT. THE FIRE DISTRICT HAS THE RIGHT, WITH OR WITHOUT NOTICE, IN AN INDIVIDUAL CASE OR GENERALLY, TO CHANGE ANY OF ITS GUIDELINES, POLICIES, PRACTICES, WORKING CONDITIONS OR BENEFITS AT ANY TIME.

UNLESS OTHERWISE PROVIDED BY STATUTE, ORDINANCE, INDIVIDUAL CONTRACT, OR COLLECTIVE NEGOTIATIONS AGREEMENT, EMPLOYEES OF THE FIRE DISTRICT ARE “AT WILL” EMPLOYEES, WHICH MEANS THAT THEY SERVE AT THE PLEASURE OF THE FIRE DISTRICT. THE FIRE DISTRICT RETAINS THE RIGHT TO TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME AND FOR ANY REASON.

SECTION ONE

Policies Relating to Employee Rights and Obligations:

Anti-Discrimination Policy/ New Jersey Pregnant Worker's Fairness Act:*

The Fire District 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 Fire District 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, 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, volunteer, or prospective employee. If any employee, volunteer, or prospective employee feels they have been treated unfairly, they have the right to address their concern with their Officer, or if they prefer, the Fire Chief.

Americans with Disabilities Act Policy:

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 Fire District does not discriminate based on disability, pregnancy, pregnancy related medical condition or childbirth. The Fire District 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 Fire District to comply with all relevant and applicable provisions of the Americans with Disabilities Act, the ADA Amendments Act and the LAD. The Fire District will not discriminate against any employee, volunteer, or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known or perceived disability, pregnancy, childbirth or pregnancy related medical condition. The Fire District will also make reasonable accommodations to known physical or mental limitations of all employees, volunteers, and applicants with disabilities or who are 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 Fire District.

The Fire Chief and District's Medical Director/Health & Safety Officer shall engage in an interactive dialogue with disabled/pregnant employees, volunteers, and prospective employees or their respective physician to identify reasonable accommodations. All decisions with regard to reasonable accommodation shall be made by the Fire Chief and the District's Medical Director/Health & Safety Officer. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position, if applicable. The Americans with Disabilities Act does not require the Fire District to offer permanent "light duty", relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

Employees and volunteers should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting Fire District facilities. Any questions concerning proper assistance should be directed to Fire Chief.

Contagious or Life Threatening Illnesses Policy:

The Fire District has a legal obligation to provide a safe and healthy work environment for all employees and to the public at large. To that end, employees and volunteers of the Fire District who have been diagnosed with any communicable illness that poses an actual demonstrable direct threat or hazard to other employees or to the public at large must disclose this information to officer in charge or the Fire Chief at the earliest possible time. The Fire Chief shall immediately notify the employee that his/her physician (who diagnosed the condition) must report this information to the District's Medical Director/Health & Safety Officer in accordance with N.J.A.C. 8:57-1.1 et seq., "Reportable Communicable Diseases".

The Fire District will take such action based upon medical evidence of the likelihood that the employee's specific communicable medical condition will cause a direct threat or hazard to the health and safety of others, as well as review relevant records such as the employee's work and medical histories to independently reach an objectively reasonable decision about the probability that the employee will cause harm to the employee or others. No such determination shall be based on stereotyped, generalized or pre-conceived notions about particular medical conditions.

The Fire District will take reasonable precautions to protect health and medical information of its employees/volunteers from inappropriate disclosure, except:

- 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.

Officers, officers and other employees and volunteers have a responsibility to maintain the confidentiality of employee/volunteer medical information. Anyone inappropriately disclosing such information shall be subject to disciplinary action.

Safety Policy:

The Fire District will provide a safe and healthy work environment and shall comply with the Public Employees Occupational Safety and Health Act (PEOSHA). The Fire District is equally concerned about the safety of the public. Consistent with this policy, employees and volunteers will receive periodic safety training and will be provided with appropriate safety equipment. Employees and volunteers 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 officer or employee in-charge. Any on-the-job accident or accident involving Fire District facilities, equipment or motor vehicles must also be immediately reported to the officer in-charge and Fire Chief.

The Fire District has appointed a Health and Safety Officer who discusses and recommends solutions to safety problems. Employees and volunteers are encouraged to discuss safety concerns with their Officer or Fire Chief.

Transitional Duty Policy:

The Fire District will endeavor to bring employees and volunteers with temporary disabilities back on the job as soon as possible and may assign transitional duty to employees and volunteers who temporarily cannot perform the essential functions of their positions because of injury or illness. Transitional duty is not guaranteed and will not exceed 25 workdays.

An employee requesting transitional duty or the Workers Compensation Physician shall notify the Fire Chief as soon as the temporarily disabled employee is able to return to work with restrictions. Transitional duty will only be assigned if the employee will probably be able to perform the essential functions of the position after the transitional duty period. The Fire Chief will consult with the District's Medical Director/Health & Safety Officer to determine if there is any meaningful work that can be performed consistent with the restrictions. The Fire Chief will decide if it is in the best interest of the Fire District to approve a transitional duty request and will notify the employee of the decision. The Fire District reserves the right to terminate the transitional duty assignment at any time without cause.

Employees may not refuse transitional duty assignments that are recommended by the Workers Compensation Physician. In such cases, 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 Fire Chief who will render a written response within 24 hours.

Employees on transitional duty will receive their regular salaries and are prohibited from engaging in any outside employment of any kind unless they receive prior written approval from the Fire Chief. If transitional duty is approved, the employee or Workers Compensation Physician must keep the Fire Chief informed of the medical progress. Employees assigned to transitional duty will be allotted time off to attend medical or physical therapy appointments but must request leave time for any other reason. If at the end of transitional duty period the employee is not able to return to work without restrictions, the Fire District 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 Fire District recognizes that the possession or use of unlawful drugs and the abuse of alcohol poses a threat to the health and safety of all employees and volunteers. Any employee or volunteer who is observed by an officer or other employee to be intoxicated or under the influence of alcohol or drugs during working hours/crew shift or is under the reasonable suspicion of same shall be immediately tested and is subject to discipline up to and including termination. The officer in-charge will immediately report any reasonable suspicions to the Fire Chief.

An employee or volunteer will be required to submit to alcohol, drug or controlled substance testing when that individual's work performance causes a reasonable suspicion that he or she is impaired due to current intoxication, drug or controlled substance use, or in cases where employment has been conditioned upon remaining alcohol, drug, or controlled dangerous substance free following treatment. Refusal to submit to testing when requested may result in immediate disciplinary action, including termination. An Officer(s) or the Fire Chief who observe behavior constituting reasonable suspicion are required to institute testing and do not have the option of sending the employee/volunteer home as an alternative.

The manufacturing, distribution, dispensation, possession, and use of alcohol or unlawful drugs on Fire District premises or during work hours by employees or volunteers is strictly prohibited.

Employees and volunteers must notify their Officer within five (5) days of conviction for a drug or alcohol related violation, whether or not the violation occurred in the workplace.

Employees and volunteers using prescription drugs that may affect job performance or safety must notify their officer or the Fire Chief who is required to maintain the confidentiality of any information regarding an employee's/volunteer's medical condition in accordance with the Health Insurance Portability and Protection Act (HIPPA). Fire District personnel who hold a Commercial Driver's License (CDL) are subject to the provisions of the Commercial Driver's

Licenses Drug and Alcohol Testing Policy. A program to assist employees who may have a drug/alcohol problem is provided through the Fire District's Employee Assistance Program.

No prescription drug should be used by any person other than the individual to whom it is prescribed. Such substances or non-prescription (over-the-counter) drugs should be used only as prescribed or indicated. Employees and volunteers are prohibited from consuming prescription drugs that are not prescribed in their name on Fire District property or while performing Fire District business. Soliciting or distributing prescription drugs for or to other employees/volunteers is also strictly prohibited.

Workplace Violence Policy:

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

Prohibited conduct includes:

- 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 weapon while on Fire District property or while on Fire District business.
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Any potentially dangerous situations must be immediately reported to an Officer and the Fire Chief. The Fire District will actively intervene in any potentially hostile or violent situation.

General Anti-Harassment Policy:

It is the Fire District's policy to prohibit harassment of an employee or volunteer 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 partner status, civil union status, pregnancy (including pregnancy related medical conditions and childbirth), 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 and volunteers 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 or physical conduct.

If an employee or a volunteer is witness to or believes to have experienced harassment, immediate notification shall be made to the officer in-charge, Fire Chief or other appropriate person. See Complaint Policy.

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

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

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

Anti-Sexual Harassment Policy:

It is the Fire District's policy to prohibit sexual harassment of an employee or volunteer by another employee, management representative, supplier, volunteer, or business invitee. The Fire District prohibits sexual harassment from occurring in the workplace or at any other location at which Fire District sponsored activity takes place. Sexual Harassment of non-employees by our employees and volunteers 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 or a volunteer is witness to or believes that the employee or volunteer has experienced sexual harassment, they must immediately notify their Officer or other appropriate person. See Complaint Policy.

Harassment of Fire District employees and volunteers in connection with their work, by non-employees may also be a violation of this policy. Any employee or volunteer who experiences harassment by a non-employee, or who observes harassment of an employee or volunteer by a non-employee should report such harassment to his or her Officer. Appropriate action will be taken against the non-employee.

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

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

“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 outlining the specific employee complaint procedure and in a posted notice. A written acknowledgement that the employee received, read, and understood this policy 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. All complaints will be taken seriously and promptly investigated.

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

- Disclosing or threatening to disclose to an Officer, Fire Chief, 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 or is fraudulent or criminal;
- 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 the Fire District. 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 emergent in nature. Employees are encouraged to complain in writing using the Complaint form. See Complaint Policy. Under the law, the employee must give the Fire District 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.

Complaint Policy:

Employees and volunteers who observe actions they believe to constitute harassment, sexual harassment, or any other workplace wrongdoing should immediately report the matter to their Officer, or, if they prefer, or do not think that the matter can be discussed with their Officer, they should contact the Fire Chief. Reporting of such incidents is encouraged both when an employee/volunteer feels that he/she is subject to such incidents, or observes such incidents in

reference to other employees/volunteers. Employees and volunteers should report incidents in writing using the 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 Officer 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 of an incident.

Grievance Policy:

A grievance is any formal dispute concerning the interpretation, application and enforcement of any personnel policy or procedure of the Fire District. Grievances from union employees will be handled pursuant to the terms of the applicable bargaining unit agreement. All grievances from non-union employees must be presented within five working dates after arising and failure to report a grievance within such time shall be deemed as a waiver of the grievance. In the event of a settlement or ruling that results in a determination of monetary liability, such liability shall not exceed more than thirty working days prior to the date the grievance was first presented in writing.

- **Step One:** Any employee or group of employees with a grievance shall verbally communicate the grievance to the Officer in-charge who will discuss the matter with the Fire Chief. The Officer will communicate the decision to the employee within two regular business days.
- **Step Two:** If the employee is not satisfied with the decision, the employee must submit a written grievance to the Fire Chief 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 regular business days of the step one decision. After consulting the Board of Fire Commissioner's Chairman and the Legal counsel appointed by the

Board when appropriate, the Fire Chief will render a written decision to the employee within five regular business days after receipt of the written grievance.

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

Access to Personnel Files Policy:

The official personnel file for each employee and volunteer shall be maintained by the Fire Chief. Personnel files are confidential records that must be secured in a locked cabinet and will only be available to The Fire Chief and/or District Administrator 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 or volunteer may review their file in the presence of the Fire Chief upon reasonable notice.

Conflict of Interest Policy:

Employees including Fire District 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 Fire District. Violations of this policy will result in appropriate discipline including termination.

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

A potential or actual conflict of interest occurs whenever an employee including a Fire District official is in a position to influence a Fire District 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 Fire District may assess and prevent such conflicts. If there are any questions whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Legal counsel appointed by the Board to obtain clarification.

Employees are allowed to hold outside employment as long as it does not interfere with their Fire District responsibilities. Employees are prohibited from engaging in outside employment activities while on the job or using Fire District time, supplies or equipment in the outside employment activities. The Fire Chief may request employees to restrict outside employment if the quality of Fire District work diminishes. Any employee who holds an interest in, or is

employed by, any business doing business with the Fire District must submit a written notice of these outside interests to the Fire Chief. Any employee who is employed by or volunteers with another municipality or fire district shall provide written notice to the Fire Chief upon appointment to said municipality or fire district. The employee shall furnish this information upon the request of the Fire Chief and on an annual basis.

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their Fire District duties. Under no circumstances accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Fire District or any person or firm seeking to influence Fire District decisions. Meals and other entertainment valued in excess of \$20.00 (twenty dollars) are also prohibited. Employees are required to report to the Fire Chief 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 Fire District time, supplies or equipment in any political activity. Any violation of this policy must be reported to the Fire Chief, or the Legal Counsel appointed by the Fire District.

Employee Evaluation Policy:

The Officer will complete a written evaluation and appraisal form for every employee to measure progress and to encourage self-improvement at least once a year. The evaluation will also record additional duties performed, educational courses completed as well as a plan to correct any weak points using the Employee Counselling form. After completing the evaluation, the Officer will review the results with the employee and return the form(s) with the signed acknowledgement to the Fire Chief. After review by the Fire Chief, the form(s) are to be included in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Fire Chief.

Employee Discipline Policy:

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

- Falsification of public records, including attendance and other personnel records.
- Failure to report absence.
- Harassment of co-workers and/or volunteers and/or visitors.
- Theft or attempted theft of property belonging to the Fire District, fellow employees, volunteers or visitors.

- Failure to report to work on a day or days without notification or other unauthorized absence.
- Fighting on Fire District property at any time.
- Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or marijuana) on Fire District property and at any place during work hours.
- Possession, sale, transfer or use of intoxicants or illegal drugs on Fire District property and at any place during work hours.
- Insubordination.
- Soliciting on Fire District premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and/or sales of products, such as those from Avon, Amway, etc.
- Careless waste of materials or abuse of tools, equipment or supplies.
- Deliberate destruction or damage to Fire District or supplier property.
- Sleeping on the job.
- Carrying weapons of any kind on Fire District premises and/or during work hours.
- Violation of established safety and fire regulations.
- Unscheduled absence and chronic or excessive absence.
- Chronic tardiness.
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours.
- Defacing walls, bulletin boards or any other Fire District or supplier property.
- Failure to perform duties, inefficiency or substandard performance.
- Unauthorized disclosure of confidential Fire District information.
- Gambling on Fire District premises.
- Horseplay, disorderly conduct and/or use of abusive and/or obscene language on Fire District premises.

- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort.
- Conviction of a crime or disorderly person's offense.
- Violating any Fire District rules or policies.
- Conduct unbecoming a public employee.
- Violation of Fire District policies, procedures and regulations.
- Violation of Federal, State or Fire District laws, rules, or regulations concerning drug and alcohol use and possession.
- Misuse of public property, including motor vehicles.
- Unauthorized use of computers, Internet, and email.
- Other sufficient cause.

Volunteers who engage in any of the prohibited conduct identified above may also be subject to appropriate action.

Major disciplinary action includes termination, disciplinary demotion or suspension or fine. Minor discipline includes a formal, written reprimand or a suspension or fine of five working days or less. Employees who object to the terms or conditions of the discipline are entitled to a hearing under the applicable grievance procedure. 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 Fire District 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, Officers may utilize the following corrective tools: verbal reprimand; Fire Chief review; written reprimand; suspension; fines, and, dismissal. At the discretion of Fire District, 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.

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

Resignation Policy:

An employee who intends to resign must notify the Fire District in writing at least two weeks in advance. After giving notice of resignation, employees are expected to assist their Officer 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 Fire Chief will prepare an Employee Action form showing any pay or other money owed the employee. The Fire Chief will conduct a confidential exit interview to discuss benefits including COBRA options (if applicable), 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 or pay-per-call compensation the employee must return the Employee Identification Card, all keys, uniforms and other fire district property and equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

Work Force Reduction Policy:

The Fire District may institute layoff actions for economy, efficiency or other related reasons, but will first consider voluntary alternatives. Seniority, lateral or other re-employment rights for employees will be determined by the Fire Chief.

Driver's License Policy:

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

All new employees who will be assigned work entailing the operating of a Fire District 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 Fire Chief or his designee. Any employee who does not hold a valid driver's license will not be allowed to operate a Fire District vehicle until such time as a valid license is obtained.

Any employee performing work which requires the operation of a Fire District vehicle must notify their Officer 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 Officer and continues to operate a Fire District vehicle shall be subject to discipline and/or termination.

Any information obtained by the Fire District in accordance with this section shall be used by the Fire District 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. S 2721 et seq.)

Class A Violations

A Fire District No. 3 vehicle operator who has a Class A violation within the past three (3) years normally receives a license suspension from the Department of Motor Vehicles which issued the license. **Examples of Class A violations are as follows:**

- Driving while intoxicated or under the influence
- Homicide arising out of the use of a motor vehicle (gross negligence)
- Reckless endangerment involving a motor vehicle
- Operating during a period of suspension or revocation
- Using a motor vehicle for the commission of a felony
- Operating a motor vehicle without owner's authority
- Permitting an unlicensed person to drive
- Reckless driving

Any Fire District No. 3 vehicle operator with a current Class A violation shall receive a suspension of driving privileges for a period of eighteen (18) months. Additionally, the vehicle operator shall be required to be re-certified to operate emergency vehicles through successful completion of the Fire Districts driver training program.

Class B Violations

Class B violations are any moving violation or point carrying violation, not considered a Class A violation. Speeding, unlawful lane change and traveling too fast for the conditions are all examples of Class B violations.

Any Fire District No. 3 vehicle operator who has a combination of two (2) Class B moving violation convictions and/or chargeable accidents in a three (3) year period will be issued a warning letter from the Fire Chief.

Any individual who has a combination of three (3) moving violation convictions and/or chargeable accidents in a three (3) year period will be issued a suspension of driving department vehicles for a period of ninety (90) days by the Fire Chief.

Any individual who has more than three (3) moving violation convictions or three (3) chargeable accidents or any combination of more than three (3) of the formerly stated violations in a three (3) year period will be issued a suspension of driving department vehicles for a period of one (1) year. In addition, the same individual would be required to complete an approved driver improvement program and be re-certified to operate Fire District 3 vehicles.

Note: Unusual circumstances with individual cases would be evaluated on a one-on-one basis.

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 Fire Chief. Copies will be available upon request.

Attendance Policy:

All employees and volunteers are expected to be at work, ready for their assigned crew shift and ready to assume their duties at the beginning of the scheduled workday or crew shift. Lateness and absence will be tolerated only in emergencies or when the Officer gives prior approval. All absences must be reported to the Officer in-charge prior to the start of the normal workday or crew shift. The working hours and crew shifts shall be determined by the Fire Chief and are established by district procedures and bargaining unit agreements.

Breaks:

Employees are entitled to a half-hour lunch break that is to be arranged by the Officer in-charge so that the Fire District continues to function. All employees are entitled to a 15 minute break in the morning and in the afternoon. During breaks, employees are required to respond to all emergency incidents or calls for service made by dispatch. Breaks will be scheduled by the Officer in-charge.

Dress Code Policy:

Dress, grooming and personal hygiene must be appropriate for the position. Uniforms are required for certain jobs and are to be worn in accordance with applicable district standards. All other employees and volunteers are required to dress in a manner that is normally acceptable in similar establishments and consistent with applicable safety standards. Employees and volunteers shall not wear suggestive attire, jeans, athletic clothing, shorts, sandals, non-department or district related T-shirts, baseball hats and similar items of casual attire that do not present a professional appearance. Hair, sideburns and moustaches must be clean, combed, neatly trimmed and in compliance with all PEOSHA Safety Standards. Shaggy, unkempt hair is not permissible regardless of length. Body piercing, other than earrings, may not be visible. With the advance approval of the Fire Chief, the Fire District will make reasonable religious accommodations that do not violate safety standards. Employees and volunteers violating this policy shall be required to take corrective action or will be sent home. Compensated employees may lose pay for the day when they are unable to work due to a violation of this policy.

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 Fire District has adopted a smoke-free policy for all buildings. Fire District facilities shall be smoke-free and no employee, volunteer or visitor will be permitted to smoke anywhere in Fire District buildings. Employees and volunteers are permitted to smoke only outside Fire District buildings and such locations as not to allow the re-entry of smoke into building entrances. Smoking inside vehicles owned by the Fire District and near equipment that may be sensitive to smoke is also prohibited. This policy shall be strictly enforced and any employee or volunteer found in violation will be subject to disciplinary action.

Use of Vehicles Policy:

Unless an employee or volunteer receives permission from the Fire Chief, Fire District owned vehicles shall be used only on official business and all passengers must be on Fire District business.

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

Telephone Usage Policy:

Fire District telephones are for official business and employees and volunteers may make a personal call only to inform their family of unexpected overtime. Charges for all other personal calls must be reimbursed to the Fire District. The use of hand-held cell phones while driving Fire District vehicles or while driving on Fire District business is prohibited and will be subject to disciplinary action.

Communication Media Policy:

The Communication Media are the property of the Fire District and, as such, are to be used for legitimate Fire District purposes only. For purposes of this Communication Media Policy, "Communication Media" includes all electronic media forms provided by the Fire District, such as cell phones, smart phones, computers, electronic tablets, access to the internet, voicemail, email, and fax, as well as Fire District's social media platforms, apps and websites.

All data stored on and/or transmitted through Communication Media is the property of the Fire District. 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 a Fire District business purpose, regardless of who creates, processes or

maintains the data, or whether the data is processed manually or through any of the Fire District's mainframe, midrange or workstations; servers, routers, gateways, bridges, hubs, switches and other hardware components of the Fire District local or wide-area networks."

The Fire District respects the individual privacy of its employees and volunteers. However, communications transmitted by the Fire District 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 Fire District. The Fire District reserves the absolute right to access, review, audit and disclose all matters entered into, sent over, placed in storage in the Fire District's Communication Media. By using the Fire District equipment and/or Communication Media, employees consent to have such use monitored at any time, with or without notice, by Fire District personnel. The existence of passwords does not restrict or eliminate the Fire District's ability or right to access electronic communications. However, the Fire District cannot require the employee to provide the password to his/her personal account.

All email, voicemail and Internet messages (including any technology-based messaging) are official documents subject to the provisions of the Open Public Records Act (NJSA 47:1A-1). Employees of the Fire District are required to use the assigned district email account for ALL Fire District business and correspondence. The use of private email accounts for ANY Fire District business is strictly prohibited.

Employees can only use the Fire District's Communication Media for legitimate business purposes. Employees may not use Fire District's Communication Media in any way that is defamatory, obscene, or harassing or in violation of any Fire District 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, pregnancy (including pregnancy related medical conditions), 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.

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

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

Employees and volunteers 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 Fire District's computing environment.

Employees and volunteers may not install *or modify* ANY hardware device, software application, program code, either active or passive, or a portion thereof, without the express written permission from the Fire District. Employees and volunteers may not upload, download, or otherwise transmit commercial software or any copyrighted materials belonging to parties outside of the Fire District, or licensed to the Fire District. Employees and volunteers shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized.

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 Fire Chief may engage in social media activity during work time through the use of the Fire District's Communication Media, as it directly relates to their work and in compliance with this policy.

Employees and volunteers must not reveal or publicize confidential Fire District 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 employee or volunteer shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Fire District. In addition employees and volunteers are prohibited from releasing or disclosing any photographs, pictures, digital images of any fires, crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Fire District Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Fire Chief. Except in "emergency situations," Employees are prohibited from taking digital images or photographs with media equipment not owned by the Fire District. 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 Fire District Communication Media. If such situation occurs, employee agrees that any images belong to the Fire District and agree to release the image to the Fire District and ensure its permanent deletion from media device upon direction from the Fire District.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet on behalf of the Fire District, whether through the use of the Fire District Communication Media or otherwise, may be issued unless it has first been approved by the Fire Chief. Under no circumstances may information of a confidential, sensitive or otherwise proprietary nature be placed or posted on the Internet or otherwise disclosed to anyone outside the Fire District. Such unauthorized communications may result in disciplinary action.

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

All users are personally accountable for messages that they originate or forward using the Fire District 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 without a legitimate authorized purpose and authorized by the Fire Chief is prohibited.

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

To the extent employees or volunteers use social media outside of their employment/official position, they are encouraged to exercise extreme caution posting on social media photographs of themselves in uniform or in any situation where they can be readily identified as Fire District employees or volunteers because they may be viewed as acting on behalf of the Fire District. No employee or volunteer shall knowingly represent her/himself as a spokesperson of the Fire District, unless authorized by the Fire Chief.

If employees/volunteers identify themselves on social media as Fire District's employees/volunteers, or if they discuss matters related to the Fire District on a social media site, they must add a prominent disclaimer stating that the posting does not express the views of the Fire District, and the employee/volunteer is expressing only their personal views. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of the Hanover Township Fire District." This disclaimer shall be placed in a prominent position (i.e. on the front page of a blog) and repeated for each posting that is expressing an opinion related to the Fire District or Fire District's business. Employees must keep in mind that, if they post information on a social media site that is in violation of Fire District's policies and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

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

The Fire District reserves the right to take and use photographs of its employees/volunteers at public events on all Fire District's media, including but not limited to, websites, press releases, E-blast, and social media. When the photographs are taken in a non-public context, the Fire District will seek written consent from its employees/volunteers before publishing any such photographs of its employees/volunteers.

Video Surveillance:

The Fire District maintains a video surveillance camera system throughout areas within the interior and exterior of the Firehouse, primarily as visual deterrents of criminal behavior and for the protection of employees and volunteers and District assets. In implementing these video camera systems, the Fire District will ensure compliance with federal, state and local laws governing such usage.

The Fire District video surveillance camera systems are a significant tool to which the employees and volunteers of the Fire District will avail themselves in order to complete the goals and objectives of the Fire District. Employees and volunteers are only permitted to use the video surveillance camera systems for a legitimate purpose and with proper authorization. The Fire District Board Chairman and his/her designee will be responsible for authorization of users. The improper use of these systems can result in discipline up to and including termination.

No employee or volunteer is permitted to view, continually watch, search, copy or otherwise use one of the Fire District video surveillance camera systems or tamper with access, archive, alter, add to, or make copies of any data that has been recorded and stored within any of these systems without (1) a specific legitimate purpose and (2) permission from the designee of the Fire District.

The Fire District shall designate a person to be responsible for the maintenance and administration of the video surveillance camera system. Such designee will be responsible for maintaining a user access log detailing the date and name of individuals who view/access a stored recording.

Any employee or volunteer who becomes aware of any unauthorized disclosure of a video record in contravention of this policy and/or a potential privacy breach has the responsibility to ensure that Chairman of the Board of Fire Commissioners is immediately informed of such breach.

Bulletin Board Policy:

The bulletin boards located in the Fire District public area of the building and other facilities are intended for official notices regarding policies, procedures, meetings and special events. Only personnel authorized by the Fire Chief may post, remove, or alter any notice.

Workplace Dating Policy:

Romantic relationships among personnel frequently lead to problems in the workplace. They may result in favoritism, discrimination, unfair treatment, friction among co-workers, or the perception that they generate such problems. Therefore, the Fire District has adopted the following policy.

No elected official, officer or employee holding a Officer, administrative, or managerial position having the authority to affect or recommend changes in the terms and conditions of employment, shall engage in a romantic, dating, or intimate/sexual relationship with another employee or volunteer of the Fire District whom he/she supervises, or whose terms and conditions of employment he or she can influence. Examples of terms and conditions of employment for purposes of this policy include but are not limited to promotion, evaluation, assignment, review or allocation of work, termination, training, discipline and compensation. Violations of this policy may be met with appropriate discipline, transfer, or other appropriate personnel action as the Fire District deems appropriate under the circumstances. Further, the Fire District reserves the right to address any workplace issues that may result from the relationship in a manner it deems appropriate.

Employees and volunteers considering entering into a dating, romantic or intimate relationship with another Fire District employee, even in circumstances not prohibited under this policy, are strongly encouraged to review and consider all Fire District policies regarding workplace conduct, including but not limited to policies pertaining to sexual and other forms of workplace harassment, as well as the policy on conflicts of interest, and to be guided accordingly. Further, all employees, irrespective of their personal relationship, are expected to conduct themselves in a professional manner while at work and during Fire District's formal events and functions and refrain from overt displays of affection or emotion that are or may be perceived as inappropriate in a professional setting.

Employees and volunteers may report violations of this Dating Policy to the Fire Chief.

Mandatory Religious or Political Meetings

In accordance with the New Jersey Worker Freedom from Employer Intimidation Act, neither the Fire District nor its agents, representatives or designees shall require employees to attend meetings or receive communication for the purpose of expressing Fire District's opinion about religious matters, political party affiliation, or decisions to join or not join, or to participate or not participate in, any lawful political, social, or community activity or organization. No such meeting or communication on any such subject shall be conducted by the Fire District unless

employee are advised in writing that they may without penalty refuse to attend or accept the communication. The Fire District, its agents, representatives or designees may communicate with employees about religious or political matters that the employer is required by law to communicate, but only to the extent required by law.

SECTION THREE

Paid and Unpaid Time Off Policies:

Scope:

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

Holiday Policy:

The Fire District recognizes the following holidays:

- New Year's Day
- President's Day
- Good Friday
- Easter Sunday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

Leave of Absence Policy:

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

Personal leaves are not granted for the purpose of seeking or accepting employment with another employer, or for extended vacation time. Health benefits may also be impacted, if applicable. Refer to the Fire District Health Benefits Policy. A personal leave is granted with

the understanding that the employee intends to return to work for the Fire District. If the employee fails to return within five business days after the expiration of the leave, the employee shall be considered to have resigned.

Family and Medical Leave Act Policy:

Employees may be eligible for an unpaid family and medical leave under the federal Family and Medical Leave Act (“FMLA”). Employees also may be eligible for family and/or medical leave pursuant to the New Jersey Family Leave Act (“FLA”). In order to be eligible for such leave, employees must have: one (1) year of service with the Fire District; 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 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 Fire District reserves the right to deny any request for extended leave. Additional information concerning the Family Leave Policy and eligibility requirements are available from the Fire Chief.

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 at least 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 \$615 per week (for

disabilities beginning on or after January 1, 2016). 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 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 Fire District 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 Fire District 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 attend counselling. A serious injury or illness means an injury or illness incurred by a covered service member in the line of duty while on active duty that may render the service member 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 while 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 while 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 service member unable to perform the duties of the service member'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 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:

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(s) 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 counselling;
- 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 can not be shorter than one (1) full day. To the extent the leave is foreseeable; employees must provide advance notice. In addition, an 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 Fire District 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 Fire District 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 Fire District 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) calendar days 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 employee who has served less than one-year shall not be entitled to paid leave but shall be granted non-paid military leave without loss of time.

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

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

SECTION FOUR

Compensation & Employee Benefits Policies:

Scope:

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

Payroll Policy:

Salary ranges are established by resolution, and the salary must fall within the minimum and maximum ranges for the employee's title. Compensated employees are paid every two weeks. All full time and part time employees shall complete a direct deposit form upon hire and shall update said form when a change in the employee's financial institution is made. The Fire District shall be notified of change in financial institution no later than two weeks prior to the next pay period.

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

Overtime Compensation Policy:

In compliance with the Federal Fair Labor Standards Act (FLSA), the Fire District compensates its non-exempt employees at the rate of one and one-half for each hour worked in excess of forty hours in a weekly period. Non-Exempt employees are not permitted to work overtime unless the overtime is budgeted and approved by the Fire Chief before the overtime work is performed. Non-Exempt employees working overtime without prior approval will be subject to disciplinary action.

For purposes of overtime compensation, hours worked are computed to the nearest one-half hour per day. Previously scheduled vacation time and holiday time are considered time worked for purposes of determining overtime compensation, but sick time and personal time are not.

In addition, it is the discretionary policy of the District to pay additional compensation at the rate of time and one-half for hours in excess of forty hours in a weekly period to its exempt employees who are not eligible for overtime compensation under the FLSA. The District reserves the right to modify or terminate its discretionary overtime policy for exempt employees at any time.

Timesheets:

Employees are required to accurately record their work time on the designated time record. Non-exempt employees and exempt employees are required to report their Paid-Time-Off (PTO) on the designated time record.

The Officer shall review the record for accuracy and approve it and submit it to the designated payroll representative.

Payment for Accumulated Absence:

To the extent that a resolution, collective bargaining agreement, or an employment agreement provides for the payment of compensation for pay while absent from work, the Fire District shall only make such payment if the Treasurer of the Board certifies that such amount is due and that proper documentation establishing that the amount of the accumulated absence has been provided and funds are available to pay. Proper Documentation includes:

- A copy of the agreement, ordinance and/or resolution;
- Documentation of the amount of accumulated absence time; and
- The total value of the compensation due.

Nothing in this section grants employees compensation for absences from work.

Retirement Policy:

Under State law, all employees must enroll in the New Jersey Public 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 Board of Fire Commissioners in writing. The State retirement plans request six months advance notice to process the application. After giving notice of retirement, employees are expected to assist their Officer and co-employees by providing information concerning their current duties and help in the training of a replacement. The Treasurer of the Board will prepare an Employee Action form showing any pay or other money owed the employee.

The Fire Chief 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 and volunteers who suffer job related injuries and illnesses may be entitled to medical expenses, lost income and other compensation under the New Jersey Workers Compensation Act. . Any occupational injury or illness must be immediately reported to the Officer in charge by completing the required first report of injury forms. All required medical treatment must be performed by a Workers Compensation Physician appointed by the Fire District and payment for unauthorized medical treatment may not be covered pursuant to the Act.

Unless explicitly provided for in a bargaining agreement, the Fire District will only pay, either directly or through its Workers' Compensation insurer, those benefits that are specifically provided for under the Workers' Compensation Act and will not supplement these benefits with additional benefits pursuant to NJSA 11A:6-8.

Accident & Sickness Policy:

The Fire District provides all employees and volunteers with coverage under a limited Accident and Sickness policy for injuries incurred in the course of duty. The coverage is currently provided through Volunteer Firemen's Insurance Services (VFIS). Employees and volunteers are required to report accidents or sickness to their officer in-charge or the Fire Chief. Further instructions regarding the application process will be provided at the time the accident/sickness is reported.

Employee Assistance Policy:

The Fire District provides all employees with access to an Employee Assistance Program (EAP). The EAP services are currently provided by CONCERN Behavioral and Management Solutions of the Atlantic Health System. Employees can contact CONCERN directly by calling 1-800-242-7371. They should identify themselves as employees of Hanover Township Fire District No. 3.

Educational Assistance and Training Policy:

Subject to sufficient funds in the budget and upon approval of the Fire Chief, employees may apply for reimbursement of tuition expenses incurred for training courses directly related to the employee's work. The Fire Chief 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 tuition cost for training that they take on their own initiative when pre-approved by the Fire Chief. The reimbursement must be repaid if the employee leaves Fire District employment within twenty-four months of receipt.

Conference and Seminar Policy:

Requests to attend a conference or seminar must be approved by the Fire Chief. Requests shall be made sufficiently in advance to take advantage of discounts for early registration, and must be submitted to district training coordinator at least thirty days before the event. Requests must be in writing including the conference schedule, registration information and estimated costs. The Officer 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:

Supervisory/Officer Procedures:

Employment Procedure:

- **Recruitment:** The Fire Chief will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, and equal opportunity requirements. When a vacancy occurs, it is the responsibility of the Officer to notify the Fire Chief who will distribute notification of the vacancy to all departments. The Fire Chief 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 Fire District 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 Fire Chief will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. The Fire District 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 his or her job and also provided the accommodation does not impose an unreasonable hardship on the Fire District.

- **Physical Examinations:** Pursuant to the Americans with Disabilities Act, after an offer of employment is made and prior to commencing employment, the Fire Chief may require applicants to pass a physical examination in order to insure that they can perform the duties of their position without injury to themselves or others. The same post-offer physical examination must be performed on all applicants for a particular position. The Fire Chief may require periodic physical

examinations to determine the employee's continued ability to perform the duties of the position. All physical examinations must be performed by a physician chosen by the Fire District at the expense of the Fire District. All medical records of employees, volunteers, and prospective employees are confidential and are to be maintained by the Fire Chief separate from the employee's or volunteer's official personnel file. Medical exams may include tests for drug and alcohol use.

- **Criminal Background Checks:** Criminal background checks are required of the all candidates, whether for paid or volunteer positions, in accordance with the procedures outlined in the Section of this Manual entitled "Background Checks and Procedures for Candidates, Employees and Volunteers."
- **Job Offers:** The final decision will be made by the Board of Fire Commissioners of Fire District No. 3 and the Fire Chief 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 Fire District. 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 Board of Fire Commissioners of Fire District No. 3 and the Fire Chief may 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 (I-9) 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 Fire Chief. Documents related to the successful candidate will be placed in the employee's official personnel file except medical records including records of physical examinations must be maintained in a separate file. All records and 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 Employees:

Background checks required: The Fire District will conduct a criminal background check of the selected candidate, whether for a compensated or volunteer position,. Periodic background checks will also be administered for each employee or volunteer who works directly or indirectly with children/youth/minors every three years.

- **Background check procedure:** The Fire Chief will perform or initiate background checks and be the recipient of reports from outside agencies or contractors. The Fire Chief will discuss disqualifying information received with the employee's or volunteer's Officer. 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 inconsistent 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 Fire Chief will inform the candidate or employee, in writing, of any information that would disqualify the person from working with children/youth. If the Fire District contracts with an outside vendor to process the background checks, that contractor may be authorized to inform the person in writing of any information that would disqualify the person from working with children/youth/minors. Existing employees 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 Board of Fire Commissioners.

- **Conditions Under Which An Employee Will Be Disqualified From Working With Children/Youth:** A candidate or employee may be disqualified from employment in a position that works with children/youth/minors if that person's criminal record history background check reveals a record of conviction of any of the following crimes and disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:
 - Homicide (N.J.S.A. 2C:11)
 - Assault, reckless endangerment, threats, stalking (N.J.S.A. 2C:12)
 - Kidnapping (N.J.S.A. 2C:13)
 - Sexual Offenses (N.J.S.A. 2C:14)
 - Offenses Against the Family, Children and Incompetents (N.J.S.A. 2C:24)
 - Controlled Dangerous Substances (N.J.S.A. 2C:35 except for 2C:35-10(a)4)
 - Robbery (N.J.S.A. 2C:15)
 - Theft (N.J.S.A. 2C:20)

A disqualification from any position will be based only on a conviction for one or more of the above disqualifying crimes and offenses. 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.

- **Appeal Process:** The Appeals Committee will be comprised of the Board of Fire Commissioners, the Fire Chief and the Legal Counsel appointed by the Board.

Once a candidate or employee has been notified of a disqualifying conviction, the employee has 14 calendar days to file a Notice of Appeal with the Fire District. Such Notice of Appeal must be sent in writing to the Chairman of Board of Fire Commissioners. The Notice of Appeal shall include a Notice of Rehabilitation and/or a Notice that the information is inaccurate or incorrect, pursuant to N.J.A.C. 13:59-1.6.

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

In making a determination on the appeal, the following information will be considered:

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

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

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 ability 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 Procedure Concerning Personnel Matters:

Discussions by the Fire District concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer, employee or volunteer shall be in closed session unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the Fire District concerning such matters, the Board Clerk shall notify the affected person(s), within a reasonable period of time, 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. If the individual(s) does not request that the discussion be held in open session, the Fire District may at its sole discretion invite the affected individual(s) to attend the applicable portion of the closed session.

Processing and Orientation of New Employees Procedure:

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

- A tour of the appropriate facilities to acquaint the new employee/volunteer 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 Officer and acknowledgement of receipt;
- The Complaint Policy letter and acknowledgement;
- A safety orientation and acknowledgement; and
- Arrangements for the new employee/volunteer 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 6 months or more than 12 months, as determined by the Fire Chief. During this initial employment period, the new employee or transferee will be provided with training and guidance from the Officer. At the end of the initial employment period, the Officer will conduct an employee evaluation – see Performance Evaluation Procedure. New employees may be discharged at any time during this period if the Fire Chief concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Fire Chief may extend the initial employment period.

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

Employee Policy and Procedure Manual:

The Fire Chief with the assistance of the legal counsel appointed by the Board shall draft a Policy and Procedures Manual for the approval of the Commissioners. Once approved, copies will be distributed and employees and volunteers will be required to sign an acknowledgement of receipt that will be placed in the official personnel file. The Policy and Procedures manual will be revised and re-distributed whenever there is a significant change in personnel practice or every two years.

Performance Evaluation Procedure:

Periodic evaluations are critical to create a formal record of an employee's performance over time and establish a foundation for personnel actions such as promotion and termination. In addition to day-to-day feedback to the employee, a performance evaluation must be conducted for all employees annually. The completed appraisal becomes part of an employee's permanent record.

Performance discussions must also provide employees with guidance regarding their ability to meet job standards. Extraordinary skills or abilities should be recognized in addition to areas for improvement. Officers 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 Officer 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 Fire Chief. After review by the Fire Chief, the form(s) are to be included in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with the Fire Chief.

Disciplinary Action Procedure:

All employees are expected to meet the Fire District'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 non-compliance with the Fire District's policies and procedures and other disciplinary problems.

Should an Officer believe that an employee is not conforming to the Fire District's policies and rules or to specific instructions, or has acted improperly; the Officer will first privately discuss the matter with the employee to obtain the employee's view. If the Officer determines that the employee has acted improperly, the Officer shall take one of

the following actions depending upon the gravity and the employee's past record. At the discretion of the Officer and the Fire Chief, action may begin at any step, and/or certain steps may be repeated or by-passed.

- **Verbal Reprimand:** Depending on the circumstances, the Officer may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The Officer 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 Fire Chief for the employee's official personnel file.
- **Fire Chief Review:** Should the Officer consider the offense sufficiently serious to warrant consideration by the Fire Chief, the employee will be so advised and a meeting arranged with the Fire Chief at the earliest possible date. All facts should be detailed at this meeting and, if possible, a determination will be made at that time of disciplinary action, if any.
- **Written Reprimand:** When an Officer determines that a written reprimand is appropriate, the situation must be discussed with the Fire Chief. 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 Fire Chief for the employee's official personnel file.
- **Suspension:** Whenever an employee is recommended for suspension, the Fire Chief will make the decision and may seek the advice of the legal counsel appointed by the Board if appropriate. Suspended Employees may request a hearing under the applicable grievance procedure.
- **Dismissal:** Whenever an employee is recommended for dismissal, the Fire Chief and Board of Fire Commissioners of Fire District No. 3 will make the decision only after seeking the advice of the Board's legal counsel. 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. The Board's legal counsel will prepare a formal letter of acknowledgement advising the employee of the decision. Terminated employees may request a hearing under the applicable grievance procedure.

Personnel File Procedure:

The official personnel files shall be maintained by the Fire Chief or designee. Employee/volunteer medical information will be maintained in a separate file. The Fire Chief will periodically review files to make sure they are up-to-date.

The Official file shall normally include the following:

- The original application signed by the employee/volunteer;
- 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 Complaint Policy letter;
- A signed acknowledgement that the employee has received the Policy and Procedures manual;
- 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.

Complaint Investigation Procedure:

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

- **Reporting:** Employees and volunteers should be asked to report complaints in writing utilizing the Complaint form, but are not compelled to do so.
- **Identification/Screening:** The Officer, officer in charge, or legal counsel appointed by the Board must report all written or verbal complaints to the Fire Chief unless the complaint is against the Fire Chief. Upon receipt, the Fire Chief 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 Fire Chief or investigator appointed by the Fire Chief will interview the employee/volunteer. If the complainant is reluctant to sign a written complaint, the Fire Chief 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/volunteer who will be asked to affirm, preferably in writing the information's accuracy.
- **Investigation:** The Fire Chief will seek the advice of the legal counsel appointed by the Board when planning the investigation. The investigation should be conducted by the counsel appointed by the Board or county prosecutor if it involves potential criminal charges. The specific steps taken to investigate a complaint will depend on the facts and circumstances of each individual case. The investigator will develop an investigation plan in conjunction with the Fire Chief or the complainant's Officer, as necessary. 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 Fire Chief will discuss the conclusions with the legal counsel appointed by the Board 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 Fire District 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 disciplinary action that will be taken, 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 Fire Chief will formulate with the advice of legal counsel appointed by the Board 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 or volunteer must be referred to the Fire Chief. No employee may issue a reference letter without the permission of the Fire Chief. Under no circumstances should any information be released over the phone.

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

Continuing Education Procedure:

The Fire District, in conjunction with the legal counsel appointed by the Board will arrange for employment practices seminars at least annually to train all Supervisory/Officer personnel. The Fire District 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 Fire District's employment practices. Records will be maintained in the official personnel files of all employees trained under this procedure.

Supervisory/Officer personnel will also update employees periodically by department meetings and memos that should address specific issues 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 Discussions
- Employee Letter Concerning Employee Complaint Procedures
- Application for Employment
- Performance Appraisal
- Counseling Action Plan
- Employee Evaluation Checklist
- Fingerprint and Background Check Consent Form for Employees, Job Applicants and Volunteers That May Work or Have Contact With Minors
- Sample Notices Concerning Whistleblower Act

ACKNOWLEDGEMENT ON RECEIPT OF THE POLICIES AND PROCEDURES MANUAL

I HEREBY ACKNOWLEDGE THAT I HAVE RECEIVED A COPY OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL OF THE BOARD OF FIRE COMMISSIONERS, HANOVER TOWNSHIP DISTRICT #3, DATED FEBRUARY 2, 2017, ON THE DATE INDICATED BELOW.

I FURTHER ACKNOWLEDGE THAT I HAVE READ, AND DO UNDERSTAND THE DISCLAIMER WHICH IS CONTAINED ON PAGE 4 OF THE MANUAL, AND THAT MY DEPARTMENT HEAD HAS ANSWERED ANY QUESTIONS I MIGHT HAVE HAD ABOUT THE MEANING OF THE DISCLAIMER CONTAINED IN THIS MANUAL/HANDBOOK.

SIGNATURE: _____

PRINT NAME BELOW: _____

DATE MANUAL/HANDBOOK RECEIVED: _____