

**RESOLUTION RE: AUTHORIZING A COUNTYWIDE POLICY REGARDING  
EMPLOYEES INVOLVED IN VEHICULAR ACCIDENTS  
WHILE OPERATING COUNTY-OWNED VEHICLES**

**WHEREAS**, the County of Sussex, over the past three years, has pursued a More safety-conscious workplace, endeavoring to reduce accidents wherever possible; and

**WHEREAS**, County employees have been diligent and aggressive in their pursuit of a safer workplace; and

**WHEREAS**, the County's insurance professionals have encouraged management to clearly inform employees of their responsibilities for safety when operating County vehicles and to take appropriate actions when employees are partially or fully at fault for vehicular accidents; and

**WHEREAS**, current County policy and collective bargaining agreements permit the use of appropriate progressive discipline procedures to educate employees regarding the aforementioned responsibilities.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Chosen Freeholders of the County of Sussex that it hereby approves and adopts the attached "Sussex County Policy: Employees Involved in Vehicular Accidents While Operating a County-Owned Vehicle"; and

**BE IT FURTHER RESOLVED** that this Policy be distributed to all County Employees and be incorporated into the *Sussex County Employee Handbook*.

Certified as a true copy of the  
Resolution adopted by the Board  
on the 26<sup>th</sup> day of May, 2004.

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Elaine A. Morgan, Clerk  
Board of Chosen Freeholders  
County of Sussex



**SUSSEX COUNTY POLICY**  
**EMPLOYEES INVOLVED IN VEHICULAR ACCIDENTS WHILE**  
**OPERATING A COUNTY-OWNED VEHICLE**

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To be incorporated into the *Employee Handbook*

**POLICY:** Employees who have exhibited carelessness, recklessness and/or improper operation of a County-owned vehicle or equipment resulting in an accident or multiple accidents, in which the driver has been wholly or partially at fault for the accident, shall be subject to progressive disciplinary action.

**PROCEDURE:** Supervisors shall review all accident reports and make required determinations of cause. If a supervisor determines that an employee who has had an accident has been partially or fully at fault for the accident, the supervisor shall determine progressive discipline. Determination of fault shall be based on a police report, eye witness account, and other applicable, verifiable data.

Accidents in which one or more of the following conditions are established and the employee's fault has been determined may warrant more severe discipline, including rapid progression through the progressive disciplinary process, up to and including termination:

1. Any bodily injury to the driver, passenger, or other individual, resulting directly or indirectly from the accident.
2. Significant (more than \$2,500) property damage resulting directly or indirectly from the accident. This is exclusive of consideration of any deductible or co-insurance.
3. Inappropriate and/or illegal driver behavior such as leaving the scene of an accident without reporting same and for failure to report the accident to an appropriate supervisor.
4. Clearly demonstrated poor decision making leading up to or following the accident.
5. Any conviction or finding by any court that the employee violated any motor vehicle or other law or regulation relating directly or indirectly to the accident.

When determining appropriate and fair discipline, a supervisor, in consultation with a division and/or department head, may consider all appropriate alternatives, including but not limited to waiving early steps in the progressive disciplinary process, suspension, fine, charge for the cost of damage, demotion and/or termination. Supervisors shall take into consideration the employee's honesty or dishonesty in reporting the event. Efforts should be made to encourage and reward honesty and to discourage and punish dishonesty.

Accurate and complete records of the investigation, evaluation, and factual basis of disciplinary action, if any is warranted, shall be maintained by the supervisor in compliance with applicable regulations.

**TRAINING:** All supervisors will receive an initial training session in accident investigation performed by one of the County's insurance representatives. This training shall contain instruction on how to implement the above policy. There will also be a general training session scheduled on progressive discipline.



**COUNTY OF SUSSEX**

**POLICY PROHIBITING DISCRIMINATION  
HARASSMENT OR HOSTILE ENVIRONMENTS  
IN THE WORKPLACE**



# **SUSSEX COUNTY EMPLOYEE' HANDBOOK**

## **POLICY PROHIBITING DISCRIMINATION HARASSMENT OR HOSTILE ENVIRONMENTS IN THE WORKPLACE**

APPROVED BY THE BOARD OF CHOSEN FREEHOLDERS ON MARCH 28, 2001

### **MISSION STATEMENT**

The County of Sussex is committed to providing every employee with a workplace free from unlawful discrimination and harassment, and continues to recognize that unlawful discrimination and harassment undermine the integrity of the employment relationship, compromise equal employment opportunity, debilitate morale and interfere with work productivity.

The County of Sussex has an ongoing interest in maintaining a policy prohibiting unlawful discrimination and harassment, encouraging the filing of complaints alleging discrimination, discrimination or hostile work environments in the workplace, and providing appropriate guidance to its employees regarding prohibited activities, employee and supervisor responsibilities, complaint procedures and related issues of confidentiality, retaliation, discipline and training.

### **1. POLICY**

All forms of unlawful employment discrimination based upon race, creed, color, national origin, ancestry, age, sex, marital status, familial status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States or disability are prohibited and will not be tolerated. Sexual harassment is a form of unlawful gender discrimination and, likewise, will not be tolerated.

This policy applies to all employees and applicants for employment in County departments, offices and those commissions/committees whereby members are appointed by the County of Sussex to serve as representatives on its behalf. The County of Sussex will not tolerate harassment or discrimination by anyone in the workplace including supervisors, co-workers or non-employees.

This policy applies to conduct which occurs in the workplace and also extends to conduct which occurs at any location that can be reasonably regarded as an extension of the workplace, such as any field location, any off-site business related social function, or any facility where County business is being conducted or discussed.

This policy shall also apply to third party harassment. Third party harassment is unwelcome behavior or a sexual, racial or derogatory nature regarding any protected category that is not directed at an individual, but is a part of that individual's work environment. Third party harassment based upon any of the aforementioned protected categories is prohibited by this policy.

This policy shall pertain to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, compensation, fringe benefits, working conditions and career development.

## **2. PROHIBITED RACIAL, GENDER, NATIONAL ORIGIN OR ANCESTRY, AGE, RELIGIOUS, DISABILITY, AFFECTIONAL OR SEXUAL ORIENTATION, MARITAL STATUS, FAMILIAL STATUS, ATYPICAL HEREDITARY CELLULAR OR BLOOD TRAIT, GENETIC INFORMATION, LIABILITY FOR SERVICE IN THE ARMED FORCES OF THE UNITED STATES**

It is a violation of this policy to engage in any employment practice or procedure which treats an employee less favorably based upon a person's race, gender, national origin or ancestry, religion, age, disability, affectional or sexual orientation, marital status, familial status, atypical hereditary cellular or blood trait, genetic information, or liability for service in the Armed Forces of the United States. It is also a violation of this policy to use derogatory or demeaning slurs to refer to a person's race, gender, age, religion, disability, affectional or sexual orientation or ethnic background which have the effect of harassing an employee or creating a hostile work environment. Harassment or the creation of a hostile work environment can occur even if there was no intent on the part of the individual to harass or demean another.

Examples of behaviors that may constitute prohibited workplace discrimination or harassment may include, but are not limited to:

- Discriminating against an individual with regard to terms and conditions of employment because of that individual's race, gender, age, religion, disability, affectional or sexual orientation, place of origin, or his/her ancestor's place of origin.
- Treating an individual differently because of race, gender, age, religion, disability, affectional or sexual orientation, place of origin, or his or her ancestor's place of origin, or because an individual has the physical, cultural or linguistic characteristics of a racial or national origin group.
- Treating an individual differently because of marriage to or association with persons of a racial, religious or national origin group; or due to membership in or association with an organization identified with the interests of a racial, religious or national origin group; or because an individual's name or spouse's name is associated with a racial, religious or national origin group.
- Calling another by an unwanted nickname which refers to one or more of the above characteristics, or telling ethnic jokes which harasses an employee or creates a hostile work environment.
- Using derogatory references regarding any of the above characteristics in any job related communication.
- Engaging in threatening, intimidating, or hostile acts in the workplace, based on the foregoing classifications.
- Displaying or distributing material in the workplace that contains language or images that are derogatory or demeaning, based upon any of the foregoing classifications.

## **3. SEXUAL HARASSMENT**

It is a violation of this policy to engage in sexual harassment of any kind. As defined in the Equal Employment Opportunity Commission Guidelines, sexual harassment, with or



without sexual contact, is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Examples of sexual harassment may include, but are not limited to:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment.
  - Submission to or rejection of such conduct by an individual is used as the basis for employment/personnel decisions affecting such individual.
  - Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- A. Quid Pro Quo Sexual Harassment is a form of harassment that may include unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct based on the gender of the affected employee when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (b) submission to or rejection of such conduct by an individual is used as a basis for employment decisions.

It shall be a violation of this policy for any person to use his or her authority to make any sexual advance toward an individual over whom the person is authorized to make, recommend or otherwise to influence personnel actions; to grant, recommend, or refuse to take personnel action on the basis of an employee's gender or sexual orientation or in exchange for sexual favors; or to take or fail to take a personnel action as reprisal against any employee for rejecting or reporting a sexual advance. Sexual advances or requests for sexual favors can be in the form of either expressed or implied comments, writings or actions.

- B. Hostile Work Environment Sexual Harassment is a form of harassment that may include unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Gender based harassment may give rise to a claim of a hostile environment whether or not sexual activity or language is involved, if it has the purpose or effect of abusing, devaluing or subordinating the members of one sex and it adversely affects an individual's employment opportunities.
- C. Third Party Sexual Harassment is unwelcome behavior or a sexual nature or based on sex that is not directed at an individual, but is part of an individual's work environment.

Examples of prohibited behaviors that may constitute sexual harassment include, but are limited to:

- Generalized gender-based remarks and comments.
- Unwanted physical contact such as intentional touching or grabbing.
- Verbal or written sexually suggestive or obscene comments, jokes, including letters, e-mails, gestures or inappropriate comments regarding a person's physical appearance or clothing.

- Visual contact, such as leering or displaying sexually suggestive objects, cartoons, posters, magazines or pictures of scantily-clad individuals.
- Explicit or implicit suggestions of sex by a supervisor or manager in return for a favorable employment action such as hiring, compensation, promotion or retention.
- Suggesting or implying that failure to accept a request for a date or sex would result in an adverse employment consequence with respect to any employment practice such as performance evaluations or promotional opportunity.
- Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior.

#### **4. VERBAL AND PHYSICALLY INTIMIDATING HARASSMENT**

This policy shall also apply to verbal and physically intimidating harassment. For the purposes of this policy, verbal and physically intimidating harassment shall be defined as behavior exhibiting abusive, demeaning and/or obscene language, exhibiting an intimidating physical presence, whether it be by gestures, physical force upon another individual or inanimate object or displaying a threatening presence creating a hostile work environment.

Examples of verbal and physically intimidating harassment may include, but are not limited to:

- Direction of abusive, demeaning and/or obscene language at a particular individual or group based upon race, gender, age, religion, disability, affectional or sexual orientation, place of origin or job performance.
- Physical force utilizing pushing, striking or aggressive contact with another individual.
- Exhibiting aggressive behavior depicting a threatening presence to another individual, creating a stressful, hostile work environment.

#### **5. EMPLOYEE RESPONSIBILITIES**

Any employee who believes that she/her has been subjected to any form of prohibited discrimination or harassment, including sexual, verbal or physically intimidating harassment, or who may witness others being subjected to such discrimination/harassment is encouraged to promptly report the incident to their supervisor and the Equal Employment Opportunity/Affirmative Action Officer. All employees are expected to cooperate with any investigation conducted. Failure to cooperate in an investigation may result in disciplinary action, up to and including termination.

#### **6. SUPERVISOR RESPONSIBILITIES**

Supervisors should make every effort to maintain a work environment that is free from any form of prohibited discrimination/harassment. Supervisors are expected to take all allegations of discrimination/harassment, including sexual harassment, seriously, and to immediately refer the matter to the individual(s) responsible for receiving such complaints. All complaints will be reviewed and prompt and appropriate remedial action will be taken to address any substantiated claim. All supervisors receiving complaints of unlawful discrimination/harassment must immediately advise the County's Equal Employment Opportunity/Affirmative Action Officer.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

Adopted by the Board of Chosen Freeholders on July 28, 1999

Welcome! As an employee of Sussex County government, you have the opportunity to become involved in meaningful work while serving your neighbors and fellow citizens. Government service offers the reward of providing for the needs of your own community and feeling satisfaction of improving the conditions of the life around you.

It is the policy of the Board of Chosen Freeholders to develop and maintain an Employees' Handbook designed to serve as a primary medium of communication for informing employees of:

- Policies, procedures, and practices.
- Benefits plans, and
- The employee's and employer's responsibilities under State and Federal regulations and laws.

The goal of the Employees' Handbook is to:

- Ensure uniform understanding and application of County personnel policies and procedures
- Identify authority and responsibility for personnel policy and procedure administration.
- Standardize the handling of recurring personnel administration matters.
- Provide a guide in counseling employees and training newly appointed supervisors.
- Establish a reference point for use in auditing and determining the need for improving existing policies, procedures and practices.

Each employee remains responsible to determine by independent means the respective rights, benefits, and duties as they pertain to his/her employment relationship with the County of Sussex and State administered programs. The County retains the right to change county policies as necessary and to bargain with appropriate bargaining agents to change the rights and benefits. Whenever a County policy is revised, the County will take such steps as necessary to communicate it to all persons with a need to know, including management, supervisory personnel and employees. Each employee remains responsible for reading the Employees' Handbook and maintaining personal files of the revisions.

The information in this Handbook is current as of July, 1999. This Handbook and its contents in no way, shape, or form creates any contract of employment. There are no promises of any kind by the County contained in this Handbook. Notwithstanding what is stated in this Handbook, the County promises nothing and remains free to change or revoke any provisions herein without having to consult anyone or without anyone's agreement. No County employee or manager is authorized to extend and/or modify a policy set forth in this Handbook. The information contained within applies to employees generally. For more specific information, employees should check the appropriate bargaining agent agreement, State brochures, and/or with the County Division of Central Personnel.

THE BOARD OF CHOSEN FREEHOLDERS

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

This Handbook is divided into five (5) sections for ease of updating and replacing pages. The sections are generally divided as:

## **Section A     Terms, Definitions, and Civil Service Exams**

Definitions of permanent and provisional and unclassified employees; outlines Civil Service exam procedures; clerical continuous testing program; veteran's preference; limitations on supervisors to unilaterally change policies

## **Section B     Policies, Practices, and Procedures**

Absenteeism; Drugs & Alcohol in the Work Place; E.E.O.; Code of Ethics; Americans and Disabilities; Political Activities; Confidentiality; Work Place Violence; Overtime; Out-of-Title work; Resignations; Volunteer Fire Fighters, First Aid and Rescue Squad

## **Section C     Safety and Workers' Compensation**

Safety First Policy; Workers' Compensation procedures and regulations; Right-to-Know

## **Section D     Benefit Leave and Leaves of Absence**

Vacation, Sick, and Personal Leave, Holidays, Family & Medical Leave Act, Snow Days, Military Leaves

## **Section E     Pension, Life Insurance, and Health Benefits**

Medical, Prescription, Dental, and Vision Programs, Deferred Compensation, Life Insurance, Pension and Retirement

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

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**Board of Chosen Freeholders** – Elected by the people for a three year term. The Freeholders' offices are located at the Administration Building, One Spring Street, Newton.

**County Administrator** – The chief administrative officer of the County of Sussex. The Administrator's Office is located at the Administration Building, One Spring Street, Newton.

**Division of Central Personnel** – The Sussex County Division of Central Personnel administers all employee benefits including health/medical programs, dental program, prescription program, vacation and sick leave allotments, workers' compensation claims, tuition reimbursement, pension enrollments and withdrawals, retirement applications, etc. Central Personnel also interprets the collective bargaining agreements, actively participates in negotiations, and acts as a liaison between the County and the State Department of Personnel (Civil Service), Division of Pensions, and State Health Benefits Bureau. As a courtesy, the Division of Central Personnel will administer N.J.D.O.P. typing and stenography performance exams; please call for an appointment. Central Personnel is located at the Administration Building, One Spring Street, Newton, 973-579-0200

**State Department of Personnel** – The New Jersey State Department of Personnel, formerly known as Civil Service, requires that all employees paid on the County's payroll be reported to Civil Service whether they are career service (classified) or unclassified. All career service (classified) employees are subject to Civil Service rules. N.J.D.O.P.'s address is CN 313, Trenton, New Jersey 08625. Reference in this Handbook to "Civil Service" or "N.J.D.O.P." shall refer to the State Department of Personnel. It is listed as "Civil Service" or "NJ DOP" to avoid confusion with the County's Division of Central Personnel.

**Department Head** – The highest level of supervision or coordination within the department recognized as the head of that department by the Board of Chosen Freeholders. Departments include, but are not limited to; Administration & Finance, Planning, Development & Human Services, Public Works, Health, Public Safety & Senior Services, The Homestead, Board of Taxation, County Clerk's Office, Sheriff's Office, Surrogate's Office, Prosecutor's Office, Board of Elections.

**Division Head** – The highest level of supervision or coordination within the division recognized as the head of that division by the Board of Chosen Freeholders. Divisions include, but not limited to; Library, Office on Aging, Budget Management, Roads & Bridges, Engineering, Central Personnel, Purchasing & Central Services, Transit System, Juvenile Center, Weights & Measures, Data Processing, Fleet Management.

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**Union or Bargaining Agent** – The organization recognized by the Board of Chosen Freeholders as the labor representative for that group. Copies of the union contracts are available from the representatives (management or Personnel are not permitted to provide copies of union contracts to employees).

Communications Workers of America, Local 1032, County unit, represents about 70% of the classified employees, except as below.

The office is at 61 Spring Street, Newton, (973) 579-7539

Communication Workers of America, Local 1083, Welfare unit, represents certain non-supervisory employees of the Welfare Agency. Check with the Welfare Director for the name of the current representative.

County Correction Officers, Sergeants, and Lieutenants are represented by Police Benevolent Association Local 138 (Jail Unit). Check with the Warden for the name of the current representative.

Sheriff's Officers, Sergeants, and Lieutenants are represented by Police Benevolent Association Local 138 (Sheriff's Unit). Check with the Sheriff for the name of the current representative.

Union Representation is based on the title held by the employee. If an employee holds a title which is normally represented by that union, whether full time or part time, that employee is considered as represented by that union.

**Agency Shop** – A Bargaining Agent, union, may negotiate with County to require non-members (whom they represent) to pay a maximum 85% of the membership dues. Most of our Bargaining Agents have an Agency Shop clause. Full membership dues for C.W.A. is 1.15% and agency shop fee for C.W.A. is .98%. Full membership dues for full time P.B.A. is \$12.50 per pay and agency shop fee for P.B.A. is \$7.50 per pay. Contact Central Personnel or refer to the union agreement for more details.



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**Career Service/Classified positions** – Positions that require a particular skill or ability and are designated by Civil Service regulations as subject to the tenure provisions of Title 11A, New Jersey Statutes. Classified employees are subject to State Department of Personnel (Civil Service) rules and are divided into two categories: Competitive and Non-Competitive positions; See below. A career Service/Classified employee is subject to Civil Service rules whether they are full time or part time.

**Competitive positions** – Those positions that the State Department of Personnel (Civil Service) requires that an employee apply for an exam, and become certified, to obtain permanent status. Most career service/classified titles are competitive.

Open competitive examinations are announced by the New Jersey Department of Personnel (Civil Service) through INTERNET<sup>1</sup> at New Jersey Home Page ([WWW.STATE.NJ.US](http://WWW.STATE.NJ.US)) or America's Job Bank ([WWW.AJB.DNI.US](http://WWW.AJB.DNI.US)). INTERNET access is available at State Unemployment Offices and career training centers and some local libraries and the Division of Central Personnel. There is an application fee of between \$5 and \$15 depending on the exam. After applying/registering for the exam, you will be notified by NJDOP (Civil Service) of the test location. Some testing sites are out of Sussex County and may be as far away as Trenton.

Promotional examinations are announced in notices posted on the employees' bulletin boards. Eligibility for promotional examinations is limited to employees in the Department where there is a vacancy and/or a provisional serving. Employees in other Departments are ineligible for promotional examinations (Civil Service rule).

## **NJAC 4A:4-3.3 Duration of eligible lists**

(a) Open Competitive and promotional lists shall be promulgated for three years from the date of their establishment,...

...3. Special reemployment, police reemployment and fire reemployment lists shall have unlimited durations.

**NJAC 4A:4-4.4 Limitation on number of time eligible is certified** (a) A non-veteran eligible who has been certified to the same appointing authority from an open competitive list on **three occasions** and who has been passed over in favor of a lower ranked eligible on each occasion, shall have his or her name withheld from future certification to the same appointing authority. The appointing authority may request that such eligible be recertified, in which case only that eligible and any higher or equal ranking veteran eligible shall be certified.

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<sup>1</sup> Except 450 clerical titles under Continuous Testing Program. If you are interested in taking an exam in a clerical title under Continuous Testing, follow the instruction in the supplement at the end of Section A.

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Be sure to review the job description including the minimum requirements for the job. If your resume and/or application is incomplete or you fail to list your job related experiences as full time or part time, you may be disqualified from taking the exam. (Review the section on Job Descriptions).

**Non-competitive positions** – Those positions for which the State Department of Personnel (Civil Service) does not require that an employee take an exam to obtain regular/permanent status. Civil Service determines which titles will be non-competitive, no the County of Sussex. These positions<sup>2</sup> are:

Institutional Attendant	Senior Institutional Attendant
Building Service Worker	Senior Building Service Worker
Laundry Worker	Library Page
Building Maintenance Worker	Senior Building Maintenance Worker
Food Service Worker	Senior Food Service Worker
Recreation Aide	
Laborer	Seamstress
Clerk	Clerk Typist
Clerk Stenographer	Clerk Transcriber
Practical Nurse	Graduate Nurse
Graduate Nurse-Public Health	Garage Attendant

**Permanent Employee** – An employee who (a) has passed a competitive examination, been certified by Civil Service, and approved by the Board as a permanent employee; or (b) appointed (or hired) in a non-competitive position and has **completed the working test period**.

**Regular Employee** – An employee who has **not completed the working test period** but (a) has passed a competitive examination, been certified by Civil Service, and approved by the Board as a permanent employee; or (b) appointed (or hired) in a non-competitive position.

**Provisional Employee** – An employee who has been appointed (or hired) pending the results of a Civil Service exam. Exams are announced on INTERNET<sup>3</sup> through New Jersey Home Page ([WWW.STATE.NJ.US](http://WWW.STATE.NJ.US)) or America's Job Bank ([WWW.AJB.DNI.US](http://WWW.AJB.DNI.US)). INTERNET is available at State Unemployment Offices and career training centers, some public libraries and the Division of Central Personnel. (Also see definitions under Competitive positions.)

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<sup>2</sup> Certain promotional titles in this category may be competitive. Example, Senior or Principal Clerk Typist is competitive under Continuous Testing Program. Senior Practical Nurse is competitive. Assistant Head Nurse or Head Nurse is competitive.

<sup>3</sup> Except 450 clerical titles under Continuous Testing Program. If you are serving in a clerical title under continuous Testing, follow the instruction in the supplement at the end of Section A.

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A provisional holding one of the over 450 clerical titles listed in the Announcement available from Central Personnel, the INTERNET, or N.J. Department of Personnel (Continuous Testing Program), is required to follow the instructions for Continuous Clerical Testing. After you have taken the written exam, you may call (609) 292-6593 to schedule a performance test for typing or stenography in Trenton. If you prefer to take the typing or stenography test in Newton, call the Division of Central Personnel, (973) 579-0350, to make an appointment.

Some of the titles under Continuous Testing Program include the following (including variants such as Senior, Principal, and Supervising):

Account Clerk	Data Entry Machine Operator
Library Assistant	Secretarial Assistant
Senior Clerk Stenographer	Docket Clerk
Administrative Secretary	Administrative Clerk
Receptionist	Chief Clerk
Senior Clerk Typist	Ward Clerk

A provisional employee is responsible for checking INTERNET to see if his/her exact title is announced. It is the provisional employee's responsibility to apply for his/her exam when announced (See N.J.A.C. 4A:4-1.5 (b) below). Provisional employees should be aware that simply passing the exam does not guarantee regular/permanent status (see veteran's preference below and/or refer to Civil Service rules).

The Sussex County Division of Central Personnel, as a courtesy, notifies open competitive Provisionals that an examination has been announced, or is listed under the Continuous Testing Program for their title. It is the employee's responsibility; however, to (1) check INTERNET [HTTP://WWW.WNJPIN.State.NJ.US](http://www.wnjp.state.nj.us) to see whether their exact title is announced and (2) apply for the exam even if not notified by Central Personnel.

The following is a partial citation of a New Jersey Administrative Code (Civil Service rule):

## **NJAC 4A:4-1.5 Provisional Appointments**

- (a) A provisional appointment may be made only in the competitive division of the career service when all of the following conditions are met:
1. There is no complete list of eligible, and no one remaining on an incomplete list will accept provisional appointment.
  2. The appointee meets the minimum qualifications for the title at the time of the appointment; and
  3. The appointing authority certifies that failure to make the provisional appointment will seriously impair its work.

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- (b) Any employee who is serving on a provisional basis and who fails to file for and take an examination which has been announced for his or her title shall be separated from the provisional title. The appointing authority shall be notified by the State Department of Personnel (Civil Service) and shall take necessary steps to separate the employee within 30 days of notification...

**Temporary Employee** – A temporary employee is (a) hired for a specified period of time not to exceed six months, or (b) hired to replace a regular employee who is on leave of absence and will be terminated when the regular employee returns from leave of absence known as an interim appointment, or (c) hired as a summer employee, or (d) hired as a work study student, or (e) funded under a State or Federal grant for one year, or (f) hired for an emergency period of time not to exceed 30 days. Temporary employees, except summer employees and work study students, receive the same benefits as other employees but have no Civil Service rights or protection.

**Part Time Employees** – Any employee who works less than the normal full time hours for that division (35 or 40 per week). For example, an employee who works 35 hours in a 40 hour division is considered part time. Part time employees with designated hours per week receive pro rata benefits. Part time on call employees work irregular and inconsistent hours and receive no benefit leave time but may be required to enroll in pension. Check Sections B, D and E for more details.

**Special Re-employment Rights** – Permanent, career service (classified), employees, who have completed the 3 month working test period and who are laid off, are placed on a Special Re-employment List in their current title by State Department of Personnel (Civil Service). NJDOP (Civil Service) Rules, NJAC 4A:8-2.4, states:

- (d) Employees reappointed from a special reemployment list shall be considered as having continuous service for seniority purposes; however the elapsed time between the layoff, or demotion in lieu of layoff, and reappointment shall be deducted from the employee's seniority.

Career Service, classified, employees re-hired from a Special Re-employment List shall be credited for their previously established seniority (less the time not worked, if any) for purposes of State Department of Personnel (Civil Service) seniority rights, vacation allotment calculations, previously earned, unpaid, unused sick leave credits, longevity, etc.

Unclassified employees, who were employed at least six months prior to the layoff, who are re-hired after a layoff shall be credited for their previously established seniority (less the time not worked, if any) for purposes of seniority, vacation allotment calculations, previously earned,

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unpaid, unused sick leave credits, longevity, etc. Special Re-employment privileges for unclassified employees is a County policy not a NJDOP (Civil Service) rule.

Special Re-employment rights for either career service (classified) or unclassified employees shall not apply in cases of resignation, retirement, termination for just cause, or termination at end of term.

For more details on Special Re-employment Rights, please contact County Central Personnel, or State Department of Personnel.

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**Veteran's Preference** – Under New Jersey Statutes, disabled veterans and veterans are given preference for NJDOP (Civil Service) exams. For open competitive exams, disabled veterans are listed first, veterans are listed second, and other non-veteran eligible listed thereafter in order of their final ratings. For promotional exams, disabled veterans and veterans are listed in order of their final ratings. An interested disabled veteran or veteran cannot be by-passed for appointment.

## **NJAC 4A:5-2.1 Open competitive examinations**

- (a) A list of eligible who have passed an open competitive examination shall appear in the following order:
  - 1. Eligibles entitled to disabled veteran's preference in the order of their scores;
  - 2. Eligibles entitled to veteran's preference in the order of their scores;
  - 3. Non-veteran eligible (abbreviated as "NV") in the order of their scores.
- (b) Whenever more than one eligible has the same score and same veteran's status, the tie shall not be broken and they shall have the same rank.
- (c) Whenever a disabled veteran or veteran is certified from an open competitive list and a regular appointment is to be made, the appointing authority shall first appoint disabled veterans and then veterans in the order of ranking.
- (d) Appointing authorities are not required to give preference to disabled veterans or veterans when making a provisional appointment from an incomplete list...

## **NJAC 4A:5-2.2 Promotional Examinations**

- (a) No distinction shall be made between disabled veterans and veterans in promotional examinations. Both are referred to as veterans in this rule.
- (b) A list of eligibles who have passed a promotional examination shall appear in the order of their scores regardless of veteran or non-veteran status. However, when scores are tied, the names of veterans shall be listed first within each rank.
- (c) Whenever the name of a veteran appears in the highest rank on a promotional certification, a non-veteran shall not be appointed unless the appointing authority shows cause why the veteran should be removed from the promotional list...

## **NJAC 4A:5-2.3 Veterans and disabled veterans preference in noncompetitive division**

In making appointments in the noncompetitive division, preference shall be given among qualified applicants to disabled veterans, then veterans.

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**Unclassified employees** – Are employees elected by popular vote and/or described in New Jersey Statutes. Examples: Surrogate, Prosecutor, most Department and some Division Heads, Secretary to Judge or Department/Division Heads, employees in positions for which the laws of New Jersey prescribe a fixed term, or appointees who serve at the pleasure of the County by virtue of the laws of New Jersey. These employees are not subject to State Department of Personnel (Civil Service) rules. However, by State regulation, personnel actions for these employees are reportable to Civil Service for approval. Salaries and benefits for unclassified employees receive the same benefits as the majority of employees with the exception of Elected Officials and their Deputies/Undersheriffs, Constitutional Officers and their Deputies, Wardens in the Sheriff's Department and members of the Board of Elections, are not eligible for benefit leave time nor are they eligible to be paid for benefit leave time upon termination nor are they eligible for longevity.

## **NJAC 4A:4-1.3 Unclassified Appointments**

- (a) An unclassified appointment may be made to any title or position allocated to the unclassified service by statute or Civil Service rules, i.e. NJSA 11A.
- (b) The permanent appointment rights of Title 11A, New Jersey Statutes, are not applicable to unclassified appointments. See NJAC 4A:3.

**Non-represented positions** – Certain career service (classified) and all unclassified employees are not represented by a bargaining agent. Some examples: Department Heads or Division Heads, unclassified secretaries. Generally, these employees receive the same benefits as the majority of employees except that longevity and benefit leave time are not granted to constitutional officers, elected officials, and their deputies or assistants or undersheriff or Wardens in the Sheriff's Department.

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**Working Test Period** – “(a) The working test period is part of the examination process designed to permit an appointing authority to determine whether an employee can satisfactorily perform the duties of the title.”

## **NJAC 4A:4-5.2 Duration of Working Test Period**

“The working test period **SHALL NOT INCLUDE ANY TIME SERVED BY AN EMPLOYEE UNDER PROVISIONAL, TEMPORARY, INTERIM, OR EMERGENCY APPOINTMENT.**” (emphasis added) The rule further states the working test period shall begin on the date of regular appointment and extend over a period of three months for non-law enforcement titles and a period of 12 months for law enforcement<sup>4</sup> positions **WHICH MAY NOT BE EXTENDED.**” See definition for Permanent and Regular Employee.

## **NJAC 4A:4-5.3 Progress Reports**

The rule states supervisors shall prepare a progress report on the employee at least at the end of two months and final report at the conclusion of the working test period. (For Law Enforcement positions, the progress report shall be completed at least at the end of six months and a final report at the conclusion of the working test period.)

## **NJAC 4A:2-4.1 Notice of Termination**

An employee can be terminated or returned to his/her prior permanent title at the end of the working test period for <sup>5</sup>unsatisfactory work performance with written notice to the employee. The notice shall be served not more than five working days prior to or five working days following the last day of the working test period. A notice served after this period shall create a presumption that the employee has attained permanent status. The notice shall inform the employee of his/her right to a hearing within 20 days of the notice.

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<sup>4</sup> Persons appointed to entry level law enforcement, correction officer, juvenile detention officer, and firefighter titles must successfully complete a 12 month working test period. Law enforcement officers who are required to complete police training course shall not begin their working test period until the training is completed. (N.J.A.C. 4A:4-5.2)

<sup>5</sup> Attendance problems and other general causes for discipline, listed under Disciplinary Procedure in this Handbook, ARE NOT considered unsatisfactory work performance. Absenteeism and other general causes for discipline shall be handled in accordance with the procedures outlined in N.J.A.C. 4A:2.



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**State Department of Personnel forms** – The County is required, by State law, to inform the State Department of Personnel (Civil Service) of all employee actions for career service/classified and unclassified employees. The State Department of Personnel requires notification on special forms. NJDOP forms must be signed by the employee, the Department Head, the Personnel Director, and the Appointing Authority for any of the following actions:

New Hire	Promotion
Salary and/or Title Change	Leave of Absence
Change of Hours	Return from L.O.A.
Resignation/Retirement	
Change of Status (e.g. from provisional to permanent, etc.)	

Only one copy of these multi-part forms is retained by the County for payroll and personnel processing. No action, i.e. hiring, promotion, etc., may be placed on the payroll without the proper Civil Service form.

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**Job Description** – All career service (classified) positions have a written job description prepared by the State Department of Personnel (Civil Service). These job descriptions are updated by Civil Service. Job descriptions are guides and shall not be considered as unreasonably restrictive. When job descriptions indicate experience as a requirement, the years of experience are presumed to be full time or equivalent in a paid position<sup>6</sup>. Copies of most job descriptions are listed on the INTERNET at New Jersey Home Page ([WWW.STATE.NJ.US](http://WWW.STATE.NJ.US)). Copies of most job descriptions are available directly from New Jersey Department of Personnel or the Sussex County Division of Central Personnel.

Unclassified employees may have job descriptions maintained by the County's Division of Central Personnel. Unclassified job descriptions may be updated once per year by filing a written update with the Division of Personnel

## **NJAC 4A:3-3.4 Title Appropriate to Duties Performed**

“No person shall be appointed or employed under a title not appropriate to the duties to be performed nor assigned to perform duties other than those properly pertaining to the assigned title which the employee holds, unless otherwise provided by law or these rules.”

It is a violation of N.J.D.O.P. rules and County policy for a supervisor to consistently assign out-of-title work to employees without obtaining appropriate approval from the County Administrator and/or Board of Chosen Freeholders. Employees should request written confirmation from his/her supervisor on the appropriate N.J.D.O.P. profile form of the title and salary before he/she performs such out-of-title duties or continues to perform such out-of-title duties. No additional compensation will be granted or approved for duties which fall adequately within an employee's current title.

Employees may temporarily and inconsistently be assigned work of another employee provided tasks from a higher title do not exceed more than 1/3 of their entire work tasks. Supervisors must contact the Personnel Director before making such assignments.

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<sup>6</sup> Full time means at least 35 hours per week. An example of full time equivalent would be if you worked part time, 17 ½ hours per week, for twice as many years. In a paid position, means as an employee. Some, but only a few, job descriptions allow experience as a volunteer. If the job description does not specifically state volunteer experience is counted, assume it doesn't.

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## **EQUAL EMPLOYMENT STATEMENT**

The County of Sussex will not knowingly permit discrimination in hiring, promotion, or other conditions of employment based on race, creed, color, ancestry, sex, age, disability, marital status, national origin, atypical hereditary cellular or blood trait, or affectional or sexual orientation.

The Personnel Director/Equal Employment Officer is responsible for managing the program and coordinating the total effort, including systematizing the review of the program, periodic audits to measure effectiveness, and giving counsel and assistance regarding equal employment opportunities to all levels of management. Department Heads and their assistants, Division Heads and their assistants and supervisors are responsible for the daily administration of this policy. They will be responsible for guarding against under-utilization of minorities and females within the organization and will work toward the eventual goal of full representation of protected classes at all levels in the organization.

## **HARASSMENT**

Harassment of any kind by managers, supervisors, co-workers, and non-employees shall not be tolerated.

Slurs and other verbal or physical conduct relating to a person's race, creed, color, ancestry, sex, age, disability, marital status, national origin, atypical hereditary cellular or blood trait, or affectional or sexual orientation is harassment when it unreasonably interfere with the person's work performance and/or create an intimidating work environment.

## **SEXUAL HARASSMENT**

Sexual harassment is a form of unlawful sex discrimination that undermines the integrity of the employment relationship. Sexual harassment is a violation of the County's Equal Employment Opportunity Policy and State and Federal Law. It can consist of unwelcomed sexual advances or other physical and verbal conduct of a sexual nature by supervisors, and employee regardless of their position, or others.

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Sexual Harassment exists when:

- (a) Submission to or rejection of conduct listed below is used by supervisors, employees or other persons as a basis for employment decisions, i.e. hiring, good performance appraisals, promotion, retention, etc.
- (b) Conduct directed at another employee unreasonably interferes with an employee's work performance or creates an intimidating/hostile work environment.
- (c) Conduct by non-employees unreasonably interferes with an employee's work performance or creates an intimidating work environment.
- (d) Conduct by employees that unreasonably interferes with a non-employee's right to services, or creates an intimidating environment.

Sexual Harassment may include forms other than demand for sexual favors or sexual assault such as:

Verbal: Sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, questions about sexual activity, unwelcomed persistent requests for dates, threats.

Non-Verbal: Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures, pictures or cartoons.

Physical: Unwanted physical contact, including touching, pinching, brushing the body, coerced sexual intercourse, assault.

## COMPLAINT PROCEDURES AND REMEDIES

Employees and Supervisors are required to report conduct or complaints of discrimination or harassment to the Personnel Director/Equal Employment Officer within 20 calendar days of either the alleged action or the date on which the individual should reasonably have known of its occurrence. Any complaint of discrimination or harassment by the Equal Employment Officer shall be reported to the County Counsel within the 20-day period. Under the requirements of the law, every Department Head or Division Head is to take appropriate discrete and immediate action to report ANY knowledge of policy violation to the Equal Employment Officer. In every case, complaints of harassment or discrimination shall be taken seriously and fully investigated discreetly, impartially, thoroughly, and promptly. Complaints shall be in writing and include:

- (a) Applicant's/Employee's name and home address
- (b) Position applied for or current title
- (c) Department/Division name

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- (d) The basis of discrimination (race, creed, color, ancestry, sex, age, disability, marital status, national origin, atypical hereditary cellular or blood trait, or on the basis of affectional or sexual orientation).
- (e) Detailed, specific information concerning the alleged discriminatory action(s) including the date(s) of occurrence and the name(s) and title(s) of the person(s) involved.

Complaints will be investigated confidentially by the Personnel Director/Equal Employment Officer and in consultation with County Counsel and/or Labor Counsel. A letter of determination shall be issued within 45 days of the complaint except when an extension is agreed to by the parties of the complaint. All interested persons and their representatives, if any, will be given an opportunity to submit evidence relevant to a complaint. It shall be the responsibility of the Personnel Director/E.E.O. Officer to receive, collect, and maintain information regarding complaints filed under this Policy.

The right of a person to a prompt and equitable resolution will not be impaired by the person's pursuit of other remedies. The employee has the right to simultaneously pursue the claim with a union representative and/or directly with a formal complaint to any of the following within 180 days:

Division of EEO/AA  
N.J. Department of Personnel  
3 Station Plaza  
CN 315  
Trenton, New Jersey 08625  
Phone: (609) 520-0299

Division of Civil Rights  
N.J. Department of Law & Public Safety  
1548 Atlantic Avenue, 2<sup>nd</sup> Floor  
Atlantic City, New Jersey 08401  
Phone: (609) 441-3100

Regional Civil Rights Director  
Officer for Civil Rights, Region II  
U.S. Department of Education  
26 Federal Plaza, 33<sup>rd</sup> Floor  
New York, New York 10278  
Phone: (212) 264-5180 or (212) 264-9464

U.S. Equal Employment Opportunity Commission (EEOC)  
1421 Cherry Street, 10<sup>th</sup> Floor  
Philadelphia, Pennsylvania 19102  
Phone: (215) 597-9350

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Employees who witness alleged harassment by others shall report the conduct to the Personnel Director/Equal Employment Officer as above. Failure to report the witnessing of alleged harassment shall result in appropriate disciplinary action.

Employees harassed by non-employees are required to report the incidents to their immediate supervisor or the Personnel Director/Equal Employment Officer. An investigation shall be conducted immediately and those non-employees shall be advised of our non-harassment policy. The Personnel Director/E.E.O. Officer will recommend appropriate action to the County Administrator and to the Board of Chosen Freeholders.

To the extent possible, investigative proceedings will be conducted to protect the confidentiality of the complainant, the alleged harasser, all witnesses, and any other persons involved. All parties involved in the proceedings will be advised to maintain strict confidentiality, from the initial discussions to the final County decision, to safeguard the privacy and reputation of all involved. Persons who inappropriately disclose such confidential information may be found to have violated this policy. (N.J.S.A. 52:13D-25)

Any employee determined by the investigation to have harassed or discriminated against another employee or applicant for employment or citizen requesting services will be subject to appropriate disciplinary action up to and possibly including termination of employment.

Retaliation is any job-related adverse action against an individual because he/she filed a good-faith harassment or discrimination complaint or participated in the investigation of a complaint. Retaliation is a violation of County policy and shall not be tolerated. Threats, other forms of intimidation, and/or retaliation may be cause for disciplinary action up to and possibly including termination of employment. A complaint of retaliation shall be reported to the Personnel Director/E.E.O. Officer who shall investigate the complaint in the same manner as a complaint of harassment or discrimination.

The County also recognizes that false accusations of harassment can have a serious affect on the innocent, diminishes the creditability of bona fide victims and may subject the County and the false accuser to further penalties. Therefore, fraudulent and malicious accusations shall result in similar disciplinary action applicable to one found guilty of harassment. Persons making good faith allegations, that cannot be substantiated, shall not be retaliated against.

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## **AMERICANS WITH DISABILITIES**

### **GRIEVANCE PROCEDURE**

(Adopted by the Freeholders 2/23/94)

#### **PURPOSE**

The purpose of the Americans with Disabilities Act (A.D.A.) Grievance Procedure is to provide a formal mechanism for individuals or applicants for employment to submit an ADA complaint. This process is intended to provide a timely response to the complaint. The burden of showing there is a violation of A.D.A. is the responsibility of the complainant.

The Americans with Disabilities Act prohibits a public entity, including state, county, and municipal agencies, from discriminating against a qualified individual with a disability or from excluding that person from participation in, or denying that person the benefits of services, programs, or activities of the agency. Regulations of the United States Justice Department (28 C.F.R. Part 35) require that such governmental agencies maintain and publish a procedure to be followed when someone wishes to file an A.D.A. grievance.

#### **PROCEDURE**

1. The person filing the complaint (hereinafter referred to as "the complainant") shall address his/her grievance to the following County official, who has been given the responsibility of coordinating and overseeing the County of Sussex's A.D.A. compliance efforts:

##### **For Employment Related Complaints**

Connie J. Sutton, Personnel Director and Equal Employment Officer  
County Administration Building  
One Spring Street  
Newton, New Jersey 07860  
(973) 579-0350; Fax (973) 383-0555

##### **For Non-Employment Related Complaints**

Dennis McConnell, County Counsel and A.D.A. Compliance Officer  
McConnell & Norton  
4 Waterloo Road, Box 111  
Stanhope, New Jersey 07874  
(210) 347-6300; Fax (201) 347-9564

2. The complainant must file with the above-named official a complete and comprehensible complaint. The complaint should contain:

- (a) The name, address, and telephone number of the complainant

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- (b) A brief description of complainant's disability and the impact of that disability on his/her capacity both to perform activities of daily living and to participate in or benefit from any and all County programs, services, or activities that are an issue in the complaint
  - (c) A brief description of the alleged violation, including details concerning the department, division, and program/service/activity alleged to be in non-compliance; and
  - (d) Copies of any and all pertinent correspondence and/or descriptions of any and all communications related to the issues raised in the complaint, as transmitted between the complainant, and department/division administrators and/or program/service/activity officials.
3. The complaint should be in writing. If it is impossible or difficult for the complainant to produce a written complaint, the complainant may transmit the complaint verbally (i.e. in person or via telephone). In the event that the complainant – for reasons such as age, disability, etc. cannot adequately draft or otherwise communicate the substance of the required complaint, another person, who is at least 18 years old and of sound mind, may file the complaint on behalf of the complainant.
  4. The complainant shall file the complaint within forty-five (45) calendar days of the date that he/she first becomes aware of the allegedly illegal governmental action (i.e. the alleged Title II violation) that is the basis of the complaint. Upon receipt of a complaint, the designated ADA Compliance Officer or Equal Employment Officer shall notify the complainant of the receipt and initiation of investigation. The ADA Compliance Officer or Equal Employment Officer for the County of Sussex shall have the discretion to extend this 45-day time frame in a given case, where there exists persuasive extenuating circumstances upon which to justify the complainant's petition for an extension.
  5. The ADA Compliance Officer/Equal Employment Officer for the County of Sussex shall promptly investigate the merits of each and every allegation detailed in the filed complaint. In the course of this informally conducted investigation, all interested individuals and/or their representatives are to be afforded an opportunity to submit evidence pertinent to the complaint.
  6. The ADA Compliance Officer/Equal Employment Officer shall issue a written ruling that addresses
    - (a) The merits of the complaint, and, should it prove warranted;
    - (b) A just and proper resolution of the controversy surrounding the grievance.



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A copy of this ruling shall be forwarded to the complainant, as well as to the designated ADA compliance officer for the department in which the program/service/activity at issue is administered, within 60 calendar days of the original filing date of the complaint<sup>7</sup>.

7. The ADA Compliance Officer/Equal Employment Officer and the ADA Compliance Committee shall be responsible for written recommendations to the Board of Chosen Freeholders. As elected officials, the Board of Chosen Freeholders are responsible for ensuring all remedial steps are fully implemented within a reasonable period of time.
8. The ADA Compliance Officer/Equal Employment Officer shall be responsible to maintain, protect, and keep intact all files, records, and other evidence relevant to complaints alleging Title II non-compliance.

## APPEAL PROCEDURE

1. In the event the complainant is dissatisfied with the ruling issued by the ADA Compliance Officer or Equal Employment Officer, he/she may appeal said ruling under the provision of this grievance procedure. The complainant must request reconsideration of his/her case within thirty (30) calendar days of the date that he/she was forwarded the original ruling. This request for reconsideration, written or verbal, should be directed to:

Board of Chosen Freeholders  
County Administration Building  
One Spring Street  
Newton, New Jersey 07860

2. The Board shall determine the merits of the complainant's appeal and may or may not, at the Board's discretion, issue a written ruling thereon. A copy of the Board's ruling, if issued, will be forwarded to the complainant within forty-five (45) calendar days of the date that the formal request for reconsideration is received by the Board. Should the Board decide to issue a "no ruling", the complainant shall be notified within forty-five (45) calendar days of the date that the formal request for reconsideration is received by the Board. A copy of the Board's decision shall become part of the permanent file maintained by the ADA Compliance Officer or Equal Employment Officer, pursuant to Rule #1, above. The Board's determination is thus the ultimate and final administrative recourse available under this ADA grievance procedure.
3. All persons retain the right to invoke this ADA grievance procedure and have their complaints resolved, notwithstanding their past or present pursuit of other remedies,

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<sup>7</sup> The "filing date" is defined as the date on which the ADA Compliance Officer or Equal Employment Officer received the complaint.

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including, but not limited to, the filing of complaints alleging Title II non-compliance with the designated Federal Department or Agency, pursuant to subpart F of Part 35 (The Title II implementing regulations). Aggrieved individuals need not exhaust this ADA grievance procedure prior to their pursuit of other remedial option, such as those available in a private right of action or those set forth under subpart F of Part 35 (the Title II implementing regulation).

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## **FEDERAL IMIGRATION LAWS**

Any employee hired effective November 6, 1986 or thereafter is required under Federal law to complete an "I-9" form, "Employment Eligibility Verification". The employee must produce the original of one of the following:

1. United State Passport
2. Certificate of US Citizenship
3. Certificate of Naturalization
4. Unexpired Foreign Passport with employment authorization
5. Alien Registration Card with photograph

**OR** the original of one of the following:

1. Driver's License
2. US Military Card
3. Working Papers issued by a school

**AND** the original of one of the following:

1. Original Social Security Card
2. Birth Certificate
3. Unexpired INS Employment Authorization

Other documents are acceptable and they are described on the back of the I-9 form. The forms are photocopied and attached to the I-9 form.

If an I-9 form and documents are not provided, the County, under Federal law, cannot continue employing that person.

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## **CONSCIENTIOUS EMPLOYEE PROTECTION**

### **NJSA 34:19-1 et al**

Sussex County policy prohibits supervisors or managers from asking or requiring employees to violate laws, ordinances, resolutions, or professional regulations. Employees asked or required to violate laws, ordinances, resolutions, or professional regulations should immediately object and file a written objection, within 5 working days, with the supervisor and/or the County Administrator and/or the Personnel Director.

Sussex County shall not take any retaliatory action against an employee because the employee does any of the following:

1. Discloses, or threatens to disclose to an employee in a supervisory capacity or to a public body an activity, policy or practice of the County or another employer with whom the County has a business relationship that the employee reasonably believes is in violation of a law, a rule, or regulation promulgated pursuant to law.
2. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law by the County or another employer with whom the County has a business relationship.
3. Objects to, or refuses to participate in any activity, policy or practice that the employee reasonably believes:
  - (a) is in violation of a law, or a rule or regulation promulgated pursuant to law, or
  - (b) is fraudulent or criminal, or
  - (c) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment.

An employee who makes a disclosure to a public body must notify his/her supervisor in writing of the activity, policy or practice which is in violation of law. This notice requirement is intended to give the County a reasonable opportunity to correct the activity, policy or practice.

However, employees do not have to notify their supervisor first under the following circumstances:

- (a) Where it is reasonably certain that the activity, policy or practice is known to one or more County supervisors, or
- (b) Where employees reasonably evaluate the situation as emergent in nature.

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Should an employee feel they are or have been subject to retaliatory action for exercising their rights under this law, he/she may file a complaint, in writing, with the Personnel Director within 90 days of the incident. Each complaint shall be investigated by the Personnel Director, County Counsel, or an outside agency. Employees should be aware that pursuant to State Law, they may file a legal action in the appropriate court within one year.

## **CODE OF ETHICS AND CONDUCT**

No employee should have any interest, financial or otherwise, direct or indirect or engage in any business or transaction or professional activity, which is in substantial conflict with the proper discharge of his/her duties in the public interest.

No employee should use or attempt to use his/her official position to secure unwarranted privileges or advantages for himself/herself or others.

No employee should act in his/her official capacity in any matter wherein he/she has a direct or indirect personal financial interest that might reasonably be expected to impair his/her objectivity or independence of judgement.

No employee should undertake any employment or service, whether compensated or not, with might reasonably be expected to impair his/her objectivity and independence of judgement in the exercise of his/her official duties.

No employee should accept any gift, favor, service or other thing of value under circumstances from which it might be inferred that such gift, service, or thing of value was given or offered for the purpose of influencing him/her in the discharge of his/her official duties.

No employee should knowingly act in any way that might be expected to create any impression of suspicion among the public having knowledge of his/her trust as a County employee.

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No employee shall willfully disclose to any person, whether or not for pecuniary gain, any information not generally available to members of the public which he receives or acquires in the course of and by reason of his official duties. (N.J.S.A. 52:13D-25)

No holder of a public office or position shall demand payment or contribution from another holder of a public office or position for the campaign purposes of any candidate or for the use of any political party **N.J.S.A. 19:34-42 Demand of Contributions by Office Holders From Other Office Holders.**

Rules of conduct adopted pursuant to these principles should recognize that under our democratic form of government public officials and employees should be drawn from all our society; that citizens who serve in government cannot and should not be expected to be without any personal interest in the decisions and policies of government; that citizens who are County officials and employees have a right to private interest of a personal, financial, and economic nature; that standards of conduct should separate those conflicts of interest which are unavoidable in a free society from those conflicts of interest which are substantial and material, or which bring government into disrepute.

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## **SENDING OF CHRISTMAS OR OTHER GREETING CARDS**

(Adopted by the Freeholders 12/10/94)

**BE IT RESOLVED** that the Sussex County Board of Chosen Freeholders have and do adopt a Policy whereby no department is the have made and distributed under the name of the department any cards for either Christmas or other seasonal celebrations;

**AND BE IT FURTHER RESOLVED** that if the department wishes to do so, it must be done outside the normal working hours of the department, but in no case shall it render the name of the department on the card;

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## POLITICAL ACTIVITIES

Employees are prohibited from engaging in political activities during work hours. An employee shall not directly or indirectly use his authority or the influence of his/her position to control or modify the political action of another person. (State Law)

### **NJSA 19:34-42 Demand of Contributions by Office Holders From Other Office Holders**

No holder of a public office or position shall demand payment or contribution from another holder of a public office or position for the campaign purposes of any candidate or for the use of any political party.

### **NJAC 5A:2-5.1 (b)**

An appointing authority shall not take or threaten to take any action against an employee in the career service or an employee in the senior executive service with career status based on the employee's permissible political activities or affiliation...

### **NJAC 4A:10-1.2 Political Activity**

- (a) No employee in the career or senior executive service shall directly or indirectly use or seek to use his or her position to control or affect the political action of another person or engage in political activity during working hours.
  
- (b) No employee in the career, senior executive or unclassified services whose principal employment is in connection with a program financed in whole or in part by Federal funds or loans, shall engage in any of the following prohibited activities under the Hatch Act (5 U.S.C. 1501 et seq.):
  - 1. Be a candidate for public office in a partisan election. This provision does not apply to the Governor, the mayor of a city, the elected head of an executive department or an individual holding elective office, where that office is the sole employment connection to federally funded programs;
  
  - 2. Use Official authority or influence that interferes with or affects the results of an election or a nomination for office; or
  
  - 3. Directly or indirectly coerce contributions from subordinates in support of a political party or candidate.
  
- (c) The Office of the Special Counsel of the United States Merit System Protection Board has responsibility for the investigation of Hatch Act matters. (NOTE: Call Central Personnel for the address or phone number of the local office.)



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## **RESIDENCY**

The Board of Chosen Freeholders of the County of Sussex has adopted a residency requirement and preference for all officers and employees employed by the County of Sussex on March 16, 1996. The residency preference for employment and New Jersey Department of Personnel testing procedures is as follows:

1. Residents of Sussex County first,
2. Then residents of the contiguous counties of Warren, Morris, and Passaic,
3. Then residents of all other New Jersey counties,
4. And finally upon request of the Appointing Authority or if the provisional incumbent is not a resident of New Jersey, residents of other states in accordance with N.J.S.A. 11A:4-3; and

This Policy is prospective only and shall not affect the employment priority of any present permanent employees prior to March 16, 1996. This policy shall apply to all County departments, divisions, agencies, offices, and constitutional officers. Nothing in this Resolution restricts employees from relocating their residence outside Sussex County after permanent employment unless so stated in the Sussex County Administrative Code.

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## **DRUG-FREE AND ALCOHOL-FREE WORK PLACE**

### **POLICY**

Possessing, dispensing, using, manufacturing or distributing alcohol or a controlled substance on County premises or during working hours is strictly prohibited. "Possessing" shall include controlled substances or alcohol found in lockers or in employees' vehicles. Reporting to work, or working, under the influence of alcohol or a controlled substance, is strictly prohibited. Operating a County vehicle under the influence of alcohol or a controlled substance, without medical prescription, is strictly prohibited.

Any employee found violating any of these provisions will be subject to discipline up to and including immediate termination of employment even for the first offense.

### **DEFINITIONS**

Substance abuse means the misuse or illicit use of alcohol, drugs, or controlled substance.

Controlled substance means a controlled substance in schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and as further defined in regulations of 21 CFT 1308.11-1308.15. These controlled substances include, but are not limited to, any illegal substances, narcotics, marijuana, diet pills, tranquilizers, etc.

### **ASSISTANCE**

The County of Sussex, with the cooperation and coordination of the Sussex County Community College, has established an ongoing drug-free and alcohol-free awareness program to inform employees of the dangers of drug/alcohol abuse, the County's policy of maintaining a drug-free/alcohol-free work place, and available drug counseling, rehabilitation, and employee assistance process.

Employees with a problem with either alcohol or drugs are encouraged to contact either the Personnel Director or their supervisor for referrals to counseling or other treatment. All such contacts shall be held in the strictest confidence. In cases of deteriorating work performance, counseling or other treatment may be recommended as a condition of continued employment. The employee may also be subject to discipline up to and including termination of employment. The following is a list of area facilities. Employees are encouraged to contact these facilities for themselves or family members. Treatment may be covered under our State Health Benefits Plan; check with the facility and/or directly with State Health Benefits Program (609) 292-7524.

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## LIST OF FACILITIES

Sussex Council on Alcohol, Inc.  
122 Main Street  
Newton, NJ 07860  
(973) 383-4787

Newton Memorial Hospital  
Center for Mental Health  
175 High Street  
Newton, New Jersey 07860  
Evening Hours (973) 383-1533

Hackettstown Community Hospital  
651 Willow Grove Street  
Hackettstown, New Jersey 07840  
(908) 850-6810

Sunrise House  
Residential & Outpatient  
Adult & Adolescent  
Sunset Inn Road  
Lafayette, NJ 07848  
(973) 383-6300

Northwest Covenant Medical Center  
Counseling Center  
Sterling Plaza, Route 517  
Franklin, New Jersey 07416  
Other sites:  
Behavioral Counseling Services  
McAfee, New Jersey 07428  
Adult & Family Counseling Services  
Sussex, New Jersey 07461  
(973) 209-5270

## EQUAL OPPORTUNITY

The County does not discriminate against drug users or abusers or alcoholics. The County shall provide equal opportunity to all applicants. They are judged on their ability to perform the job in the same way as any other applicant. In this respect, the County shall comply with the provisions of Section 504 of the Vocational Rehabilitation Act and its implementing regulations, Part 84, Title 45, Code of Federal Regulations.

The County shall evaluate employees on the basis of their performance, regardless of whether they are drug users or abusers or alcoholics. Although a supervisor is not qualified to diagnose drug abuse or alcoholism, the supervisor is required to detect and report deteriorating job performance. Drug use or abuse or alcoholism alone is not a just basis for dismissal or lack of consideration for promotion (except in certain law enforcement positions or agencies). This means that a drug user or abuser or alcoholic, like any other worker is expected to report for work on time, perform his/her work in an orderly and efficient manner, ensure the safety of himself/herself, co-workers, and the public, and not create a disturbance on the job.

Upon receipt of this Handbook, each employee is hereby notified as a condition of continued employment, (a) he/she shall abide by the terms of this policy; and (b) notify the County in writing of any criminal drug/alcohol statute conviction for a violation occurring on

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County premises or during working hours no later than five calendar days after such conviction; and (c) notify the County in writing within ten calendar days after receiving notice under (b) above from an employee or otherwise receiving actual notice of such conviction.

### **COMMERCIAL DRIVERS' LICENSE JOB REQUIREMENT FOR THE ROADS, FLEET MANAGEMENT AND TRANSIT EMPLOYEES**

Employees, except those listed below, of the Division of Roads & Bridges, Division of Fleet Management, and Division of the Transit System are required to possess a valid Commercial Driver's License (CDL), in accordance with the Federal Commercial Motor Vehicle Safety Act. Positions exempt from this requirement in those Divisions are: Laborers, Mechanical Stores Clerk, Security Guards, and clerical/office positions. Certain employees in other departments/divisions who must, even occasionally, drive a truck over 26,000 pounds or a County bus must also possess a valid CDL. If you drive a County truck over 26,000 pounds or a County bus, check with the Department/Division Head to discuss this requirement.

Effective April 1, 1992, Federal standards state anyone who drives either a tractor trailer or any other truck or combination of vehicles with a gross vehicle weight rating of more than 26,000 pounds, a bus – including all school buses – or any vehicle carrying hazardous material must be retested and licensed for the specific type of vehicle they operate. The County requires either the A or B type of license.

Employees who are required to have this Commercial Drivers' License and who refuse to obtain the license or who have their CDL revoked shall be subject to disciplinary action of a minimum of a demotion to the title of Laborer or other appropriate non-truck driving title (with appropriate salary reduction) to a maximum of termination of employment. Employees whose CDL is revoked are required to report the loss of license to the Division Head immediately.

To be eligible for a truck driving or bus driving title or a promotional opportunity in those Divisions or titles, an employee must possess a valid New Jersey Commercial Drivers' License. Newly hired employees must obtain a valid Commercial Drivers' License no later than 30 days after employment.

Effective January 1, 1995, all employees required to possess a Commercial Drivers' License and/or Commercial Drivers' License with passenger endorsement must adhere to the County's Drug and Alcohol Testing Policy.

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## **DRUG AND ALCOHOL TESTING POLICY IN ACCORDANCE WITH DEPARTMENT OF TRANSPORTATION REGULATIONS**

### **A: POLICY**

The County of Sussex is committed to operating under conditions of safety to its employees and to the general public. Persons who are under the influence of alcohol or illegal drugs while working pose serious safety and health risks to themselves, to other employees, and to the general public. The Federal and State of New Jersey Departments of Transportation ("D.O.T.") have issued rules requiring drug and alcohol testing at certain times, training of supervisors and drivers regarding the consequences of drug and alcohol use, and establishment of an Employee Assistance Program. This policy is designed to be consistent with D.O.T. rules, both Federal Highway Administration and Federal Transit Administration, and the County's commitment to safety and a Drug-Free/Alcohol-Free Work Place. This policy constitutes a condition of continued employment and will be made known to all affected employees.

Affected employees shall include the following:

1. Those who are required to have a valid Commercial Drivers' License and required to operate vehicles over 26,000 pounds in performance of their regular duties.
2. Division of Transit System bus drivers and dispatchers of those bus drivers. Federal Transit Authority, Title 49 C.F.R. Parts 653.7 and 654.
3. Those employees who have a valid Commercial Drivers' License and use it during weather emergencies even though their duties during non-weather emergencies do not include operation of a covered vehicle.
4. Employees whose duties include dispatching of truck drivers (bus driver dispatchers see #2 above), either regularly or during weather emergencies are included as affected employees in post-accident testing only and based on reasonable, particularized, suspicion.
5. Employees whose duties include maintenance of covered vehicles
6. Employees who are in safety sensitive positions and required to be tested by State and/or Federal law.
7. Security employees who carry firearms.
8. Supervisory employees who perform any of the functions listed above.

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## B: SCOPE

1. **Testing** – Testing will apply to affected employees employed for 90 days or more in any period of 365 calendar days. Return to work testing and unannounced follow-up testing will apply after a positive test for affected employees. Pre-employment/Post-offer applicants who test positive shall not be hired. Employees requesting transfer or promotion into an affected position shall be considered Pre-employment/Post-offer applicants and shall not be hired if he/she tests positive.
2. **Employee Assistance Program** – Affected employees are eligible for the Employee Assistance Program. Dispatchers of truck drivers described in A (4) above are eligible for the Employee Assistance Program if tested under Post-Accident procedures. Affect employees may contact the Employee Assistance Program directly as follows:

Glen Segond or Seth Herschfeld  
Mental Health Center  
175 High Street  
Newton, New Jersey 07860  
(973) 579-8690

## C: TESTING REQUIREMENTS AND PROCEDURES

Testing will be conducted to determine use of marijuana, cocaine, opiates, amphetamine and phencyclidine (PCP) and alcohol. An employee who tests positive will be subject to disciplinary action in accordance with the County's Drug-Free and Alcohol-Free Work Place policy. If such disciplinary action does not result in termination of employment, the employee will be referred to the Employee Assistance Program (E.A.P.) for evaluation, and must cooperate with the recommended treatment program. The employee cannot return to work until successful completion of the program has been determined by the E.A.P., the program providing treatment, and the County.

Employees who test positive and who successfully complete a treatment program must continue in an aftercare program and will be subject to follow-up, unannounced, tests for at least 12 months not exceeding 60 months after returning to work. NOTE: The employee remains in the pool for random testing. Follow-up tests cannot be counted toward the number needed for random testing.

Employees who refuse to submit to testing shall be considered as having tested positive. Employees who test positive and refuse to cooperate with the recommended treatment program will be deemed to have resigned, not in good standing.

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The County shall also comply with appropriate Federal laws governing disqualification of a driver after he/she has tested positive and has been involved in a fatal accident.

It will not be a violation of this policy for an employee with a current and valid prescription for a drug to use, possess, or be under the influence of such drug in the manner and for the purposes prescribed, if such use does not affect the employee's performance or create a risk to the safety of the employee or to others. Employees using prescription or non-prescription medications having effects that might impair work performance must notify the County before working.

## **1. Post Offer/Pre-Employment Testing**

All applicants for employment in affected positions must submit to a drug test. Individuals testing positive will not be hired.

## **2. Random Testing**

The minimum annual percentage rate for random controlled substance testing shall be 50 percent (50%) of the average number of affected positions. The minimum annual percentage rate for random alcohol testing shall be 25 percent (25%) of the average number of affected positions. Affected positions shall include dispatchers of bus drivers but exclude other dispatchers. Federal Motor Carrier Safety Regulations, Title 49, Part 382.305 (a) 2.

## **3. Biannual (Periodic) Testing**

Certain drivers are required by the Federal Transportation Authority to have a bi-annual physical exam.

If the bi-annual physical exam is a requirement of continuing a valid Commercial Drivers' license, the cost of the bi-annual physical exam is the responsibility of the employee. Should a drug and/or alcohol test be required by Federal regulation with a bi-annual physical exam, the cost of the testing shall be paid by the County of Sussex.

## **4. Reasonable Cause Testing**

Affected Employees must submit immediately to a drug test or to an Evidential Breath Test (E.B.T.) by a Breath Alcohol Technician (B.A.T.) for alcohol if a supervisor has reasonable cause to believe they are using or under the influence of a controlled substance or alcohol. "Reasonable cause" means the actions, appearance or conduct of the employee are indicative of drug or alcohol use. The employee's conduct must be witnessed by two supervisors if at all feasible, unless only one supervisor is available. The witnesses should use the "Observation Check List" and prepare and sign written documentation of the employee's conduct within 24 hours of observing the behavior, or before the test results are released, whichever is earlier

Supervisors shall ensure that affected employees, selected for Reasonable Cause Testing, be provided union representation at the collection site, if requested by the employee.

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## 5. Post-accident Testing

Affected employees who are involved in a reportable accident<sup>8</sup>/incident must submit to a drug test as soon as possible after the accident, but no later than 32 hours later. Affected employees who are involved in a reportable accident must submit to an alcohol test as soon as possible after the accident but no later than 2 hours<sup>9</sup> after the accident. Employees who are seriously injured in an accident, and so cannot be tested at that time, must later provide the necessary authorization for obtaining hospital reports and other documents that indicate whether there were drugs or alcohol in their system. The results of the tests must be included in the County's accident reports.

In all post-accident tests, the operator shall be tested. Depending upon the circumstances of the accident, other safety-sensitive positions, such as dispatchers or mechanics, may be tested. Supervisors shall ensure that affected employees, selected for Post Accident Testing, be provided union representation at the collection site, if requested by the employee.

## 6. Specimen Collection

Employees required to submit to testing shall be sent to one of the County's designated collection sites.

At the collection site, employees must comply with all collection procedures, and complete their portion of the Custody and Control form. For drug testing, the employee must list any medications they may have taken or had administered to them by a medical professional during the previous 30 days. For alcohol testing, the employee must list any alcohol consumed in the last 48 hours. Employees who do not fully cooperate with the collection procedures will be considered to have tested positive.

## 7. Laboratory Testing

Employee urine specimens will be sent by the collection site to the County's certified drug testing laboratory. Each specimen will be given an initial immunoassay or screening test. If the specimen tests positive, it will be retested using the gas chromatography/mass spectrometry (GC/MS) test. Only specimens that test positive on both tests will be reported as positive. Specimens that test negative on either the immunoassay or GC/MC tests will be reported as negative.

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<sup>8</sup> Reportable accident as defined by the Federal Highway Administration and/or Federal Transit Administration.

<sup>9</sup> Supervisors may request law enforcement at the scene of the accident to perform alcohol testing for employees not seriously injured. Should law enforcement be unable to perform the alcohol test at the scene, the employee and supervisor shall make every effort to ensure testing is completed upon release from the scene by law enforcement.



# SUSSEX COUNTY EMPLOYEES' HANDBOOK

Adopted by the Board of Chosen Freeholders on July 28, 1999

## 8. Review of Test Results

All test results will be reported by the laboratory to the County's designated Medical Review Officer ("MRO"). The MRO will review and interpret all positive test results for any possible alternative medical explanations, and will report these tests as negative if such an explanation exists. This review will include contacting employees to discuss a positive test result and allowing them to provide evidence that the result was caused by a medication or controlled substance (except methadone) properly prescribed by their physician. Employees have the burden of proving this alternative cause. After the MRO has completed any review necessary, all test results will be reported to the Sussex County Division of Central Personnel.

## 9. Notification of Test Results

After Central Personnel obtains the test results, the result, whether positive or negative, will be reported to the department head. The department head must report positive test results to the employee tested, and to applicants if they request the results within 60 days after they have been notified of the disposition of their employment application.

## 10. Consequences of Positive Test

Employees who test positive will be subject to disciplinary action in accordance with the County's Drug-Free and Alcohol-Free Work Place policy. Applicants who test positive for drugs shall not be hired.

If the drug testing is positive, or the alcohol testing is 0.04 or greater, or an employee refused to take the test, the employee shall be removed from the safety-sensitive function and cannot return to work until:

- (a) employee undergoes evaluation by E.A.P. and, where necessary, treatment.
- (b) E.A.P. determines that the employee successfully complied with any recommended course of treatment.
- (c) The employee takes a return to duty test with a negative result.

If the alcohol testing is 0.02 or greater but less than 0.04, employee shall be removed from safety sensitive position:

- (a) for a minimum of 24 hours, or
- (b) until a retest shows the employee's alcohol concentration has dropped below 0.02.

Employees who refuse to submit to testing shall be considered as having tested positive. Employees who test positive and refuse to cooperate with the recommended treatment program will be deemed to have resigned, not in good standing.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **11. Record Keeping and Confidentiality**

Testing records shall be maintained by the Division of Central Personnel. Only Central Personnel and managers with a need to know shall have access to employee drug test results. In addition, only the following types of information may be maintained in the employee's personnel file:

- (a) The fact that the employee submitted to a drug test;
- (b) The date and location of each test;
- (c) The identity of the laboratory that performed each test; and
- (d) The results of each test.

This information may not be released or disclosed without the employee's prior written permission. Employees may, upon written request, have access to any records relating to their drug tests and to the laboratory that performed the tests.

## **D: TRAINING**

Affected employees must attend at least 60 minutes of initial training on the effects and consequences of drug and alcohol use on personal health, safety, and the work environment.

All affected managers and supervisors, must attend another 60 minutes of training on the effects and consequences of drug use and abuse and another 60 minutes of training on the effects and consequences of alcohol use and abuse on personal health, safety, the work environment, and on the manifestations of behavioral causes that may indicate drug or alcohol use and abuse. (Total for managers and supervisors is 180 minutes.)

For more information, contact the Division of Central Personnel.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **SMOKE-FREE ENVIRONMENT POLICY**

Public Law Chapter 381, effective September 1, 1986, is the statute regulating smoking in public buildings.

The basis of the law is that of the right of the non-smoking citizens to breathe clean air supersedes the privilege of other citizens to smoke. The law also will serve to protect and preserve, in a reasonable manner, the health and comfort of the people in any County building or vehicle by establishing areas that are free from the toxic and annoying effects of tobacco smoke. The Statute applies equally to employees and to the public who are in or being served in County buildings or vehicles.

Sussex County has a Smoke-Free Environment policy. This policy applies to employees and non-employees. Smoking in any County building in offices, hallways, rest rooms, elevators, and public access ways, etc., in County buildings is prohibited. Smoking in any County vehicle is prohibited.

Smoking may be allowed, for employees and non-employees, outside the building or vehicle. Persons smoking outside the building shall maintain a minimum of 10 feet from any entrance/exit. Members of the public who smoke in prohibited areas should be tactfully reminded of the Statute and the County policy. Members of the public who persist in smoking may be refused service and asked to leave the building or County vehicle. Supervisors may designate specific times for smoking, outside the building or vehicle, which shall be considered the employee's regular break time.

Department/Division Heads are directly responsible for policy implementation and enforcement. Complaints should be directed to the immediate Supervisor or Personnel Director. Employees who violate the County's policy on a Smoke-Free environment shall be subject to progressive disciplinary action up to, and possibly, including termination of employment.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **FINANCIAL DISCLOSURE STATEMENTS**

Every County officer shall file a financial disclosure statement with the County Clerk no later than April 30 of each year. A County officer means any person whether compensated or not, whether part time or full time who is:

1. elected to any office of the County
2. serving on a County government agency which has the authority to enact ordinances, approve development applications or grant zoning variances
3. who is a member of an independent County authority, or
4. who is a managerial executive or confidential employee of a local government agency as defined in section 3 of the "New Jersey Employer-Employee Relations Act," P.O. 1941, c.100 (C.34:13A-3).

Such financial statement shall include the following information:

**RESOLUTION RE: AUTHORIZATION TO ADOPT AMENDMENTS TO  
VARIOUS POLICIES OF SUSSEX COUNTY'S  
EMPLOYEE HANDBOOK**

**WHEREAS**, the County of Sussex has had an Employee Handbook since July 28, 1999; and

**WHEREAS**, the Employee Handbook is necessary for the County to maintain consistent policy administration; and

**WHEREAS**, the County Administration has recommended the following Amendments to the existing Employee Handbook:

1. Revision of the "Smoke-Free Environment Policy" eliminating the paragraph stating, "Smoking may be allowed, for employees and non-employees, outside of the building or vehicle. Persons smoking outside shall maintain a minimum of 10 feet from any entrance/exit. Members of the public who smoke in prohibited areas should be tactfully reminded of the County Policy. Members of the public who persist in smoking may be refused service and asked to leave the building or County vehicle. Supervisors may designate specific times for smoking, outside the building or vehicle, which shall be considered the employee's regular break time."
  
2. Revision of the "Smoke-Free Environment Policy" inserting the paragraph stating, "The use of tobacco products in any form is not permitted on County of Sussex property or on property owned, leased or controlled by Sussex County. The prohibition on the use of tobacco products on County property shall include, but not be limited to, employees, volunteers, visitors, vendors and contractors. Tobacco products include, but are not limited to, any type of lit cigarettes, cigars, chewing tobacco and pipes. Tobacco products are strictly prohibited on all County property including any and all areas available to, and customarily used by the general public while accessing County property including, but not limited to, any grounds, parking lots, walkways of any of the properties regardless of whether the area is indoors or outdoors. This includes private vehicles on county property and all Sussex County owned vehicles. Signage is located in appropriate areas so that employees, volunteers, visitors, vendors and contractors will be aware that tobacco and smoking are not permitted. No individual is permitted to trespass and/or occupy adjacent properties to utilize tobacco products. Enforcement of the Tobacco/Smoke Free Campus Policy is the responsibility of every supervisor. All employees are empowered to approach a violator and in a respectful and non-confrontational manner to provide information on this Policy. Volunteers, visitors, vendors and contractors who violate this Policy will be informed of the Policy and asked to comply. Member of the public who persist in Tobacco use may be refused services and asked to leave County property".

3. Revision of the "BREAKS Policy" eliminating the sentence stating, employees are not to leave the premises (except Roads Division and those employees working in the field) during break time.

**WHEREAS**, a copy of the complete revised Policy is attached to this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Sussex County Board of Chosen Freeholders that the Amendments to the Smoke Free Environmental and the BREAKS Policy in the Employee Handbook are hereby approved and shall be implemented in the normal practice of the County; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the Office of Employee Services for distribution to all County Employees; County Administrator; and County Counsel.

Certified as a true copy of a  
Resolution adopted by the  
Board of Chosen Freeholders  
on the 11<sup>th</sup> day of August, 2010.

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Elaine A. Morgan, Clerk  
Board of Chosen Freeholders  
County of Sussex

## **SMOKE-FREE ENVIRONMENT POLICY**

Adopted by the Board of Chosen Freeholders on July 28, 1999. Revision approved by the Board of Chosen Freeholders August 11, 2010.

Public Law Chapter 381, effective September 1, 1986 is the statute regulating smoking in public buildings.

The basis of the law is that of the right of the non-smoking citizens to breathe clean air supersedes the privilege of other citizens to smoke. The law also will serve to protect and preserve, in a reasonable manner, the health and comfort of the people in any County building or vehicle by establishing areas that are free from the toxic and annoying effects of tobacco smoke. The Statute applies equally to employees and to the public who are in or being served in County buildings or vehicles.

Sussex County has a Smoke-Free Environment policy. This policy applies to employees and non-employees. Smoking in any County building in offices, hallways, rest rooms, elevators, and public access ways, etc., in County buildings is prohibited. Smoking in any County vehicle is prohibited.

The use of tobacco products in any form is not permitted on County of Sussex property or on property owned, leased or controlled by Sussex County. The prohibition on the use of tobacco products on County property shall include, but not be limited to, employees, volunteers, visitors, vendors and contractors. Tobacco products include, but are not limited to, any type of lit cigarettes, cigars, chewing tobacco and pipes. Tobacco products are strictly prohibited on all County property including any and all areas available to, and customarily used by the general public while accessing County property including, but not limited to, any grounds, parking lots, walkways of any of the properties regardless of whether the area is indoors or outdoors. This includes private vehicles on county property and all Sussex County owned vehicles. Signage is located in appropriate areas so that employees, volunteers, visitors, vendors and contractors will be aware that tobacco and smoking are not permitted. No individual is permitted to trespass and/or occupy adjacent properties to utilize tobacco products. Enforcement of the Tobacco/Smoke Free Campus Policy is the responsibility of every supervisor. All employees are empowered to approach a violator and in a respectful and non-confrontational manner to provide information on this Policy. Volunteers, visitors, vendors and contractors who violate this Policy will be informed of the Policy and asked to comply. Member of the public who persist in Tobacco use may be refused services and asked to leave County property.

Department/Division Heads are directly responsible for Policy implementation and enforcement. Complaints should be directed to the immediate Supervisor or Director of Employee Services. Employees who violate the County's Policy on a Smoke-Free Environment shall be subject to progressive disciplinary action up to, and possible, including termination of employment.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **BREAKS**

Each employee shall be entitled to one fifteen minute break for each half day period of work (morning and afternoon and equivalent periods). Established time for these breaks will be set by the Supervisor/Division Head and shall be strictly observed. Unused break time shall not be credited or accumulated. Break time shall not be combined with lunch break.

Each employee shall be entitled to a lunch break for each day. Established time for this lunch break will be set by the Supervisor/Division Head and shall be strictly observed. Unused lunch breaks shall not be credited or accumulated. Employees who do not take their lunch break shall not be permitted to work late nor leave early. No employee shall be paid for his/her lunch break.



## **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

- The source of all income in the amount of one thousand dollars (\$1,000) or more received by such person or spouse during the preceding calendar year.
- The name and address of all business organizations or labor unions in which such person or spouse has held any type of office or interest whatsoever or had a fiduciary relationship at any time during the preceding calendar year.
- The name and address of each business or organization which such person or spouse holds or at any time during the preceding calendar year held stocks, securities or other ownership interests.
- The name and address of each business organization that does business with or is regulated by the County and in which such person or spouse holds or at any time during the preceding calendar year held an interest.
- The name and address of each creditor to whom such person or spouse owes or has owed during the preceding calendar year an obligation in excess of two thousand five hundred dollars (\$2,500).
- The legal address, including tax block and lot number of all real estate in which such person or spouse has any direct or indirect interest.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **PHOTO IDENTIFICATION**

The purpose of the Photo Identification Cards is to identify County employees to the public as well as for building security reasons. Photo Identification Cards are available from Personnel during the orientation process or other appointed times.

Terminating employees shall be required to return their Photo Identification Cards to Personnel within 5 days of termination date. The County Treasurer shall hold the terminating employee's last pay check until the Photo Identification Card is returned.

1. Employees shall wear their Photo Identification Card at all times while on County Property. The employee should not leave County premises to retrieve their ID card.
2. Failure to have the card available shall result in disciplinary action of:

First Incident: Verbal Warning with memo in personnel file

Second Incident: Written Warning

Third Incident: 1 day suspension without pay

Fourth Incident: 3 days suspension without pay

Photo Identification Cards shall be valid for 2 years.

Photo ID cards are the property of the County of Sussex. Employees shall take every precaution to safeguard their ID cards. Employees are held responsible for lost cards. Notification to replace lost cards must be made to the Division of Personnel, in writing, within 5 days of occurrence.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **DISCIPLINARY PROCEDURE**

The disciplinary procedure is constructed to ensure fair treatment and protect the safety of all employees. Discipline may be in the form of verbal warning, written warning, suspension without pay, demotion, fine (in cases of damage to County property or expenses incurred), or termination of employment. Discipline for Career Service (classified) employees shall be handled under NJAC 4A:2.

The general causes for discipline may include (but are not limited to) the following:

- Assault or fighting or attempting to provoke a fight on County premises
- Chronic or excessive absenteeism or lateness
- Conduct unbecoming a public employee
- Conviction of a criminal offense
- Drinking alcoholic beverages or using illegal substances on County premises
- Falsification of Records including, but not limited to, to employment applications, overtime/payroll records, time cards, vouchers, financial reports, etc.
- Inability to perform duties
- Incompetency, inefficiency or failure to perform duties
- Intentionally misusing or damaging County property
- Insubordination
- Neglect of duty
- Removal of County records, tools, or property
- Sleeping on the job
- Smoking in an unauthorized area
- Theft of County property
- Threats of violence
- Violence toward an employee, property, or other person
- Willful disregard of safety rules or failure to use safety equipment
- Unauthorized release of confidential information

Suspensions, without pay, that exceed 5 working days may affect continued health benefits coverage. Please check with Personnel.

## **GRIEVANCE PROCEDURE**

Full grievance procedure for union represented employees is available from County Personnel or the union agreement.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **PERSONNEL FILES AND PERSONAL INFORMATION**

Employee personnel files are confidential and shall be treated as such. In recognition of the individual employee's right to privacy, the County has adopted these six principles:

1. The County will request only that information required for business or legal purposes. The County will strictly follow the requirements of Equal Employment Opportunity laws with regard to the collection of information concerning protected classes. For example, the County maintains records of employee ethnicity for the purpose of complying with Equal Employment Opportunities Laws and statistical reports.
2. The County shall protect the confidentiality of all personal information. For example, the birth dates of children are requested to properly implement health insurance programs and shall not be used for other purposes. Another example, social security numbers are used for identification purposes for state and federal taxes, N.J.D.O.P. (Civil Service) records, and health insurance enrollment; these identification numbers shall not be used for other purposes.
3. The County will limit the availability of personal information to those County officials with a business "need to know" and upon written request. The following is an example of a business "need to know": the County is applying for a financial grant that requires the statistical listing of affected employees residing in certain municipalities.
4. The County will refuse to release information to outside inquirers (except as listed below) without the employee's written approval. The following is an example of a non-business need: a co-worker wants to send a birthday card and requests the birth date and home address of another employee.
5. The County will require each employee of the County involved in record keeping to adhere to these policies and practices and violations will result in disciplinary action.
6. Each employee has the right to review their personnel files, both the main file and the medical file, upon reasonable request.

Upon hiring, the main employee file is prepared and located in the Division of Central Personnel. Some titles require maintenance of a secondary medical file. These titles include positions involved in random drug/alcohol testing and Hepatitis B vaccinations. Original copies of all disciplinary actions, warnings, suspensions, demotions, fines, etc. shall be maintained in the main file in Central Personnel and shall be forwarded to Central Personnel within 48 hours of issuance to the employee. Some departments may also keep a secondary file on employees for their reference. Upon termination, the department's secondary file shall be merged with the main

## SUSSEX COUNTY EMPLOYEES' HANDBOOK

Adopted by the Board of Chosen Freeholders on July 28, 1999

file in the Division of Central Personnel. Paper copies of terminated employees' files are maintained for six (6) years after date of termination. Thereafter, terminated employees' files are maintained on microfilm.

Access to employee files is limited to the following:

1. Persons other than the employee: Other employees of the County may have access to personnel files only if they have a need to know. This means access is limited to:
  - (a) Division of Personnel staff in their normal duties; or
  - (b) Potential Supervisors and Department/Division Heads considering an employee for promotion or transfer into their departments; or
  - (c) Others only as specifically authorized by the Personnel Director (after consultation with County Counsel and/or Labor Counsel).
2. Non employees may not, except with specific authorization, have access to files themselves. Such access would be granted only upon advice of County Counsel (for example, in response to a subpoena, summons, or request for information from a federal or local administrative or law enforcement agency).
3. The employee: Each employee may inspect his/her own personnel file, provided an appointment is made with the County Division of Central Personnel. No materials are to be removed except as specifically authorized by the Personnel Director. Employees may object, in writing, to any material included in their personnel file and such writing shall become a part of the file.
4. Terminated employees may review their personnel file within 90 days of the termination date. Thereafter, see #2 above.

Employees must keep their personnel records up-to-date by notifying the Division of Personnel of all changes concerning: current address, marital status, youngest child attaining age 23 or no longer living in a normal parent child relationship, income tax exemptions.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **CHANGE OF ADDRESS AND PHONE**

Each employee should check the address listed on his/her paycheck each pay to ensure that it is current and correct. Please complete a "Change of Address" form within 15 days. Employees are required to provide their immediate Supervisor/Department or Division Heads with new phone numbers within 5 days. (NOTE: Failure to provide phone numbers timely may result in disciplinary action.)

If you leave County employment before the end of the calendar year and have moved after your termination date, please notify Personnel so your W-2 form at the end of the year for Federal and State Income Taxes can be mailed properly.

## **EMPLOYMENT REFERENCES/FINANCIAL VERIFICATION**

All requests for information about current, retired, or terminated employees are to be referred to the County Division of Central Personnel. These will be completed by the Personnel Director, acting on the advice of County Counsel if necessary, who will confirm:

- (a) Name
- (b) Title
- (c) Dates of employment
- (d) Whether termination was voluntary or involuntary

Requests for financial verification shall include the above and, if requested in writing, confirmation of salary and/or address (phone number) shall be given based on signed release from the employee. If the written request for salary and/or address (phone number) is incorrect, it will be described as "incorrect" without clarification or further comment.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

Adopted by the Board of Chosen Freeholders on July 28, 1999

## DRESS CODE

Sussex County requires employees to be neat, orderly, and dressed appropriately for the work they perform. Some departments/divisions have adopted specific dress standards or require uniforms. Employees who receive a clothing allowance or uniforms may be required to meet specific dress standards. Employees must wear clothing and/or jewelry that will ensure a safe environment. Employees must present themselves professionally. Absent a specific division policy, the following attire is inappropriate:

- jeans (may be permitted when working in the field or on Fridays Dress Down Day)
- sneakers (may be permitted when working in the field or on Fridays Dress Down Day)
- dirty and/or torn clothing
- t-shirts or sweatshirts which advertise unprofessional and/or controversial subject matter
- halter tops or clothing that exposes the midriff
- shorts (excluding skorts)
- Spandex clothing or clothing generally worn for exercise
- hats worn indoors (except law enforcement or construction hard hats)
- clothing worn so that undergarments are readily visible
- undergarments worn as outerwear
- transparent clothing
- “flip-flop” footwear
- sunglasses worn indoors without a prescription
- excessive piercing of visible body parts, including connecting chains
- beachwear
- shoes with no socks/hosiery
- excessively large belt buckles

Certain divisions may adopt Fridays as “Dress Down Day” and employees may voluntarily wear conservative casual attire. Employees are expected to come to work looking neat and clean wearing clothing that is conducive to safety of oneself and others, and dressed in good taste for their particular work environment.

The County Administrator has approved certain divisions to have specific dress standards which are conducive to their operations. Such specific dress standards are on file with the Division of Central Personnel. These standards shall be uniformly applied and provided, in writing, to any prospective applicant at the time of job offer and on the first day of work.

Should an employee fail to meet the dress standards or required uniforms or fail to dress in an appropriate manner, the employee may be sent home to change, without pay. Failure to meet dress standards shall be subject to disciplinary action up to and possibly including termination of employment. The employee may appeal the reasonableness of the supervisor’s decision either through the grievance procedure or to the Personnel Director.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **ENERGY CONSERVATION**

Energy shortages can have a serious impact on America and the County. Not only are the costs of purchasing electricity and fuels soaring, but the availability of our vital raw materials is declining. Each employee can help the County in its energy conservation by ensuring that lights, computers, faucets, etc. are turned off at the end of the work day. The support and active participation of every employee is essential. Each employee and Supervisor has the responsibility to identify and eliminate inefficient, unnecessary, or wasteful uses of energy throughout the County. Employees should report suspected inefficient use of energy to the Supervisor. The Division of Facilities Management will regulate thermostats and air conditioning systems.

## **COST CONTROL**

One of the major responsibilities of Supervisors and Department/Division Heads is to help keep operating costs down. This can be accomplished if managers take the following steps:

- Pass down the directive to be cost-conscious to all employees. Ask employees for suggestions on improving job performance and reducing waste and cost.
- Carefully study every potential for waste in the Department/Division and plan concrete actions to eliminate waste of materials and duplication of functions.
- Constantly search for ways to improve work performance. Within the framework of this, look for ways to save materials in the performance of specific vital tasks.
- Institute safety procedures to reduce the chance of accidents.
- Arrange work schedules and job procedures so employees can perform their specified tasks with as little wasted effort and backtracking as possible.
- Inspect and evaluate use of equipment, machines, and the overall office-production areas to see that the most efficient and economic procedures and processes are used.
- Institute procedures to see that workers arrive on time and work until quitting time and take only authorized and contracted breaks.



# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **PARKING FACILITIES**

The County provides and maintains parking facilities for the use of employees. As space is limited, the County encourages the use of car pools. Employees are to park only in designated areas. The County assumes no responsibility for damage to vehicles or theft of articles from vehicles while on County property. There is a 5 mph speed limit on most County property.

Assigned parking spaces are available at some locations. Check with your Supervisor for more details.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

Adopted by the Board of Chosen Freeholders on July 28, 1999

## VISITORS

To avoid disruptions, possible security, and liability problems, it is County policy that:

1. This policy be posted on all bulletin boards available to the public and employees. The Department Head, in charge of managing the building, is responsible for ensuring adherence to this policy as well as posting specific instructions for visitors.
2. Visitors to County buildings who are on business (for example, vendors, clients) must identify themselves and state their business, including family members of employees. Some buildings have reception areas which include sign-in logs.
3. Visits by personal friends and family members of employees are discouraged and should be limited to 15 minutes maximum. These visits shall be considered as employee break time and shall be approved by supervisors prior to taking the break.
4. Employees are prohibited from bringing children with them to work, except as noted in #3 above. Employees' children are prohibited from playing or being unattended on County premises including parking lots.

Exceptions to the above may be granted for national "Bring Your Daughter to Work Day" only with prior written approval of the Department Head. No child under age 10 will be allowed to participate. The written request must include the time the child will be on County premises and a plan of activities for the child that will not disrupt the employee's work performance or the performance of others. The county accepts no liability for the health and safety of the child while on County premises.

5. No visitor is allowed to wander about County premises unescorted. Employees who notice a visitor in the building should ask if they can help them find their destination. If a visitor refuses help or appears to be questionable, the employee shall report the incident to a supervisor immediately.
6. Safety is everyone's responsibility. No visitor is allowed to break rules or policies affecting safety. Any employee witnessing breach of safety rules or policies should first attempt to stop the visitor and then shall inform a supervisor.
7. The County of Sussex does not tolerate harassment of any kind. Slurs and other verbal or physical conduct relating to a person's race, creed, color, ancestry, sex, age, disability, marital status, national origin, or atypical hereditary cellular or blood trait, or on the basis of affectional or sexual orientation constitutes harassment. Any employee witnessing breach of our non-harassment policies should first attempt to stop the visitor and then shall inform a supervisor.

## **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

8. Unauthorized solicitations of employees on County premises are strictly prohibited. This prohibition applies both to employees on working time and to visitors.
  
9. Groups of visitors, such as school children or senior citizens, who wish to make a guided tour of County buildings are welcomed. Arrangements for such tours must be made with the written approval of the County Administrator in advance of the tour.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **SOLICITATIONS**

Charitable contributions may be solicited on County property only with the permission of the County Administrator. Unauthorized solicitation of employees on the premises are strictly prohibited except for solicitations for gifts for employees for special events (resignations, retirements, weddings, births, etc.). This prohibition applies both to employees on working time and non-employees.

No handbills, notices, or other promotional items may be distributed on County property unless prior approval of the County Administrator has been given.

## **COUNTY PROPERTY**

Employees are expected to exercise care in the use of County property and to use such property only for authorized purposes. Negligence in the care and use of County property may be considered cause for disciplinary action up to and including termination of employment. Unauthorized removal of County property from the premises or its conversion to personal use will be considered cause for disciplinary action up to and including termination of employment.

County property issued to an employee must be returned at the time of termination or when requested by the Supervisor. The value of any property issued and not returned may be deducted from an employee's paycheck.

## **LOCKERS**

Some work locations provide lockers. Lockers are County property. Lockers may be inspected at any time by a minimum of 2 supervisors/managers. Employees should not keep money or valuables in lockers. Employees who store alcohol, illegal substances, firearms or weapons (except law enforcement as authorized by Department Head) in lockers shall be subject to disciplinary action up to and including termination of employment.

Employees are to report to their Supervisors any break-ins, theft, or suspicious activity around lockers. The County shall not be responsible for destroyed, lost, or stolen personal property.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **PERSONAL PROPERTY**

The County assumes no responsibility for loss or damage to the personal property of an employee.

## **PERSONAL TELEPHONE CALLS, USE OF FACSIMILE MACHINES, COMPUTER INTERNET AND E-MAIL ACCESS**

Much of the County's business is conducted over the telephone or with fax machines. The lines cannot be tied up with personal employee business. Personal calls, both incoming and outgoing, are discouraged.

The County recognizes that today, when all adult members of a household work, there may occasionally be times when personal calls or faxes must be made or received during work hours. Such calls or faxes must be held to a minimum, however, and must not interfere with the employee's work. Employees are encouraged to make such calls during their breaks or at lunch time and to use the public telephones provided at various locations throughout the County buildings.

In an emergency, phone calls or use of fax machines may be made or received. An emergency is regarded as illness or a severe injury to a member of one's family, changed plans regarding an employee's transportation home from work, extreme weather conditions, and so forth, with the supervisor's permission. Long "chatty" telephone conversations on unimportant matters may result in disciplinary action. Extensive and continuous use of the fax machines may result in disciplinary action.

When a long-distance call is made in an emergency situation or cannot be made at any other time during the day, the call shall be billed to the caller's home phone number. (Contact the operator for instructions.) If the call is not billed to the caller's home, the employee must submit a personal check to the County Treasurer to reimburse for the charge to the County. The employee must submit a personal check to the County Treasurer to reimburse the charge to the County for use of the facsimile machines.

Access to the INTERNET or E-MAIL on County computers is for business purposes. Use of the INTERNET or E-MAIL to access sexually explicit material or other non-County related business shall be cause for disciplinary action<sup>10</sup>. Use of the County owned equipment for solicitation of funds, political messages, harassing messages is strictly prohibited. No employee should have any expectation of privacy when accessing the INTERNET or E-MAIL.

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<sup>10</sup> Even if such access was accomplished during non-paid time.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

Adopted by the Board of Chosen Freeholders on July 28, 1999

## CRITICAL INCIDENTS

### WORK PLACE VIOLENCE

The County of Sussex is committed to maintaining a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. While this kind of conduct is not pervasive in Sussex County government, no employer is immune. Because of the unique nature of their work, government employees may be at increased risk of violence in the workplace. Violence against employees can take many forms including harassment, threats, intimidation, disruptive behavior and physical acts.

The County of Sussex maintains a strict “zero tolerance” for work place violence. Violence, or the threat of violence, toward employees, property, or other person is unacceptable and contrary to County policy. It is the responsibility of all employees to assure that their behavior is appropriate in the work place given the accountability of an employee in the public sector. Employees who engage in violence may be removed from the premises immediately and shall be subject to serious disciplinary action<sup>11</sup> up to and possibly including termination of employment and criminal charges. The County will work with law enforcement agencies to aid in the prosecution of anyone who commits violent acts against employees. It is the shared obligation of all employees, law enforcement agencies, and the unions to individually and jointly act to prevent or defuse actual or implied violent behavior at work.

Possession, use, or threat of use, of a weapon, including firearms, is not permitted at work, or on County property unless such possession or use of a weapon is a necessary AND approved requirement of the job.

Work Place violence takes many forms including:

- Intimidation through direct or veiled/implied threats.
- Intimidating, belligerent, harassing, bullying, or other inappropriate and aggressive behavior.
- Talk of suicide, threats or attempts of suicide.
- Damage to property, graffiti.
- Throwing objects in the work place despite the size or type of the object thrown or whether a person is the target of a thrown object.
- Physically touching another employee, such as: hitting, slapping, poking, pinching, grabbing, bumping, or pushing.
- Physically threatening others including such acts as stalking, obscene gestures, “getting in your face”, and fist shaking.
- Bringing a weapon to work, brandishing a weapon.

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<sup>11</sup> Serious Disciplinary Action can be a suspension, without pay, for 30 working days even for the first incident!

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

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“Workplace violence, especially that perpetrated by one worker against another, rarely happens without warning. Threats, constant complaints, belligerent behavior, verbal abuse, discussion of workplace killings, and physical attacks should all be treated as warning signs of a buildup to a violent incident.”<sup>12</sup>

As an employee, your attentiveness to the following issues may help you in averting violent actions:

1. Maintain confidentiality regarding employees' personal information (home address, home phone, names of family member, work schedules, etc.)
2. Supervisors should observe anyone loitering in the work place; restrict access to only those who work or have business in the work area.
3. Take threats seriously. Report all incidents of workplace violence promptly.
4. Watch for warning signs: talk about weapons or violence, making unreasonable demands, talking irrationally, always angry about something or someone.
5. Be alert when entering or leaving the work place, your car, when in restrooms or hallways. Know where all exits are located.
6. Report inadequate lighting at the work site and outside areas.
7. When confronted with a violent act: don't try to be the hero, do not make sudden gestures, stay where you are unless told to do otherwise, give them what they want, do not try to restrain or disarm a person, and never use an elevator unless directed to do so. If necessary, seek cover, under a table or desk, or just lie on the floor.

Don't ignore violence or threats of violence. Employees and Supervisors are required to report all incidents of work place violence, in writing to superiors, outlining specific details. Reports can also be made to the Personnel Director, (973) 579-0350. All reports shall be investigated. No employee acting in good faith, who reports real or implied violent behavior will be subject to retaliation or harassment based upon their report.

In emergency situations, call 9-1-1 or the Prosecutor's Office, (973) 383-1570, or the Sheriff's Department, (973) 579-0850, or develop a special signal with a supervisor or co-worker so they can call law enforcement agencies for you.

## **BOMB THREATS OR FIRES**

The danger of a possible fire or bombing is too great to ignore. Whenever a call is received about a bomb or fire threat, the following actions must be taken:

Call 9-1-1 (Remember most County Phones require 9-9-1-1)

Notify the Sussex County Prosecutor's Office, (973) 383-1570, or the State Police.

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<sup>12</sup> Violence in the Workplace: A Cry for Help. S.L. Smith, Occupational Hazards, October 1993.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

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Notify the County Administrator, (973) 579-0250

Or develop a special signal with a supervisor or co-worker so they can call law enforcement for you.

Evacuate the building, if instructed to do so by law enforcement.

Immediately document, in writing, the conversation as precisely and concisely as possible noting the following:

- Let them finish their message without interruption
- When is the bomb going to explode or fire start?
- Where is it right now?
- What does it look like? In a box, briefcase?
- What kind of bomb is it?
- What will cause the bomb to explode or fire start?
- Did the caller place the bomb?
- Why?
- Caller's name and/or address?
- Exact wording of the threat.
- Caller's voice: calm, angry, slurred, deep, accent, loud, was the voice familiar? Well spoken/educated, recorded message, incoherent.
- Background sounds: street, house, or animal noises, motors running, static, music.
- Gender or age of the caller.
- Time and location of call received.

The Prosecutor's Office shall be responsible for investigating any threats, civil disturbances or other life endangering situation involving a County building, property or facility. The Prosecutor's Office shall determine when and who may re-enter the building.

If you see suspicious objects, packages, boxes, etc. call security or your supervisor immediately. If you receive suspicious mail<sup>13</sup>, i.e. wires or tinfoil protruding from the package/envelope, no return address, oily stains or discolorations, call security or your supervisor immediately. Never touch or disturb a suspicious package or object.

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<sup>13</sup> A few years ago, a clerical employee at Motor Vehicles office in Wayne, NJ, opened a manila envelope with a letter opener. She noticed wires sticking out of a cassette and immediately notified police. Authorities said, that if the package had been opened with her bare hands, the bomb would have detonated.



# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

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## **FIRES**

All supervisors must know OSHA standards pertaining to fire prevention and fire hazards and ensure that standards are enforced.

All new employees must be instructed in the department's rules pertaining to fire. They must be taught the precautions used in handling flammable materials and have the fire-drill procedures explained to them.

Fire extinguishers are attached to wall brackets in all County building. Department Administrators shall advise employees of their locations.

Fire drills will be carried out by Department Administrators every six months. The entire building will be evacuated and employees will be instructed about what to do (i.e. turn off machinery) and how to leave the building during a fire drill.

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## **NOTARY PUBLIC**

Some employees may be required to become a notary public as part of their job duties. Normally there is a \$7.50 registration fee that is paid to the County Clerk's Office. If you inform the County Clerk's Office that you are registering as a notary public as part of your job with the County, the registration fee will be waived.

## **MOTOR POOL**

The number of County cars available for work-related activities is very limited. Requests for County cars must be made at least 24 hours in advance to (973) 579-0439. Requests must have the approval of the Department/Division Head. Cars are assigned on a first-come, first serve basis.

## **EMPLOYEE EXPENSES AND MILEAGE**

Employees required to use personal vehicles in the pursuit of proper and necessary County business will be reimbursed. All such personal car mileage shall be submitted on the proper travel voucher form. Beginning and ending odometer readings are required on travel vouchers. All payments will be made under the "Travel Policy".

Traffic violations (fines) are the responsibility of the employee – not the County.

All other necessary expenses borne by the employee during work shall be reimbursed in accordance with the approval of the County Treasurer.

## **MEAL ALLOWANCE**

Employees in the Roads & Bridges, Fleet Management, Engineering and Facilities Management Divisions who work during severe weather conditions, e.g. snow, floods, hurricane, receive the sum of \$7.00 as a meal allowance for each six (6) hour period worked between the hours of 6:00 p.m. and 6:00 a.m. on weekdays and each (6) hour period worked on weekends and holidays. This meal allowance is paid on payroll and subject to appropriate State and Federal taxes.

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## TUITION REIMBURSEMENT

The County will reimburse active, full time, permanent, employees a portion of the costs for tuition and registration after other financial aid (i.e. GI Bill, etc.) has been applied. For CWA represented employees and non-represented employees, the rate of reimbursement is based on the grade received.

The Sussex County Technical School provides a 50% reduction in tuition costs for employees who present a valid photo identification. This 50% discount shall be applied before the tuition reimbursement described above is processed. (In other words, job related courses at Sussex Tech will cost the employee ¼ of the full tuition.)

The course must be job related and must be attended on the employee's own time at an accredited institution approved by the Personnel Director. Preference is given to new applicants. It is not the purpose of the Tuition Reimbursement Program to underwrite degrees or certificate programs but rather to reimburse employees on a **course-by-course basis**. An employee must pass the course with a minimum passing grade of "C" or satisfactory completion. When appropriation funds are expended, no further reimbursements will be made.

Requests for reimbursement must be made on the standard TR-1 form (which is completed **before** the course starts) and the TR-2 form (which is completed **no later than 4 weeks** after the course ends). A complete list of all regulations for reimbursement are on the back of the forms.

## EMPLOYMENT OF IMMEDIATE FAMILY

It is the intent of this policy to avoid any situations where there can arise the appearance of a conflict of interest. Therefore, no applicant for a position will be employed by the County if a member of the immediate family is currently employed in the same division. In departments with no recognized divisions, this policy shall apply to the department as a whole. Immediate family means those persons related by blood or marriage.

The County's EMPLOYMENT APPLICATION AND PERSONNEL RECORD shall include a requirement to list the names and relationship of relatives currently employed by the County. Each applicant is required to answer this question truthfully. The interviewer shall advise each applicant of this policy.

Present employees who marry other present employees will be allowed to continue employment, but not in an immediate supervisor/subordinate role in the same division nor in

## **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

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a position that authorizes allocation of funds and/or certification of financial reports for the spouse. Should one spouse leave, he/she would not be reemployed in an immediate supervisor/subordinate role or in a role of allocation of funds for the spouse in the same division while the other spouse remains employed.

Present employees who become related as “in-laws” or “step” due to the marriage of others will be allowed to continue employment, but not in an immediate supervisor/subordinate role nor in a position that authorizes allocation of funds and/or certification of financial reports for the relative in the same division.

The policy will be implemented on a case-by-case basis, recognizing that duties, responsibilities and oversight varies by division. (Amended Freeholder Resolution adopted July 26, 1995).

### **PAY AND WAGES**

Wages and pay raises for most Career Service (classified) employees are based upon the agreement between the County and the Union. Copies of union contracts are available from the Union. Wages and pay raises for non-represented employees are determined by the Board of Chosen Freeholders.

Employees are paid on a bi-weekly basis. Pay day is every other Wednesday. A regular week starts on Wednesday and ends on Tuesday. This regular week is used to determine overtime pay.<sup>14</sup> Employees hired after 1992 are not paid up-to-date when the checks are issued; they are subject to a two week delay. Check with the Supervisor or Personnel.

At the end of each calendar year and the beginning of each calendar year, adjustments to the pay periods are made. This adjustment is for accounting purposes. All salaries budgeted must be charged in the year in which they occur. Therefore if paid for December 31, the salary must be charged to the appropriate account in that year.

Salaried, full time employees can calculate their daily rate of pay by dividing the annual salary by 261 work days per year. Salaried, full time employees can calculate their hourly rate by dividing the annual salary by 1827 hours per year or a 35 hour work week or by 2088 hours per year for a 40 hour work week.

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<sup>14</sup> The regular work week for P.B.A. Jail represented employees is Sunday to Saturday...

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Effective January 1, 2000, we anticipate that our payroll computer system will be able to provide direct deposit services for pay checks. If you are interested in direct deposit, contact the payroll office, (973) 579-0300, to complete an authorization form.

### **LONGEVITY**

Permanent employees with five years or more of continuous service are entitled to longevity. CERTAIN PART TIME EMPLOYEES are eligible for longevity. Payment is made in the 25<sup>th</sup> pay of the year on a lump sum basis.

Constitutional Officers, elected officials, and their deputies/undersheriff or assistants are not eligible for longevity. (See the definition of Constitutional Officers in Section A.)

For more details, refer to the Collective Bargaining Agreement.

### **SHIFT DIFFERENTIAL**

Employees who work at the Homestead, Juvenile Center, or Jail which operate on a 24 hour, 7 days a week basis, will receive a shift differential for the evening and midnight shift. Refer to the appropriate collective bargaining agreement. Shift Differential is paid for hours worked during the evening or midnight shift. Shift differential is not considered "base pay" and shall not be paid for benefit leave time off.

The current rate for shift differential is 4% for the evening shift and 7% for the midnight shift.

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## **OVERTIME**

Any full time employee scheduled by the Department Head to work in excess of his/her regular work week shall be paid at the rate of time and one-half for all such hours worked (except if that work week includes an unexcused absence). Supervisors shall consider the health and welfare of each employee scheduled to work beyond their normal hours of work.

Part time employees will receive overtime pay **ONLY** for those hours they work in excess of the normal work week in their department/division (35 or 40).

There are special overtime rates for "call out" time, weekends, and holidays for full time employees. Please check with Central Personnel or the union agreement.

The Board of Chosen Freeholders reserves the right to determine the amount of, or need for, overtime by budgetary appropriation for that department.

## **COMPENSATORY TIME OFF IN LIEU OF OVERTIME**

The County agrees to adhere to the collective bargaining agreements for overtime and/or compensatory time off in lieu of overtime. Should discrepancies between this policy and the collective bargaining agreements occur, the collective bargaining agreements shall prevail for represented employees. The use of compensatory time off in lieu of overtime payment shall be limited to emergency situations or when budget appropriations are expended.

## **ELIGIBILITY FOR COMPENSATORY TIME**

- A. For represented employees, the County reserves the right to offer compensatory time off in lieu of paid overtime. The employee retains the right to refuse compensatory time off in lieu of paid overtime. Compensatory time off in lieu of paid overtime for represented employees shall be earned at the same rate as paid overtime described in the collective bargaining agreement.
- B. Non-represented secretarial or other clerical employees, are eligible for either compensatory time off in lieu of paid overtime or paid overtime as outlined in A above. Compensatory time off in lieu of paid overtime for non-represented secretarial or other clerical employees shall be earned at the same rate as paid overtime described in the collective bargaining agreement with the largest union.

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- C. Non-represented, managerial, supervisory, or confidential employees are not eligible for paid overtime. Compensatory time off in lieu of paid overtime for non-represented, managerial, supervisory, or confidential employees shall be earned at the rate of hour for hour.
- D. Constitutional/Elected Officers and their Deputies/Undersheriff or Wardens in the Sheriff's Department are not eligible for overtime pay or compensatory time off.

### **PROCEDURE FOR COMPENSATORY TIME**

- A. Eligible employees shall obtain prior approval from the Division Head or other supervisory officer before any overtime is worked and compensatory time off is accrued.
- B. Accurate records showing when the time is earned and when it is taken shall be maintained by the Division Head or other supervisory officer in compliance with the Federal Law and County Policy.
- C. Employees are responsible for submitting a Leave Request to use the compensatory time within 120 calendar days of earning it with first and second choices. Failure of the employee to request to use the compensatory time within the time limits shall result in forfeiture. The employee's first choice will not be unreasonably denied.
- D. Employees shall provide advance notice to use compensatory time off in the same manner as vacation time off (see Collective Bargaining Agreement or Employee's Handbook).
- E. Under no circumstances will compensatory time off be granted before it is earned.
- F. Compensatory time off shall not exceed the employee's regular work week of either 35 or 40 hours in any regular work week.
- G. An employee leaving County employment shall be paid for any unused compensatory time remaining when separation takes place. The estates of deceased employees shall be paid for the compensatory time earned.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

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## SOCIAL SECURITY

A deduction into a form of retirement commonly known as Social Security, listed on the paycheck stub as "FICA" and "Medicare" is made as follows:

1990 or later ..... 7.65%

All deductions are paid directly to the Social Security Administration. If you have a question on the amount deducted for Social Security, contact the Payroll Office, (973) 579-0333.

Every three years you should obtain a historical printout of all of your eligible Social Security earnings. This printout will date back to the first year you began working. It will allow you to see if your account has been properly credited. Call the local office of Social Security Administration for the history.

## WITHHOLDING TAXES

The Federal and State Withholding Tax deduction is based on the information supplied by the employee on the W-4 and the State Withholding Statement signed at the time of employment.

If you wish to change your deductions, a new form must be filled out, signed and forwarded to the Payroll Office or Personnel.

## OTHER PAYROLL DEDUCTIONS

See other sections of the Handbook for Pension, Life Insurance, Deferred Compensation, and Medical Benefits.

## PART TIME EMPLOYEES

All part time employees shall be paid wages based on the rates of pay for the appropriate classification as set forth in the approved salary ranges, pro rata. A part time employee is any employee who regularly works less than the established full time hours for that Department or Division. For example, the Transit Division is established for full time hours of 40 per week; an employee who regularly works 35 hours per week is considered part time. There are two types



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of part time employees: (a) regularly scheduled for a minimum number of hours per week and (b) part time, on call, employees who work inconsistent schedules and/or as needed.

Part time, on call, employees work inconsistent schedules and/or when needed based on the pre-arranged agreement with the supervisor. Part Time, on call, employees must provide the supervisor with a listing of days or dates they are available. Should a part time, on call employee fail to report for work either on a scheduled work day, a day called to work, or either, three (3) times in a calendar year, that employee may be terminated based on his/her unavailability for work.

Part time employees consistently scheduled for a minimum number of hours per week shall be credited with pro rata sick leave, bereavement, personal leave, vacation and holiday leave. Employees considered part time, on call, shall not receive benefit leave time. Benefit leave for part time employees consistently scheduled for a minimum number of hours per week shall be computed by dividing the minimum number of hours worked per week by the regular department hours. This fraction will then be multiplied by the number of benefit leave days concerned to obtain a total for each part time employee.

Part time, on call, employees may work more than 24 hours per week no more than twice a month, no more than two consecutive months. Part time employees will receive overtime pay ONLY for those hours they work in excess of the normal work week in their department/division (35 or 40).

Part time employees must work a minimum of twenty-five (25) hours per week to be eligible for health benefits, prescription program, and dental program. Part time, C.W.A. represented employees, must work at least (20) hours per week to be eligible for longevity.

Upon completion of one year of service, part time employees who earn at least \$1,500 or more per year or work more than 120 days per year are required by State law to join the Public Employees' Retirement System. Part time law enforcement employees should refer to the Pension Section for eligibility for pension enrollment.

Certain part time employees are granted pro rata longevity, clothing allowance, or other benefits. (NOTE: Pro rata benefits are granted to most part time employees but not all. Check with Central Personnel or the union contract.)

Union Representation is based on the title held by the employee. If an employee holds a title that is normally represented by that union, whether full time or part time, that employee is considered as represented by that union.

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## **PROMOTIONS**

Promotional positions are filled in accordance with State Department of Personnel (formerly Civil Service) rules.

No employee will receive a pay cut on promotion. Most C.W.A. represented and non-represented positions provide for a 5% increase or the minimum of the salary range whichever is greater. Check the P.B.A. agreement for details on salary increases due to promotions.

If interested in promotional positions, check the bulletin boards or INTERNET.

## **DEMOTIONS**

Demotions may be mutually agreed by the employee and the supervisor, as a result of a layoff, or for disciplinary reasons. Demotions are administered in accordance with N.J. Department of Personnel rules.

Most C.W.A. represented and non-represented positions provide for a 5% decrease or the minimum of the salary range whichever is greater. Check the P.B.A. agreement for details on salary decreases due to demotion.

## **TITLE APPROPRIATE TO DUTIES ASSIGNED**

**NJAC 4A:3-3.4 Title Appropriate to Duties Performed:** “No person shall be appointed or employed under a title not appropriate to the duties to be performed nor assigned to perform duties other than those properly pertaining to the assigned title which the employee holds, unless otherwise provided by law or these rules.”

It is a violation of N.J.D.O.P. rules and County policy for a supervisor to consistently assign out-of-title work to employees without obtaining appropriate approval from the County Administrator and/or Board of Chosen Freeholders. Employees should request written confirmation from his/her supervisor on the appropriate N.J.D.O.P. profile form of the title and salary before he/she performs such out-of-title duties or continues to perform such out-of-title duties. No additional compensation will be granted or approved for duties that fall adequately within an employee's current title.

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Employees may temporarily and inconsistently be assigned work of another employee provided tasks from a higher title do not exceed more than 1/3 of their entire work tasks. Supervisors must contact the Personnel Director before making such assignments.

## **PAGERS**

Employees, eligible for any compensation provided in the union contract for carrying pagers, must be specifically assigned, in writing, to carry a pager during off hours. Carrying a pager during regular work hours is not compensable. Some positions required to respond to emergency situations may be required to carry pagers during off hours. Contact your supervisor for further details.

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## **STRIKES**

The County shall not condone strikes or threats thereof by public employees, or work stoppages, slow downs or any other such actions which would interfere with service to the public or violate the Constitution and the laws of the State of New Jersey.

## **LAYOFFS**

In accordance with State Department of Personnel (formerly Civil Service) rules and the Collective Bargaining Agreement, the appointing authority may lay off an employee for efficiency or economy or other valid reason requiring a reduction of the number of employees in a given class on the basis of seniority. A 45-day notice for permanent employees is required. See Section A Special Re-Employment Rights.

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## **RESIGNATIONS/TERMINATIONS**

In accordance with **NJAC 4:A2-6.1**, any employee may resign in good standing by giving the appointing authority (or Department/Division Head) at least 14 days written notice, unless the appointing authority consents to a shorter notice. In accordance with NJAC 4A:2-6.2, if an employee resigns without complying with the required notice, he or she shall be held to as having resigned **not in good standing**. Employees planning to retire must adhere to the N.J. Department of Personnel rules. Completion of the application for Retirement Allowance **may not** be considered in lieu of the required minimum 14 days written notice. The County has extended the above State Department of Personnel rules to unclassified employees as a County policy.

## **TERMINATION DATE**

Termination date shall be your **ACTUAL LAST WORKING DAY**. The termination date cannot be a day designated as a vacation day, sick day, holiday, or other benefit leave day.

One exception to this policy is an employee who has been granted a leave of absence and resigns before returning from leave of absence shall be considered as terminated on the date of notification of resignation. If receiving periodic workers' compensation payments and the employee has decided to resign or retire, the termination date shall be the date of the last salary supplement check from workers' compensation.

## **TERMINATION FORMS**

Each employee must sign termination forms upon resignation or retirement. Call Personnel, (973) 579-0350, to set up an appointment to sign this form as well as the other forms described further in this text.

## **BENEFITS UPON TERMINATION/RESIGNATION**

See Section D for further details on payment of vacation, sick leave, or personal leave. If you have used more vacation, sick leave, personal leave, or holiday time than earned at the time of resignation, termination, or retirement, it will be deducted from your last paycheck or the County Treasurer will ask for reimbursement of the amount due or the amount due will be pursued legally. **NOTE: PAYMENT OF SICK LEAVE UPON RESIGNATION/RETIREMENT IS CONTINGENT UPON A RESIGNATION IN GOOD STANDING, I.E. GIVING 14 DAYS NOTICE AND WORKING THE FULL 2 WEEKS!**

See the Section of this Handbook on Health Benefits, Life Insurance and Pension for further details.

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## **PHOTO I.D.'S**

Terminating employees shall be required to return their Photo Identification Cards to Personnel within 5 days of termination date. The County Treasurer shall hold the terminating employee's last pay check until the Photo Identification Card is returned.

## **EXIT INTERVIEWS**

Exit interviews are scheduled with employees and Central Personnel. The purpose of these interviews is to obtain frank and honest information about why employees are leaving County employment. The information is held in confidence and used as a statistical report on turnover rates.

## **UNEMPLOYMENT INSURANCE**

The County participates in the New Jersey State Unemployment Insurance Program. Each employee must contribute at the rate of .625 of 1% on the first \$12,000 of the covered wages paid by the County in the calendar year. The County matches the amount paid by the employees.

If you become totally or partially unemployed, file a claim for benefits at the nearest Unemployment Insurance Claims Office on the first working day following your unemployment. Be sure to give them the County's registration number – 439549 and the name of the employer as "County of Sussex". All claim forms must be sent to the Division of Central Personnel, Spring Street, Newton, NJ 07860. Department/Division Heads shall forward claims for Unemployment to the Division of Central Personnel.

Eligibility requirements are determined by the State of New Jersey – not the County of Sussex. See Section D for details about State Disability Insurance.

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## **VOLUNTEER FIRE FIGHTERS, FIRST AID AND RESCUE SQUAD**

The County of Sussex recognizes the valuable contributions made by its employees on volunteer fire departments, first aid squads, and rescue squads. When a duly certified<sup>15</sup> employee is called to emergency duty during regular work hours:

- The employee shall be released to respond provided (a) safety of the public, co-workers, and/or the safety and security of County property/equipment is not compromised (b) critical County operations are not threatened (c) the employee is not employed in a 24 hour facility directly responsible for patient/inmate care/custody or (d) the employee is not a Department or Division Head.
- The employee shall be granted County time while responding to any such emergencies. This time shall not be charged against the employee's benefit leave time.
- Any employee so excused shall return to work immediately after the emergency is over unless the regular work hours have ceased.

If an employee is called to emergency duty other than regular work hours:

- and the emergency extends into the regular work hours, the employee shall not be considered late for work while engaged in the emergency situation.
- and the emergency extends beyond regular work hours, the employee shall not be eligible for overtime or compensatory time off in lieu of overtime.

If, due to fatigue or injury, the employee is unable to return to work immediately after the emergency:

- The employee may request to use vacation leave, personal leave, or earned compensatory time off in lieu of overtime.
- If no benefit leave time is available, the employee may request a leave of absence, without pay.

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<sup>15</sup> For example, Fire Fighter 1 or Emergency Medical Technician.

## **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

In the case of emergency fire-fighting duty while under the state fire warden:

- The employee shall be released to respond provided (a) safety of the public, co-workers, and/or the safety and security of County property/equipment is not compromised (b) critical County operations are not threatened (c) the employee is not employed in a 24 hour facility directly responsible for patient/inmate care/custody or (d) the employee is not a Department or Division Head.
- The employee shall be granted County time while responding to any such emergencies. This time shall not be charged against the employee's benefit leave time.
- The employee shall sign over the funds received from the state for fire-fighting services in return for full pay from the County.

### **MANAGEMENT DISCRETION**

- Employees must provide written documentation of appropriate certification of training and affiliation with an emergency squad or volunteer fire department before taking advantage of this privilege. This documentation shall become part of their permanent personnel file located in the Division of Central Personnel.
- This policy is a privilege extended by the County of Sussex to employees on an individual basis, not a right.
- Abuses of this privilege by employees will result in its forfeiture.
- Management reserves the right to request documentation to verify the employee's emergency service whenever it deems appropriate.
- The employee may not respond to emergencies with a County vehicle subject to exceptions to be developed by the County Administrator on a case-by-case basis subsequent to adoption of this policy.
- The County of Sussex recognizes that employees who are duly authorized members of emergency squads or volunteer fire departments are provided insurance protection by the municipal governments. Therefore, the employees are not covered by the County's workers' compensation insurance when responding to emergencies.
- Employees shall request the immediate supervisor's approval before leaving the work site.
- Employees shall document time spent responding to emergencies on their time cards/sheets and on Leave Requests.

Adopted by the Freeholders September 10, 1997



# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **REPORTING EMERGENCIES**

The primary purpose of 9-1-1 emergency telephone service is to enable citizens to obtain law enforcement, medical, fire, rescue, or other emergency services quickly and efficiently. Within Sussex County Government where the telephone prefix "9" is required for an outside line, the number becomes 9-9-1-1. Should you encounter an emergency situation involving an employee, a visitor, or County property, please use 9-1-1.

## **SAFETY FIRST MISSION STATEMENT**

The following is an excerpt from a Resolution adopted by the Board of Chosen Freeholders on March 26, 1996:

**WHEREAS**, Article X, Section 5, of the contract between the Board of Chosen Freeholders and the Communications Workers of America provides for the establishment of a Joint Labor-Management Safety Committee; and

**WHEREAS**, the members of the Joint Labor-Management Safety Committee have adopted a "Safety First" Mission Statement; and

**WHEREAS**, the Sussex County Board of Chosen Freeholders wishes to support the Committee and their efforts to foster a safe and healthful work place; and

**WHEREAS**, the Board of Chosen Freeholders wishes to adopt the "Safety First" Mission Statement on a County-wide basis.

**NOW, THEREFORE, BE IT RESOLVED**, that the Sussex County Board of Chosen Freeholders hereby adopt the following statement:

### **"SAFETY FIRST" MISSION STATEMENT**

**The loss from an on-the-job accident affects not only the injured worker but his/her family, his/her co-workers, the County, and the economy of the entire State. Because of this, Safety should be foremost on your mind at all times. As you go about your daily tasks, keep one thing in mind – no job is so important and no service so urgent that time cannot be taken to perform your work in a safe manner. Be Smart and Be Safe.**

**The mission of the County of Sussex and Sussex County Joint Labor-Management Safety Committee is to ensure a "Safety First" ethic and safe work practices among all employees of the county.**

Any employee wishing to have a safety matter discussed by the Joint Labor-Management Safety Committee at their regular quarterly meeting, may contact the Risk Manager or their union representative.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

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## **PUBLIC EMPLOYEES OCCUPATIONAL SAFETY AND HEALTH ACT**

The County is required to provide each employee a place of employment which is free from recognized hazards which may cause serious injury and to comply with occupational safety and health standards promulgated under the Public Employees Occupational Safety and Health Act (NJSA 34:6A-33.) On February 28, 1991, the Board of Chosen Freeholders adopted a Resolution regarding the Safety Policy for County employees. That Policy includes, but is not limited to, the following issues.

The Public Employees Occupational Safety and Health Program Log and Summary of Occupational Injuries and Illnesses is posted in the Division of Central Personnel on or before February 1 of each year for the prior year. This log and summary lists the occupational injuries and illnesses in accordance with N.J.A.C. 12:110, Subchapter 5.

Every public employee shall comply with occupational safety and health standards which are applicable to his own actions and conduct (NJSA 34:6A-34.)

Any employee, group of employees or employee representative who believes that a violation of a safety standard exists, or that an imminent danger exists, may request an inspection by giving notice to the State Department of Labor. The notice and request shall be in writing, and shall be signed by the employee, a group of employees or an employee representative. The State Department of Labor shall conduct an appropriate inspection at the earliest time possible. The State Department of Labor keeps the name(s) of the employees in confidence. (NJSA 34:6A-36)

The law encourages any employee, group of employees or employee representative who believes that a violation of a safety standard exists, or that an imminent danger exists, to report that violation or danger in the first instance to the County Administrator, Risk Manager, or Personnel Director.

No person shall discharge, or otherwise discipline, or in any manner discriminate against any employee because such employee has filed any complaint or instituted any proceeding under or related to P.E.O.S.H.A. or has testified or is about to testify in any such proceeding, or because of the exercise by such employee on behalf of himself or others of any right afforded by P.E.O.S.H.A. (NJSA 34:6A-45)

Any waiver by an employee or applicant for employment of the benefits or requirements of this act shall be against public policy and be void and any employer's request or requirement that an employee waive any rights under this Act as a condition of employment or continued employment shall constitute an act of discrimination.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

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## **HORSEPLAY**

All employees are expected to be safety-conscious and to assist the County in finding conditions on the premises that might cause an accident. Any unsafe conditions and/or subsequent injuries, even though very slight, are to be reported to the Supervisor, Division Head, Department Head, Personnel Director, Division Head for Facilities Management or the Risk Manager.

Horseplay and practical joking may result in serious injury or death; therefore, anyone engaging in horseplay or unsafe practical joking will be subject to discipline up to and including dismissal.

## **SAFETY AND VISITORS**

No visitor is allowed to break rules or policies affecting safety. Any employee witnessing breach of safety rules or policies must inform his/her supervisor immediately.

## **P.E.O.S.H.A. REPORTS**

The Public Employees Occupational Safety and Health Program Log and Summary of Occupational Injuries and Illnesses is posted in the Division of Central Personnel on or before February 1 of each year for the prior year. This log and summary lists the occupational injuries and illnesses in accordance with N.J.A.C. 12:110, Subchapter 5.

## **RIGHT TO KNOW ACT**

The New Jersey Worker and Community Right to Know Act requires the County to provide information about hazardous substances at their facilities to:

- Give workers information about their working conditions and work places.
- Give residents information about their community environment.
- Help fire fighters, police, and other first responders at emergencies such as spills, explosions, or fires.

## **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

- Help public officials develop contingency plans in the event of an industrial accident.
- Provide data to use, monitor and track hazardous substances in the work place and the environment.

Under the Right-to-Know Act, workers have certain rights and access to information about substances with which they work. Some of these rights include the following:

- The right to have containers labeled by your employer with the names of their chemical contents.
- The right to have a copy of the “Right to Know Survey of Hazardous Substances in Your Work place”.
- The right to obtain hazardous substance fact sheets from the County.
- The right to annual education and training about the hazardous substances with which you work. Training is provided by the employer on paid time.
- The right to use the Right to Know Act without reprisals from your employer. (If you believe you have been fired or penalized for using your rights, contact the State Department of Labor within 30 days (609) 292-7036. They will investigate your complaint.)
- The right to file a complaint with the Department of health against your employer for not complying with the Act. Your name will be kept confidential.
- The right to refuse to work with a substance if your employer has not given you the information you requested in writing within 5 working days. During that time, call the Department of Health for more information BEFORE you take further action.

For more information on Right to Know, contact the  
Sussex County Health Department, (973) 948-4545.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

Adopted by the Board of Chosen Freeholders on July 28, 1999

## WORKERS' COMPENSATION (ACCIDENT ON THE JOB)

Effective January 1, 1999

### If you are injured on the job:

Immediately notify your supervisor about your work-related injury. A delay in reporting may result in loss of benefits.

Complete an Accident Report, whether or not you need medical treatment or miss time from work.

Notwithstanding the nature or severity, all injuries/accidents sustained on the job must be reported on an "Accident Report" form as soon as possible and preferably within 24 hours. The "Accident Report" acts as a workers' compensation claim for medical expenses, loss of work, and/or loss or damage to personal appliances such as eye glasses. Exposure to serious disease, for example Lyme, scabies, Hepatitis, HIV, or tuberculosis, are reportable on the same "Accident Report." This supervisor's report of each accident/exposure shall accompany the "Accident Report." If the injury requires medical attention and in order to be eligible for temporary workers' compensation leave of absence and benefits, employees must obtain medical attention from any of the following primary physicians. Primary physicians may refer employees to the specialists; bills from specialists will not be paid or honored without a primary referral.

### WORKERS COMPENSATION PANEL PHYSICIANS LIST

Approved by Select Tech (the County's workers' compensation administrator)

<b>Physician</b>	<b>Address</b>	<b>Phone</b>	<b>Specialty</b>
Andover Orthopedic Surgery & Sports	280 Newton-Sparta Road, Suite 4, Newton NJ 07860	(973) 579-7443	Orthopedics
Eye Associates of Sussex	3317 State Highway 94, Hamburg NJ 07419	(973) 209-2000	Eye Care Specialists
Eye Physicians of Sussex County	183 High Street, Newton NJ 07860	(973) 383-6345	Eye Care Specialists
<sup>16</sup> Family Health at Andover <b>PRIMARY</b>	65 Newton-Sparta Road, Newton NJ 07860	(973) 383-2244	Family Practice
Dennis Fielding, M.D.	17 Route 23, Hamburg, NJ 07419	(973) 827-7800	Internal Medicine

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<sup>16</sup> Family Health at Andover requests that employees make appointments whenever possible.

## SUSSEX COUNTY EMPLOYEES' HANDBOOK

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<b>Physician</b>	<b>Address</b>	<b>Phone</b>	<b>Specialty</b>
John Fisher, MD <b>PRIMARY</b>	16 E. Main Street, Sussex NJ 07461	(973) 875-3646	Family Practice
Eugene Hrabarchuk, MD <b>PRIMARY</b>	165 State Highway 23, Franklin NJ 07416	(973) 827-5255	Primary Care
Ronald Liss, MD	233 Route 94, Vernon NJ 07461	(973) 827-2700	Orthopedic Surgery
Newton Memorial Hospital	175 High Street, Newton NJ 07860	(973) 383-2121	Hospital
NorthWest Covenant Medical Center	20 Walnut Street, St Clares-Riverside, Sussex NJ 07461	(973) 702-2780	Hospital
Northern NJ Orthopedic Specialist	212 Route 94, Suite 1D, Vernon NJ 07461	(973) 827-4700	Orthopedic Surgery
Sussex Co. Total Health <b>PRIMARY</b>	274 South Spring Street, Newton NJ 07860	(973)579-1660	Family Practice
Skyland Medical Group, PA <b>PRIMARY</b>	150 Lakeside Boulevard, Landing NJ 07850	(973) 398-6300	Family Practice
Sparta Medical Assoc, PA <b>PRIMARY</b>	125 Newton-Sparta Road, Newton NJ 07860	(973) 579-1000	Family Practice
Sparta Medical Assoc, PA <b>PRIMARY</b>	225 Route 23 North, Hamburg NJ 07419	(973) 209-1550	Family Practice
Sparta Medical Assoc, PA <b>PRIMARY</b>	272 Route 206 North, Andover NJ 07821	(973) 347-2273	Family Practice
Sparta Medical Assoc, PA <b>PRIMARY</b>	334 Sparta Avenue, Sparta NJ 07871	(973) 729-2121	Family Practice
Sparta Medical Assoc, PA <b>PRIMARY</b>	4 Wantage Avenue, Branchville NJ 07826	(973) 948-5577	Family Practice
Sussex County Total Health <b>PRIMARY</b>	274 Spring Street, Newton NJ 07860	(973) 579-1660	Multi-Specialty
John Vitolo, MD	Vernon Colonial Plaza, Route 94, McAfee NJ 07427	(973) 827-8178	Orthopedic Surgery
Vernon Urgent Care <b>PRIMARY</b>	212 Route 94, Vernon NJ 07461	(973) 209-2260	Family Practice

Or call a medical case manager at 1 (800) 293-9795. The medical case manager will (a) monitor your medical treatment plan, (b) provide information to you, the County, and the claim representative, and (c) coordinate your return to work. Calling the case manager does not substitute for completing an Accident Report nor is it an indication of approval of the claim.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

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*In a life threatening emergency, you may be treated by a hospital, physician or other health care provider of your choice. Unauthorized non-emergency treatment with a health care provider not listed on the provider panel will not be paid under workers' compensation.*

Anyone who does not treat with one of the above physicians will not have their bills or lost time honored. The above named physicians are the only ones who can authorize a specialist to treat an injured employee for his/her work related injury. If the employee's life is threatened or further injury is possible obtain immediate emergency care. However, the employee is required to visit one of the above as soon as possible after the emergency. If an employee is taken to a hospital, an approved doctor must be notified as soon as possible.

Employees must advise the doctor and/or hospital that the injury/exposure is work related. You will be issued a Select Tech Identifier card. Receipt of this Identifier card does not indicate approval of your claim. Present this card to the panel physician and/or pharmacy. This card will supply the panel physicians with injury and billing information. Have the physician or pharmacist mail bills, including diagnosis, to: **MCSI, IBIS Plaza South, 3525 Quakerbridge Road, Suite 100, Hamilton Township, NJ 08619.**

A Select Tech claim representative will be assigned to your claim. The claim representative will (a) determine compensability of the claim (b) communicate with you, the County, the physician, and your medical case manager, and (c) authorize payment of related bills and indemnity wages. The focus of the above process is to assist you, the injured worker, to reach the goal of maximum medical improvement and return to work.

***DO NOT USE HEALTH BENEFITS OR PRESCRIPTION CARDS FOR AN INJURY ON THE JOB.*** Make sure the physician or pharmacy sends the bills directly to the address on the Select Tech Identifier Card.

## **LOST WORK**

If injured on the job and unable to return to work, employees are required to provide the Supervisor with a medical certificate immediately indicating whether the employee can return to full duty and when. Obtain a "Return to Work Notice" from the Supervisor which must be completed by your physician and the Supervisor before employees are allowed to return to work. *The payroll Office is not permitted to issue a paycheck upon return from a job related injury unless a "Return to Work Notice" is on file.*

Certain absences for injury on the job are paid for by the County (for example, the first five (5) days and some absences are paid for by the worker's compensation carrier. Check with Personnel or the union contract<sup>17</sup>.

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<sup>17</sup> Employees represented by PBA (Sheriff's Unit) please review your union contract.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

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## FOLLOW-UP PHYSICIAN VISITS

After an employee has been returned to work, follow-up physician visits will be scheduled by Select Tech for non-working hours. The employee will have the right of one (1) refusal. Thereafter, the employee may be allowed a Leave of Absence, without pay, or to use his/her benefit leave time for working hours. Failure to attend the follow-up visit shall result in disapproval of benefits.

## RETURN TO WORK

*Employees may return to work after providing the County with the completed "Return to Work" form. This form shall be completed by the physician and the supervisor. Employees shall return to work on the date designated by the physician. Failure to report for work, request a Leave of Absence, or resign, on the physician's release date shall be designated as an unauthorized absence and shall be cause for disciplinary action.*

**N.J.A.C. 4A:2-6.2 (c) "Any employee who has not returned to duty for five or more consecutive business days following an approved leave of absence (includes workers' compensation leaves) shall be considered to have abandoned his/her position and shall be recorded as a resignation not in good standing..."**

## LIGHT DUTY

If released for "light duty", contact Personnel before returning to work. State Department of Personnel (formerly Civil Service) requires that each employee be physically able to perform ALL the duties of the position with reasonable accommodation. If you are not released for full duty and management cannot provide a reasonable accommodation, you may need to request a leave of absence, apply for another vacancy, or resign.

## ELIGIBILITY FOR WORKERS' COMPENSATION BENEFITS

Eligibility for temporary workers' compensation benefits (medical claims and replacement of wages lost) is determined solely by Select Tech. The injury or illness is eligible if it occurs on the work premise, i.e. the physical area of operation, including buildings, grounds and parking areas. An injury occurring off the work premises may be eligible only when the employee is engaged in authorized work activity or travel between work stations. To be eligible for workers' compensation benefits, the accident must occur during normal work hours or



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approved overtime. Injuries which occur during normal commutation between home and the work station or home and field assignment may not be eligible. Injuries that occur during lunch periods may not be eligible except when required to remain at a particular job location during lunch.

An injury may not be eligible if it is established that the employee was grossly negligent, including those injuries arising from impairment due to alcohol or drug abuse.

If the workers' compensation insurance payments are discontinued by Select Tech, employees are responsible to: (1) report to work immediately, or (2) request a leave of absence without pay, or (3) resign. If your physician disagrees with Select Tech's decision, you must still follow the above until the situation is resolved.

## **BENEFITS**

During the time that an employee is receiving Workers' Compensation Insurance benefits, the County shall assume the cost of the health insurance (except the employee's share of H.M.O. costs.)

During the time that the employee is receiving workers' compensation insurance, the County shall assume both the County's share and the employee's share of pension costs (but not contributory insurance) and the costs for all medical benefits, excepting however, if the employee fails to reimburse the County for contributory insurance. Contact the Payroll Office, (973) 579-0333, for exact amounts and due dates of contributory insurance.

If you are awarded temporary periodic disability benefits under workers' compensation, you retain the same status as an active member of the pension system as long as you are receiving temporary periodic workers' compensation. You cannot withdraw your pension contributions while receiving workers' compensation, have a claim pending or are involved in litigation regarding workers' compensation. The County is obligated by statute to pay your full pension contribution based on the salary you were receiving immediately before the receipt of workers' compensation benefits. The County is not obligated, however, to make voluntary contributions such as loans and arrears or purchase of service credit. The voluntary resignation or retirement of an employee receiving workers' compensation frees the County from pension contributions on behalf of the member.) Above taken from the State Division of Pensions dated December 1, 1990.)

The time that the employee shall be paid workers' compensation insurance payments shall not be charged against his/her sick leave, vacation leave or personal leave, but said employee shall be paid for any holiday that occurs during the time that he/she is receiving workers' compensation.

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## **AUTOMOBILE/VEHICLE ACCIDENTS**

In case of automobile/vehicle accidents, please note the following:

- State law and County policy requires (a) employees not leave the scene of the accident unless and until transported to emergency room, if necessary; (b) police are called to the scene and make a report of the accident; (c) employees cooperate fully with police and their investigation; and (d) employees cooperate fully with emergency personnel at the scene.
- All accidents or vehicle damages are to be reported to the County Division of Roads & Bridges, (973) 579-0430.
- Damaged vehicles are to be taken to the nearest County garage, or if within a reasonable distance, to the Motor Pool garage on Hampton Street in Newton.
- No employee, Supervisor, or Constitutional Officer may take a damaged vehicle directly to a vendor without proper written authorization.

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## ATTENDANCE

Employees are expected and required to be in attendance, prepared to commence work activities, at the designated work locations, days, and assigned hours. Employees are also expected to remain at their designated work locations for the entire work period (except those positions required to visit other premises.) Late arrival, early departure, and other unauthorized absences are disruptive and should be avoided. Where employees are found to abuse benefit leave time, the County may find it necessary to attempt correction of the situation by counseling, disciplinary measures, or termination of employment.

Supervisors should refer to Standard Operating Procedures for Personnel on Discipline, Sick Leave/Absenteeism, for procedures and appropriate forms or call the Division of Central Personnel.

## UNAUTHORIZED ABSENCE

Any employee on an unauthorized absence for more than 5 consecutive days will be deemed to have abandoned his/her position, and will be processed for termination of employment in accordance with NJAC 4A:2-6.2.

Any employee on an unauthorized absence for less than 5 consecutive days without approval of the supervisor may be subject to disciplinary action.

Supervisors should refer to Standard Operating Procedures for Personnel on Discipline, Sick Leave/Absenteeism, for procedures and appropriate forms or call the Division of Central Personnel.

## BREAKS

Each employee<sup>18</sup> shall be entitled to one fifteen minute break for each half day period of work (morning and afternoon and equivalent periods for shift work.) Established time for these breaks will be set by the Supervisor/Division Head and shall be strictly observed. Unused break time shall not be credited or accumulated. Break time shall not be combined with lunch break. Employees are not to leave the premises (except Roads Division and those employees working in the field) during break time. (Also see, Tardiness, extending lunch breaks, leaving work early.)

Each employee shall be entitled to a lunch break for each work day. Established time for this lunch break will be set by the Supervisor/Division Head and shall be strictly observed. Unused lunch breaks shall not be credited or accumulated. Employees who do not take their lunch break shall not be permitted to report to work late nor leave work early. No employee shall be paid for his/her lunch break.

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<sup>18</sup> Welfare employees receive a 10 minute break for each half day worked which is interruptible. This practice is the Welfare Agency pre-exists County policy.

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## **TARDINESS, EXTENDING LUNCH BREAKS, OR LEAVING WORK EARLY**

All employees shall be expected to adhere to assigned work hours and to complete their work in the time allocated for the normal working day. Depending on the particular department, weekly work hours are 35 or 40 and salaries are set accordingly.

Standards for tardiness or leaving work early are set by each department and/or division. Employees working in 24-hour facilities are required to adhere to rigorous standards because they are engaged in patient/inmate care and custody. Employees are expected to report for work on time, on a regular basis. Unnecessary lateness, leaving work early, or extending established lunch breaks, are expensive and disruptive and they place an unfair burden on the County, including other employees and Supervisors. If an employee is going to be late for any reason, he/she must telephone the Supervisor as far in advance of the starting time as possible. The employee must explain the reason for the lateness and when he/she expects to report to work. It is the employee's responsibility to ensure proper notification is given. Asking another employee, friend, or relative to give this notification is not considered proper, except under emergency conditions.

Unauthorized lateness, extending lunch breaks, or leaving work early, will be subject to disciplinary action up to or including termination of employment. Factors to be considered include (but are not limited to):

- Prior notification to the supervisor.
- How the action affected other employees, work productivity, overtime costs, or service to the public.
- How much work time was lost.
- Frequency of occurrence.

Employees must fill in their own time sheets or punch their own time cards when they start or stop work. Anyone attempting to sign or punch any sheet or card other than his/her own shall be subject to disciplinary action up to or including termination or employment.

Any employee falsifying time sheets shall be subject to disciplinary action up to or including termination of employment.

Supervisors should refer to Standard Operating Procedures for Personnel on Discipline for procedures and appropriate forms or call the Division of Central Personnel.

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## LEAVE REQUESTS

Leave requests are three part forms. The white copy is attached to the bi-weekly payroll transmittal to verify the hours listed. The yellow copy is for the department's records and the pink copy is for the employee's records.

Leave requests should be submitted for all time off including vacation, sick leave, bereavement leave, holidays (in 24 hour facilities), personal leave, comp time<sup>19</sup>, etc. Leave slips must be signed by the employee and approved by Supervisor/Department Head before they can be processed. Such approval is contingent upon sufficient balance of earned benefit leave time.

Failure to complete a Leave Request or the appropriate N.J. Department of Personnel form timely for an absence shall result in an unauthorized absence which is a suspension, without pay.

Time off without pay of one day or more is either an authorized leave of absence (see Leaves of Absence) or a suspension, without pay, (see Unauthorized Absence).

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<sup>19</sup> Supervisors should refer to Standard Operating Procedures for Personnel on Compensatory Time in Lieu of Overtime or the Overtime section of this Handbook for procedures on Compensatory Time. Compensatory Time for represented employees must be agreed to by the employees in advance.

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## VACATIONS<sup>20</sup>

Full time employees are granted vacation leave from the date of late hire of at least one day per month or 12 days in a full calendar year. This allotment will increase upon completion of at least six years of service (check with Central Personnel or the Union Agreement.)

Employees shall submit requests for vacation times for five consecutive work days or more to the Supervisor on the Leave Requests form no later than four weeks before the requested vacation, with first and second choices. The Supervisor shall answer the request in writing within five working days. The requested vacation shall be scheduled where practicable and may be on the basis of seniority.

Vacations of less than five consecutive work days must be requested on the Leave Request form at least four working days, where possible, before the requested vacation leave. The Supervisor will answer the request in writing no later than two working days before the requested vacation leave.

Vacation days may be taken as either a half day or a whole day and providing it is mutually agreed upon by the employee and the Supervisor.

The Supervisor has the right to deny the use of vacation time for any valid reason.

Vacation Leave used may not be changed to sick leave thereafter. In the event of a serious illness or injury, a vacation period of 5 days or more not yet used may be cancelled, no later than 24 hours prior to use, and sick leave may be requested if accompanied by a physician's certificate.

Vacation allowances are to be taken during the current calendar year. If it cannot be taken, a maximum of one year's allotment may be automatically carried into the new year (NJAC 4A:6-1.2 (e).)

N.J.A.C. 4A:6-1.2 Vacation Leave (h) "An employee who exhausts all paid vacation leave in any one year shall not be credited with additional paid vacation leave until the beginning of the next calendar year."

Any employee whose service with the County terminates shall have earned unused vacation time paid to him/her or the employee's legal representative in the event of his/her death. An employee who has used more vacation time than he/she has earned at the time of severance, shall have an amount equal to his/her daily rate deducted from the final pay for each day used in excess (NJAC 4A:6-1.2 (f) & (h).)

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<sup>20</sup> Elected Officials and their Deputies, Constitutional Officers and their Deputies, and Wardens are not eligible for benefit leave time nor are they eligible to be paid for benefit leave time upon termination.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

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## SICK LEAVE<sup>21</sup>

Full time employees are granted sick leave from the date of last hire of 1 ¼ days per month or 15 days in a full calendar year.

1. New full time employees shall receive 1 ¼ sick day for the initial month of employment if they begin work in the 1<sup>st</sup> through the 8<sup>th</sup> day of the calendar month, and one-half sick day if they begin on the 9<sup>th</sup> through the 23<sup>rd</sup> day of the month.
2. After the initial month of employment and up to the end of the first calendar year, employees shall be credited with 1 ¼ sick day for each month of service. Thereafter, at the beginning of each calendar year in anticipation of continued employment, employees shall be credited with 15 sick days. (N.J.A.C. 4A:6-1.3 (a) 2.)
3. Part time employees shall be entitled to a pro rata amount of sick leave in accordance with the collective bargaining agreement. See N.J.A.C. 4A:6-1.3.

All unused sick leave may be accumulated from year to year.

Per N.J.A.C. 4A:6-1.3, Sick Leave, employees are entitled to use sick leave as follows:

- (a) Personal illness or injury
- (b) Exposure to contagious disease
- (c) Care, for a reasonable period of time, of a seriously ill member of the employee's immediate family.

N.J.A.C. 4A:1-1.3, "Immediate family" means an employee's spouse, child, legal ward, grandchild, foster child, father, mother, legal guardian, grandfather, grandmother, brother, sister, father-in-law, mother-in-law, and other relatives residing in the employee's household.

- (d) Death in the employee's immediate family, for a reasonable period of time
- (e) Sick leave may be used by a handicapped employee for absences related to the acquisition of use of an aid for the handicap when the aid is necessary to function on the job. In such cases, reasonable proof may be required by the Supervisor.

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<sup>21</sup> Elected Officials and their Deputies, Constitutional Officers and their Deputies, and Wardens are not eligible for benefit leave time nor are they eligible to be paid for benefit leave time upon termination.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

Adopted by the Board of Chosen Freeholders on July 28, 1999

It is THE EMPLOYEE'S responsibility to "call in" sick. Failure to "call in" shall be just cause for suspension without pay for up to five days. Each office, agency, division or department has a requirement of minimum notice when calling in for sick leave. For example, the Roads Division requires that employees call in at least 15 minutes before starting time. It is each employee's responsibility to find out the "call in" requirement and adhere to it. Leave Requests for use of sick leave SHALL be completed by the employee no later than the end of the return to work day.

ABUSE OF SICK LEAVE SHALL BE CAUSE FOR DISCIPLINARY ACTION UP TO AND INCLUDING DISMISSAL. Supervisors should refer to Standard Operating Procedures of Personnel on Discipline, Sick Leave/Absenteeism, for procedures and appropriate forms or call the Division of Central Personnel.

## SICK LEAVE SELL BACK

During negotiations with CWA for the years 1999, 2000, and 2001, the following language was added to the contract:

"Employees who use five (5) days or less sick leave per year, will be allowed, at their option, to sell back up to five (5) unused sick days, in full day increments, to the County... This payment will be made in March of the following year at the prior year's rate. To be eligible, the employee must be full time, be in a pay status the entire year and not have any leaves of absence, suspensions, or workers' compensation leave, during the year."

The procedures to implement "sell back" are listed below. The "sell back" provisions of the CWA contracts were extended to Non-Represented employees by Freeholder Resolution adopted June 9, 1999. The "sell back" provisions DO NOT apply to P.B.A. represented employees unless or until they are included in the appropriate union contract.

- The "Request To 'Sell Back' Sick Days" form is available from Central Personnel. The maximum allowable number of sick days to be sold back is 5. An employee may elect to sell back less than 5.
- The "sell back" eligibility is contingent upon an employee's remaining balance of at least 5 earned sick days at the time the request is submitted.
- Employees may request to sell back sick days starting in 1999 based on usage in 1998. In other words if an employee used 5<sup>22</sup> or less sick days in 1998, they are eligible to apply for "sell back" in 1999 AT THEIR 1998 SALARY RATE!

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<sup>22</sup> with or without acceptable medical evidence.



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- Sick Leave donated to another employee under the Donated Leave Program shall be excluded from the usage for that year. Sick Leave converted to vacation days shall be excluded from the usage for that year.

For example, if an employee used 5 sick days in 1998, and converted 10 sick days to 5 vacation days, and donated 10 sick days to a co-worker under the Donated Leave Program, he/she IS ELIGIBLE to “sell back” 5 sick days (provided there is sufficient balance of sick leave.)

- One (1) sell back request per employee per year is allowed. For example, sell backs of 1 day each over a period of 5 months shall not be permitted or honored.
- Because of the late adoption of the CWA contracts, requests will be honored until August 15, 1999. In future years, requests shall be made no earlier than March 1 and no later than March 31. These deadlines are based on the receipt in this office!
- Requests to rescind a previously submitted Leave Request in order to change sick days to vacation, personal, holidays, comp. time, etc., in order to qualify for this benefit, shall not be permitted.
- As the form indicates, once an employee elects to “sell back” sick leave to the County, the number of days sold shall be removed from balances and shall not be reinstated at any future date.
- As the contracts indicate, “sell back” of sick days DOES NOT apply to part time employees.
- The “sell back” shall be in full day increments, no partial days requests will be honored.
- Absences, such as suspensions without pay, leaves of absence, or workers’ compensation leave, renders an employee ineligible for the “sell back.”

### **CONVERSION OF SICK LEAVE**

Conversion of Sick Leave to Vacation Days is permitted by CWA contracts. Please review those contracts. The privilege of conversion of sick leave to vacation days, following the CWA County Unit contract has been extended to non-represented employees who are eligible to receive benefits leave time.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

Adopted by the Board of Chosen Freeholders on July 28, 1999

## PAYMENT UPON TERMINATION

An employee who resigns in good standing shall be paid for accumulated sick leave, up to a maximum of \$15,000, based upon the following schedule and upon completion of:

5 through 10 years of service	1/8
11 through 20 years of service	1/4
21 years or more	1/2

Employees who are terminated for disciplinary reasons or employees who fail to provide the appropriate 14 days notice of resignation, are not eligible to be paid for sick leave. Employees planning to **RETIRE** should refer to the Union Contract for further details of payment of sick leave upon retirement.

Any employee who has given the necessary notice of intent to terminate and who uses sick leave between the date of notice and actual last working day, shall be asked to provide the County with a medical certificate for the sick leave used. If the employee is unable to provide such medical evidence, he/she shall not be paid for the sick time and it shall be considered an unauthorized absence as a suspension, without pay.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

Adopted by the Board of Chosen Freeholders on , 2001

## ABSENTEEISM

Absenteeism includes paid and unpaid sick leave, excused or unexcused absences whether paid or unpaid, or leaves of absence without pay. Chronic or excessive absence from work is cause for disciplinary action up to and including termination of employment (see N.J.A.C. 4A:2-2.2 and 4A:2-2.3.) This policy shall apply to all employees whether permanent or provisional, career service (classified), represented or non-represented.

## VERIFICATION OF SICK LEAVE/ABSENCES

Supervisors shall monitor sick leave usage/absenteeism of their employees. State Department of Personnel (Civil Service) procedures permit employers to require medical verification of sick leave usage at any time, regardless of the number of absences or sick days taken. However, as a practical matter, proof should be required only where suspicious circumstances are present and/or where earned sick leave has been exhausted and/or as described within this policy. An employee shall be required to submit acceptable medical evidence for the following:

- Absences for five or more consecutive working days.
- Absences for periods totaling 10 work days in one calendar year consisting of periods of less than 5 consecutive days.
- An employee currently suffering a catastrophic health condition or injury which necessitates the employee's recurring absences from work, may submit acceptable medical evidence for a maximum of *6 months* indicating the anticipated duration of the condition of injury. *Extensions of 6 month increments may be granted with the submission of acceptable medical evidence.*
- An employee who is needed to provide care to a member of the employee's immediate family who is suffering from a catastrophic health condition or injury, which necessitates the employee's recurring absences from work, may submit acceptable medical evidence, disclosing the diagnosis and anticipated duration, for a maximum of 90 days. Extensions of a maximum of 30 days will be considered on a case-by-case basis. Unlike other medical evidence required, the medical evidence required for recurring absences *relating to an immediate family member's catastrophic health condition or injury*, shall indicate the nature, severity and anticipated duration of the disability.
- Upon issuance of a disciplinary notice.
- The County and its representatives retain the right to require acceptable medical evidence and/or initiate progressive discipline whenever there is reasonable cause to suspect abuse of sick leave. Supervisors may deny the use of sick leave for any valid reason and must advise the employee of the reason for such denial.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on , 2001

## **MEDICAL EVIDENCE**

To be considered as valid medical evidence, employees shall supply an original written certificate from a certified medical office that is legible and in English, that excuses the employee from work. Notes merely stating that the employee had an office visit are not acceptable. Medical evidence provided for family members must clearly excuse the employee from work. The cost for this medical evidence shall be borne by the employee. The County does not require the doctor to reveal the employee's medical condition, nor does it relieve the employee of a reasonable obligation to notify the County of a potentially contagious condition, nor is the employee required to visit the doctor's office to obtain a note for potentially contagious condition if the employee has made other arrangements with the doctor's office.

Employees may voluntarily provide medical evidence at any time. To be considered as valid, voluntary medical evidence must adhere to the policy herein.

Employees who fail to supply an acceptable note shall have each absence listed as an unauthorized absence which is a suspension without pay. Also, an employee who has exhausted his/her accumulated sick leave shall have each absence listed as either an authorized absence, which is a leave of absence without pay, or an unauthorized absence, which is a suspension without pay.

## **MANAGEMENT'S RIGHT TO REQUIRE AN EXAM BY A COUNTY PHYSICIAN**

Supervisors may require an employee to be examined by a physician designated and compensated by the County as a condition of the employee's continuation of sick leave. If a physician should determine that the employee is able to return to work, but is not able to perform his/her regular duties, the Department Administrator, shall determine what other type of work duties, if any, shall be assigned to such employee.

In the event an employee returning to work from sick leave is examined and a dispute ensues, the County agrees that the employee shall be able to submit the report to his/her physician and a third party neutral physician shall make a final recommendation. The cost of the third party neutral physician shall be shared equally between the employee and the County.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

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## **EXHAUSTED SICK LEAVE**

N.J.A.C. 4A:6-1.3 Sick Leave (e) “An employee who exhausts all paid sick leave in any one year shall not be credited with additional paid sick leave until the beginning of the next calendar year.”

Employees who have exhausted their sick leave and who fail to provide acceptable medical evidence when required SHALL be suspended, without pay, as outlined above and shall be subject to further disciplinary action up to and possibly including termination of employment.

## **ABSENTEEISM AND NEW EMPLOYEES**

A new employee who is absent or sick more than 3 times during their first 90 days of employment should ordinarily be terminated if no legitimate reasons are found.

A permanent employee serving a 90-day working test period who is sick or absent more than 3 times during the working test period should ordinarily be terminated at the end of the working test period if no legitimate reasons are found.

A permanent law enforcement employee serving a one-year working test period who is absent or sick more than 12 times during the working test period should ordinarily be terminated at the end of the working test period if no legitimate reasons are found.

## **PATTERNED ABSENTEEISM**

An employee who has exhibited a pattern of absences, such as absences on Monday or Friday (or before and after “days off” in 24 hour facilities), payday, the day after payday, before or after holidays, weekends, vacations, or comp. time, or some other pattern that appears suspicious, shall be required to supply acceptable medical evidence justifying the absence.

An employee who has exhibited patterns of absences, without legitimate reasons, is subject to progressive discipline, i.e. warning, suspension, termination. After progressive discipline is initiated in these circumstances, employees may be required to supply medical evidence justifying those patterned absences for the next year.

## **SPECIAL ABUSE PROBLEMS**

This policy does not change the long standing managerial/supervisory discretion to require verification of sick leave use of any amount then abuse is suspected. This policy also does not change managerial/supervisory discretion to impose progressive discipline for each absence when abuse is established in instances other than noted in this policy.

Supervisors should contact the Personnel Director for assistance if there are employees who are routinely absent/sick more than 15 days per year, with or without medical evidence.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on , 2001

## **DISCIPLINE**

1. Employees who have been absent or on sick leave for more than 10 days a year, consisting of periods of less than 5 consecutive days, without prior acceptable medical evidence must be given disciplinary notice. The notice requires employees to supply acceptable medical evidence for each absence in the next year.
2. Employees who have been absent on sick leave, either paid or unpaid, without acceptable medical evidence, more than 15 work days each year in two or more consecutive calendar years, may be subject to further disciplinary action up to and possibly including termination of employment.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **PERSONAL LEAVE<sup>24</sup>**

Full time employees receive three personal leave days per year for personal business. New employees starting after January 1 shall receive pro rata allotment. Personal leave may be taken as either a full day or a half day (some union contracts permit usage in 1/4 day increments, non-represented are permitted to use increments of 1/4 day. Check the union contract.)

An employee must give at least 24 hours notice, where possible, before requesting a personal day. The Supervisor may deny the use of a personal day for a valid reason.

Personal leave is not accumulated from year to year. A terminating employee shall not be paid for personal leave. An employee who has used more personal leave that he/she is entitled shall have an amount equal to the excess used deducted from his/her last paycheck. See Union Agreement for more details.

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<sup>24</sup> Elected Officials and their Deputies, Constitutional Officers and their Deputies, and Wardens are not eligible for benefit leave time.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

Adopted by the Board of Chosen Freeholders on July 28, 1999

## HOLIDAYS

The fourteen (14) legal holidays are:

New Year's Day	Martin Luther King's Birthday
Lincoln's Birthday	Washington's Birthday
Good Friday	Memorial Day
Independence Day	Labor Day
Columbus Day	Election Day
Veteran's Day	Thanksgiving Day
Christmas Day	Day after Thanksgiving

The Day after Thanksgiving is recognized as a holiday in certain (not all) Union Agreements. Other holidays as declared by the Freeholders, Governor or President are celebrated.

When a holiday, as above, falls on a Saturday, it is observed on the preceding Friday. When a holiday falls on a Sunday, it is observed on the following Monday.

Employees who work at a 24 hour facility such as the Homestead, or Jail, may be scheduled to work on the observed holiday and will be scheduled for another day off in lieu of the holiday.

To be eligible for holiday pay, an employee must work the last scheduled work day before the holiday AND the first scheduled work day after the holiday.



# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **ADVANCEMENT OF UNEARNED BENEFIT LEAVE TIME**

An employee is required to work at least 30 days to earn either one vacation day or one and one quarter sick days or both. Advancement of unearned sick, vacation, or personal leave is NOT allowed in the first **calendar**<sup>25</sup> year of service. Thereafter, at the beginning of each calendar year in anticipation of continued employment, employees shall be credited with the full yearly allotment (NJAC 4A:6-1.3 (a) 2.) If the Department/Division Head is aware there is a possibility the employee may not be working the entire calendar year due to termination, retirement, and/or leave of absence, advancement is restricted.

No employee may be advanced more than the current year's allotment (NJAC 4A:6-1.2(g)) of benefit leave time. For example, an employee may not use a vacation day in 1999 **scheduled to be allotted on January 1, 2000.**

Supervisors should refer to Standard Operating Procedures for Personnel on Sick Leave/Absenteeism, for procedures and appropriate forms or call the Division of Central Personnel.

## **BEREAVEMENT LEAVE**

Full Time employees shall receive three days leave in the event of the death of a spouse, child, step-child, son-in-law, daughter-in-law, parent, step-parent, mother-in-law, father-in-law, sister, sister-in-law, brother, brother-in-law, grandchild, and grandparent. Such leave is separate and distinct from any other leave time.

A full time employee shall be allowed three days per incident and part time employees shall be allowed a pro rata share.

The three days bereavement leave is the maximum allotment. Employees may use less than three days if they choose. Should an employee need more bereavement time, it may be granted on a case-by-case basis and the employee may request to use either vacation time or sick leave (use of sick leave shall be limited.)

This provision may differ slightly with the various Collective Bargaining Agreements; check the appropriate bargaining agreement.

## **JURY DUTY**

Should an employee be obligated to serve as a juror, he/she shall lose no pay for the time spent as a juror. If the employee is excused from jury duty during working hours, he/she shall report to work.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **SNOW DAYS**

The County of Sussex wishes employees to exercise due caution when traveling to and from work in inclement weather. The County of Sussex reserves the right to determine the status of each title as essential or exempt. Because of the unique status of essential employees and their role in Sussex County government, County policy shall require essential employees to report for their regular work schedule on declared snow days, late opening, or early closing. Exempt employees are not required to report on declared snow days, late opening, or early closing. No additional compensation, overtime, or compensatory time off will be granted to essential or exempt employees who voluntarily work or employees who were granted prior approval of benefit leave time, workers' compensation leave, or leave of absence.

## **SNOW DAY PROCEDURE**

1. The Board of Chosen Freeholders through the County Administrator may declare a snow day, early closing, or late opening.

**Snow Days:** The County Administrator shall notify the local radio stations of the declared snow day.

**Delayed Opening:** The County Administrator shall notify the local radio stations of the declared late opening.

**Early Closing:** The County Administrator shall notify the Division of Central Personnel of the decision to close early. For early closing, all employees shall remain at their posts until official notification is received. The Division of Central Personnel shall notify by phone each Department Head, Division Head, or official person in charge, by reading a prepared statement of the details of the early closing. Early closing shall be without penalty to exempt employees. Essential employees shall complete their regular work schedule on early closing days.

2. Essential employees reasonably late reporting to work on a declared snow day or late opening or employees reasonably late reporting to work on an undeclared snow day or late opening due to weather conditions (ice and snow) may be excused without penalty. The following may be used to determine reasonable lateness:
  - (a) Employees can demonstrate they made appropriate efforts to report to work timely, i.e. the time the employee left home to allow for road conditions.
  - (b) The lateness was due to traveling conditions after leaving the home.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

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- (c) The lateness was not due to: time to clear driveways, child care issues, or because the local municipal or private roads at home were not yet cleared. Under these conditions the employee may request vacation or personal leave. If the lateness is under two hours in non-24 hour facilities, the lateness may be made up during the lunch period<sup>26</sup> and/or after regular hours at the Department/Division Head's discretion. The lateness may be deducted from the paycheck at the Department/Division Head's discretion. Previously earned Compensatory Time off in lieu of overtime may NOT be used for these types of lateness or in lieu of vacation or personal leave.

## ESSENTIAL EMPLOYEES

ALL EMPLOYEES ARE ESSENTIAL IN THE FOLLOWING DIVISIONS

Roads & Bridges  
Shade Tree Commission

Fleet Management

EMPLOYEES IN THE FOLLOWING DEPARTMENTS/DIVISIONS ARE ESSENTIAL EXCEPT AS LISTED UNDER EXEMPT

Engineering: County Division Head and holders of valid C.D.L. license

County Jail

Juvenile Center

Public Works Administration

Facilities Management

Homestead

## EXEMPT EMPLOYEES<sup>27</sup>

County Administrator's Office

Extension Service

County Clerk's Office

Surrogate's Office

Board of Taxation

Board of Elections

Clerk of the Board

Board of Chosen Freeholders

Superintendent of Schools

County Adjuster's Office

Public Works Administration: only Secretary to Department Head; all others essential.  
Division of Engineering: Inspector-Road Openings, Senior Traffic Analyst, non-C.D.L. licensed employees; all others essential.

County Jail, only clerical employees, counselor-penal institution; all other employees are essential.

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<sup>26</sup> Under no circumstances will an employee be denied a lunch break of less than 15 minutes.

<sup>27</sup> In certain union contracts or other documents, exempt employees may be referred to as non-essential. Both exempt and non-essential are synonymous in terms of snow and weather policies.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

Homestead, only administrator, assistant administrator, supervisor of accounts, senior account clerk, senior data entry machine operator, dietitian, laundry workers, medical transcriber, senior clerk typist, social worker, ward clerk; all other employees are essential.

Division of Transit (Except in State of Emergencies when transportation of dialysis patients and/or emergency evacuations are required. In the case of early closings and late openings, Division of Transit employees are essential and required to work their full schedule.)

Division of Facilities Management - Secretarial Assistant, Stenography, unclassified Secretary to Division Head, and non-C.D.L. licensed employees.

Department of Administration & Finance (except when, by law, checks are required to be prepared for distribution.)

Department of Health & Public Safety (except during state of emergencies, state and local health emergencies, environmental or communicable in nature, and when the Emergency Management Coordinator would be considered essential.)

Department of Planning, Development, & Human Services, except essential employees of the Juvenile Center.

Division of Juvenile Center – Director, nurses, social workers, and clerical workers; all others essential.

Prosecutor's Office – In the event of a criminal episode requiring response on a declared snow day, early closing, or late opening, the Prosecutor shall determine those employees who will be required to respond.

Sheriff's Office – In the event of an emergency requiring response on a declared snow day, early closing, or late opening, the Sheriff shall determine those sheriff's officers who will be required to respond.

## **SPECIAL CIRCUMSTANCES**

Department/Division Heads are responsible for preparing a list of exempt positions by title, that from time-to-time, may become essential depending on specific circumstances. This list shall be on file in the Division of Central Personnel and disseminated to the employees by their supervisor and/or posted on employee bulletin boards no later than November 1 of each year.

## **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

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The County may determine that certain non-24 hour functions which normally operate beyond 4:30 PM or on Saturdays (i.e. Division of the Library, Division of Transit, Division of Public Health Nursing) may be closed after 4:40 PM or on Saturdays even if the entire work day was an undeclared snow day or the Saturday was an undeclared snow day. Employees, in these non-24 hour functions, scheduled to work after 4:30 PM or on Saturday shall have such hours not worked considered as paid snow days/hours.

### **NON-DECLARED SNOW CLOSING**

Employees concerned about traveling due to the weather on an undeclared snow or ice closing, early closing, or delayed opening, may request to use vacation or personal leave or leave of absence, without pay<sup>28</sup>. Such request shall not be unreasonably denied.

(Policy adopted by Freeholders May 22, 1996)

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<sup>28</sup> The granting of a leave of absence, without pay, is a privilege, not a right. An unauthorized leave of absence, without pay, is considered (according to Civil Service rules) as a suspension, without pay.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

Adopted by the Board of Chosen Freeholders on July 28, 1999

## VALUE OF LEAVE TIME

The value of the benefit leave time granted to a full time employee can be calculated by: 12 Vacation Days<sup>29</sup>, 15 Sick Days, 3 Personal Days, 14 Holidays, 217 Actual work days. For example if the annual salary is \$25,000, the daily rate of pay is about \$95.785 per day (\$25,000 divided by 261, see section in this Handbook on **PAY**.) For example:

12 vacation days @ \$95.785 per day or	\$1,149.42
15 sick days @ \$95.785 per day or	\$1,436.78
3 personal days @ \$95.785 per day or	\$ 287.34
14 holidays @ \$95.785 per day or	<u>\$1,340.99</u>
44 Days .....Value of Benefit Leave Time	\$4,214.53

Therefore, \$20,785.47 is pay for work time + \$4,214.53 pay for non-working time = \$25,000.

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<sup>29</sup> Check your union agreement. If you have been employed for more than 5 years, you may receive more than 12 vacation days per year.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

Adopted by the Board of Chosen Freeholders on July 28, 1999

## LEAVE OF ABSENCE

### FAMILY AND MEDICAL LEAVE

The County of Sussex grants leaves of absence according to State and Federal Family and Medical Leave Acts. Employees may request reasonable leave for medical reasons, birth or adoption of a child, and/or for the care of a child, spouse, or parent<sup>30</sup> who has a serious health condition while balancing the legitimate interests of the County and the taxpayers. The employee remains responsible for making the appropriate written request in advance of the anticipated effective date (preferably two weeks in advance.) The employee remains responsible for providing appropriate medical certificates together with the written request for the Medical or Family Leave of Absence.

An employee<sup>31</sup> may be granted the privilege of a leave of absence without pay and in anticipation of continued employment. To be eligible for a Family or Medical Leave under NJDOP rules, the employee must be employed at least 12 months for not less than 1,250 base hours during the immediately preceding 12-month period (Family Leave Act, P.L. 1989 c.261.) Under Family and Medical Leave Acts, the maximum amount of leave allowed is 12 weeks in a 12 month period. The County may grant a maximum of twelve (12) months. Leaves of absence may be renewed for an additional period only by formal action of the Appointing Authority with a resolution of the Board. Check your collective bargaining unit contract for more details.

Intermittent Medical leave, without pay, may be granted for as short a period as one hour. INTERMITTENT MEDICAL LEAVE, WITHOUT PAY, IS PERMITTED FOR SERIOUS HEALTH CONDITIONS WHEN MEDICALLY NECESSARY BUT NOT PERMITTED FOR BIRTH OR ADOPTION UNLESS THE COUNTY AGREES (N.J.A.C. 4A:6-1 APPENDIX.) INTERMITTENT MEDICAL LEAVE, WITHOUT PAY, OF LESS THAN ONE FULL WORK DAY MAY BE DOCUMENTED ON A LEAVE REQUEST. FAMILY OR MEDICAL LEAVE, WITHOUT PAY, OF ONE FULL WORK DAY OR MORE SHALL BE DOCUMENTED ON THE NJDOP PROFILE FORM.

An employee may be granted the privilege of a maternity leave of absence provided she notifies her Department/Division Head and Personnel as soon as it is medically confirmed. A maternity leave of absence shall not be more than one year which consists of first 3 months medical leave + nine months child care leave.

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<sup>30</sup> Parent means a biological parent or an individual who stands or stood "in loco parentis" to an employee when the employee was a child. This term does not include parents "in law." (N.J.A.C. 4A:6-1.21B.)

<sup>31</sup> Under the New Jersey Law, the highest paid 5%, or the highest paid seven employees, whichever is greater, may be ineligible if the County can show that denial is necessary to prevent substantial grievous economic injury to operations.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **RETURN TO WORK**

An employee is required to return to work at the expiration of the leave of absence designated on the appropriate N.J.D.O.P. form. An employee planning to return to work on the expiration date shall notify the supervisor at least two (2) weeks in advance of his/her intentions to return.

Failure to return at the expiration of the leave of absence shall result in disciplinary action (see N.J.A.C. 4A:2-6.2(c) below.) Should an extension of the leave be necessary, the employee remains responsible for requesting the extension at least two (2) weeks in advance of the expiration date.

An employee may return to work prior to the expiration of the leave of absence provided he/she is deemed medically fit to resume the duties. An employee who has requested Family of Medical leave and is released with a medical certificate prior to the expiration of the leave of absence shall notify his/her supervisor of such early release and return to work immediately.

Employees may return to work after providing the County with the completed "Return to Work" form. This form shall be completed by the physician and the supervisor. Employees shall return to work on the date designated by the physician. Failure to report for work or resign, on the physician's release date shall be designated as an unauthorized absence and shall be cause for disciplinary action.

N.J.A.C. 4A:2-6.2(c) "Any employee who has not returned to duty for five or more consecutive business days following an approved leave of absence shall be considered to have abandoned his/her position and shall be recorded as a resignation not in good standing..."

The date of return to work from a leave of absence shall be the actual first working day.

## **LIGHT DUTY**

If released for "light duty" contact Personnel before returning to work. State Department of Personnel (formerly Civil Service) requires that each employee be physically able to perform ALL the duties of the position with reasonable accommodation. If you are not released for full duty and management cannot provide a reasonable accommodation, you may need to request a leave of absence, apply for another vacancy, or resign.



# SUSSEX COUNTY EMPLOYEES' HANDBOOK

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## WORKING FOR ANOTHER EMPLOYER WHILE ON LEAVE OF ABSENCE

No employee shall, during any period of family or medical leave, perform services for another employer for whom the employee did not provide those services immediately prior to commencement of the leave (N.J.A.C. 4A:6-1.21A.)

## MILITARY LEAVES OF ABSENCE

In accordance with N.J.A.C. 4A:6-1.11, an employee, other than a person holding a position for a fixed term, who enters the military service during time of war or emergency, shall be entitled to a leave of absence without pay for the period of such service and three months after honorable discharge (N.J.S.A. 38:23-4.)

An employee who is a member of the National Guard of New Jersey shall be entitled to a leave of absence with pay not to exceed 90 days in the aggregate in any one year for active duty or active duty training (N.J.A.C. 5A:2-2.3(b).) Appointing Authorities may reschedule an employee's work time to avoid conflict with such required duty.

A **permanent** employee who is a member of the organized reserves of the Army, Navy, Air Force or Marine Corps shall be entitled to a leave of absence with pay on days on which he/she is required to engage in field training, but only that training which consists of participation in unit training field operations and is a part of the required annual tour of duty in order to be a member of that component. Appointing Authorities may reschedule an employee's work time to avoid conflict with military field training. A **non-permanent** employee serving for one year or longer shall be entitled to a leave of absence with pay not to exceed 30 days in the aggregate in any one year while engaged in field training. A leave of absence without pay shall be granted to a non-permanent employee serving less than a year while engaged in field training.

Military leaves of absence, with or without pay, shall be documented on the appropriate NJDOP profile form. Clear and readable copies of orders shall be provided by the employee to the Department Head in advance of the requested Military Leave of Absence.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

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## **LEAVES OF ABSENCE TO ATTEND STATE OR NATIONAL CONVENTIONS**

In accordance with N.J.S.A. 38:23-2 Leave of Absence to attend state or national conventions, a duly authorized representative/employee is entitled to a leave of absence with pay to attend state or national conventions for:

Grand Army of the Republic  
United Spanish-American War Veterans  
Disabled American Veterans  
Disabled American Veterans Auxiliary  
Veterans of Foreign Wars  
Ladies Auxiliaries of Veterans of Foreign Wars  
Ladies Auxiliary, Veterans of World War I of the U.S.A.  
American Gold Star Mothers  
Indian war Veterans  
American Legion  
American Legion Auxiliary  
Jewish War Veterans of the United States  
Ladies Auxiliary, Department of New Jersey, Jewish War Veterans of the U.S.A.  
Catholic War Veterans of the United States  
Ladies Auxiliary of New Jersey State Department, Catholic War Veterans  
The 369<sup>th</sup> Veterans Associations, Incorporated  
Women's Overseas Service League  
American Veterans World War II, Korea and Vietnam, AMVETS  
Ladies Auxiliary, American Veterans World War II  
Reserve Officers Association of the United States  
Marine Corps League of the United States  
Army and Navy Legion of Valor  
Twenty-ninth Division Association  
Council of State Employees  
War Veteran Public Employees Association  
New Jersey Civil Service Association  
Blind Veterans Association of New Jersey  
Army and Air National Guard Association of New Jersey  
The National Guard Association of the United States  
The United States Coast Guard Auxiliary, Navy League  
Veterans of World War I of the United States of America  
Polish Legion of American Veterans  
Polish Legion of America, Veterans, Ladies Auxiliary  
Italian American War Veterans of the United States, Incorporated  
Ladies Auxiliary, Italian American War Veterans of the United States, Incorporated  
New Jersey Firemen's Association  
New Jersey State Exempt Firemen's Association  
Tuskegee Airmen, Incorporated

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

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A certificate of attendance to the State convention or encampment shall be submitted by the representative so attending.

Leave of Absence shall be for a period inclusive of the duration of the convention with a reasonable time allowed for time to travel to and from the convention. No person shall be entitled to a total of more than 5 days leave of absence with pay each calendar year for the purpose of attending, as authorized representative, the State or national convention of one or more of the above enumerated organizations. The leaves of absence authorized hereunder shall not be cumulative and any unused leaves shall be cancelled at the end of any given year.

Leaves of absence to attend State or National Conventions, with or without pay, shall be documented on the appropriate NJDOP profile form. The date of return to work from a leave of absence shall be the actual first working day.

## **PERSONAL LEAVES OF ABSENCE**

Requests for personal leaves of absence are permitted on a case-by-case basis. The County of Sussex does not grant personal leaves of absence to employees pursuing other employment.

## **SHORT TERM LEAVES OF ABSENCE**

Civil Service rules require the County to document an absence on a regular work day with ONE of the following:

- (a) Approved for paid benefit leave time, i.e. vacation day, sick day, personal leave, etc.
- (b) Approved, by the insurance carrier, for workers' compensation leave and compensated by a check from the insurance carrier or as described by the union contract.
- (c) Suspended, without pay, for disciplinary reasons.
- (d) Approved for Leave of Absence, without pay.

For the above reasons, any unapproved, unauthorized absence is a suspension, without pay, and shall be documented on the appropriate NJDOP form. Any approved non-workers' compensation leave, without pay, of one day or greater is documented as a Leave of Absence on the appropriate NJDOP profile form.

## **LEAVE OF ABSENCE, OFFICIAL APPROVAL**

An approved Leave of Absence is official when the appropriate NJDOP (Civil Service) profile form is signed by the employee, the Department Head, and the Appointing Authority.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

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## LEAVES OF ABSENCE AND BENEFITS

The County does not require an employee to use their benefit leave time prior to requesting a leave of absence, without pay.

If the leave of absence is for medical reasons and the employee intends to apply for State Disability benefits, the State Disability requires that all earned sick leave be used first to be eligible for benefits. If an employee wishes to use earned sick leave, he/she must provide a medical certificate.

Before a leave of absence is granted, the employee must sign the "Acknowledgement of Benefits Cost" form. Employees granted a Family or Medical Leave or certain Military Leaves are eligible to have their health, prescription and dental premiums paid by the County for the first three months of leave. Thereafter, an employee has the choice of continuing the health benefits, prescription program, and dental program, under the Federal C.O.B.R.A. laws by paying premiums directly to the insurance carriers or discontinuing the coverage. Upon return from leave of absence, the employee may be reinstated for coverage effective the date of return from leave of absence provided the enrollment application has been completed and returned to Personnel within 5 days.

If the leave of absence is for the employee's medical reasons or in accordance with State and Federal Family Leave Act, the County will pay for the first three months of coverage for health benefits (excluding the employee's share of HMO), dental, and prescription. If the leave of absence is for personal reasons, the County does not pay the premiums for the health insurances.

Employees may contribute to the pension system while on leave of absence due to illness for up to two years or for maternity for up to 3 months. Employees must contact the State of New Jersey, Division of Pensions, CN 295, Trenton, NJ 08625, directly for that information. The employee is responsible for sending a copy of the approved Leave of Absence form to the Division of Pensions.

Contributory Life Insurance may be continued for up to two years due to illness and up to 90 days for other reasons. No contributions are required. Employees are responsible for sending a copy of the approved State Department of Personnel form to the Division of Pensions to continue the Life Insurance.

Employees on leave of absence shall not accumulate or be eligible for vacations, sick leave, personal leave or holidays. Benefit leave time allotments, longevity, and seniority will be affected by this leave of absence.

## SUSSEX COUNTY EMPLOYEES' HANDBOOK

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If taking a leave of absence for MEDICAL reasons and applying for the New Jersey State Temporary Disability Insurance, contact the Employment Office in Newton or Sussex County Personnel for the proper form. The form must be completed by the employee, the physician, and the County before it is mailed to Trenton.

For more information, refer to the booklets printed by the NJ Division of Pensions: "New Jersey State Health Benefits", "Public Employment in New Jersey", "Group Life Insurance Plan", the union agreement, or Personnel, (973) 579-0350.

### DISABILITY INSURANCE

The County participates in the New Jersey State Temporary Disability Insurance Program. Each employee must contribute at the rate of 1/2 or 1% on the first \$12,000 of the covered wages paid by the County in the calendar year. The County matches the amount paid by the employee.

If applying for NJ State Temporary Disability, **you are required by the State Department of Personnel (formerly Civil Service) to request a leave of absence without pay or resign.** If you decide to apply for Disability, you are required by State rules to use all earned sick leave or your State benefits may be restricted.

Claim forms are available from Personnel or the local Unemployment Office. The forms must be completed by employee, doctor, and the County Personnel Office. Eligibility requirements are determined by the State of New Jersey not the County of Sussex.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

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## **LEAVE OF ABSENCE WHILE SERVICE IN UNCLASSIFIED POSITION**

A permanent, career service, employee may be granted a leave of absence without pay while serving in an unclassified position upon his/her written request. Such leave of absence shall be granted for one year which may be renewed for an additional one year period. The employee shall be responsible for processing the appropriate forms for renewal of the leave of absence no later than 30 days prior to the expiration of the leave. Failure to process renewal of the leave of absence timely shall result in disapproval of further requests for leaves of absence.

The permanent employee shall be entitled to return to his/her permanent title provided a written request to return is submitted to the appointing authority 30 days before the leave of absence expires.

The employee shall continue to accrue seniority in his/her permanent title which shall run concurrently with the seniority accrued in the unclassified title. This seniority shall be for the purpose of benefit calculation, not NJDOP (Civil Service) purposes.

A provisional or temporary, career service, employee may not be granted a leave of absence while serving in an unclassified position.

New Jersey Administrative Code regulations take precedence over this policy.

### **N.J.A.C. 4A:6-1.17 LEAVE FOR ELECTIVE OFFICE: LOCAL SERVICE**

- (a) A permanent employee in local service shall be granted a leave of absence without pay to fill elective public office for the term of the office.
  - 1. The employee shall be entitled to return to his/her permanent title within six years from the date the leave begins, provided that a written request to return is submitted to the appointing authority before the leave expires. If the term of the elective office exceeds six years, the employee's name shall be placed on a special reemployment list at the expiration of the six years.
  - 2. The employee shall continue to accrue seniority in his/her permanent title for a maximum of six years.
  - 3. An employee who had taken a promotional examination before being granted the leave may be appointed to the promotional title from the resulting list and shall begin the working test period upon return from leave.

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4. Any appointments to fill the position of the employee during the leave shall be made from appropriate eligible lists, but any such appointments shall be interim and shall terminate upon the return of the employee on such leave to the permanent title.

This policy applies to any permanent employee who served in an unclassified position at the time of adoption of the Administrative Code on February 20, 1990 or any permanent employee who accepted an unclassified position since the adoption of the Administrative Code providing said employee completes the appropriate forms within 30 days of adoption of this policy.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

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## **DONATED LEAVE PROGRAM (Adopted March 11, 1998)**

Employees are permitted to voluntarily donate a portion of their earned sick and vacation leave to other County employees who have exhausted their own leave. The employee receiving such donated leave must be suffering from a catastrophic health condition or injury that requires a prolonged absence from work, or is needed to provide care to a member of the employee's immediate family who is suffering from a catastrophic health condition or injury.

The Personnel Director for the County of Sussex shall be the Donated Leave Program Administrator. The Personnel Director manages the benefit leave records for all County employees and is best able to coordinate leave time transfers among departments and divisions. The Personnel Director will administer the program to ensure intent of the policy and the employee's rights to privacy are observed. The identity of all donors will be kept confidential unless written permission is received from the donor to release their name to the recipient. The recipient shall request the name of the donor in writing.

Only sick days or vacation days may be donated. Personal days, compensatory time off in lieu of overtime, holidays (24 hour facilities), or any other benefit leave time may not be donated.

Employees are prohibited from threatening, coercing or intimidating another employee that interferes with the rights involved in donating, receiving or using donated leave. An employee who threatens, coerces, or intimidates another employee for this purpose shall be subject to disciplinary action in which the County shall seek termination of employment even for the first offense.

### **A. RECIPIENT ELIGIBILITY**

3. Employee must be suffering from a catastrophic health condition or injury which necessitates the employee's prolonged absence from work, or is needed to provide care to a member of the employee's immediate family<sup>32</sup> who is suffering from a catastrophic health condition or injury, for which the employee has no earned benefit leave.
4. The employee shall provide acceptable medical evidence<sup>33</sup> to verify the employee's prolonged absence from work. Such medical evidence shall be written, legible, in English, and original signature of the medical professional. Unlike medical evidence

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<sup>32</sup> Immediate Family is spouse, child, or parent. See County Policy on Family and Medical Leave for further details of immediate family definitions.

<sup>33</sup> Refer to Employee's Handbook, Absenteeism, for definition of acceptable medical evidence.



## **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

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required for other County policies, the medical evidence required for receipt of donated leave shall indicate the nature, severity, and anticipated duration of the disability.

5. Employee must have completed at least one year of continuous County employment.
6. Employee must have exhausted all earned benefit leave including compensatory time off in lieu of overtime, sick leave, vacation leave, personal leave, and holidays due (in 24-hour facility.)
7. Employee must receive at least five (5) sick or vacation days or a combination thereof from one or more donors to participate. Employee is limited to a lifetime maximum of 180 donated days. Donated leave shall not be credited on a retro-active basis.
8. Employee may not collect Temporary Disability Insurance (T.D.I.) while using (being paid for) donated leave. Employee may not collect or be eligible for Workers' Compensation Insurance benefits while using (being paid for) donated leave.
9. Employee, or member of the employee's family, must complete and sign a Recipient Application consenting to the posting of a notification of the employee's need and approval to be a recipient of donated leave. Such application shall certify that the employee has not solicited nor offered anything of value for the donated leave<sup>34</sup>. (NOTE: A Department Head may file the application on behalf of the employee when the employee is unable to do so himself/herself.)
10. Part time employees who are allotted pro rata sick and vacation time in hours shall receive donated leave credit as hours. Part time employees shall not receive more than their designated hours per week for donated leave. Part time, on call, employees are not eligible for donated leave.

### **B. DONOR ELIGIBILITY**

1. After donation, the donor must have a remaining balance of at least 20 sick days, if donating sick leave, and at least 12 vacation days, if donating vacation leave.
2. Donor must donate whole vacation days, not partial days or hours. Donor shall receive no credit or penalty for the difference between the donor's and recipient's salary or daily

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<sup>34</sup> Violations of this provision shall be subject to disciplinary action in which the County shall seek termination of employment even for the first offense.

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hours of work. Part time employees who are allotted pro rata sick and vacation time in hours shall be charged with 8 hours per donated day.

3. Donor may not donate more than 10 leave days to any one recipient.
4. Donor shall complete and sign the Donor Application certifying that the donor has not solicited nor accepted anything of value or promises of future values from the donated leave.

## C. PROCEDURES

1. All employees with one year of service who receive allotted sick and vacation leave may request participation in this program.
2. Applications are available from the Division of Central Personnel and must be submitted with acceptable medical evidence. Donor applications must indicate the name of the recipient. Applications must certify that the employee has not been solicited, threatened, coerced, or intimidated nor accepted anything of value or promises of future values, to donate or receive donated time. Incomplete applications shall be rejected.
3. The Personnel Director shall review applications, attendance records, and medical evidence to determine eligibility. Eligibility shall be on a case-by-case basis.
4. Employees determined to be ineligible for participation shall be advised, in writing, by the Personnel Director of the reasons for ineligibility.
5. The Personnel Director shall review employee's status to determine if they are currently receiving Temporary Disability Insurance or Workers' Compensation Insurance.
6. If donor and recipient releases the County from the County's responsibility to maintain confidentiality of the information, the Personnel Director will prepare notices announcing eligible recipients and donors and distribute notices for posting to all departments.
7. Once sick and/or vacation leave has been donated, it may not be revoked by the donor. If the recipient returns to work before the donated time is exhausted, the donated time shall be returned to the donor in full day increments only. If more than one donor is involved, the return will be equally distributed to all donors. If there are insufficient number of days to return to all donors, preference will be given to the donors in order of their approval date<sup>35</sup>.

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<sup>35</sup> First approved, first to be credited.

## **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

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8. Donations may not be used on a retroactive basis to a previous incident/situation.
9. Recipients may receive donated days from more than one donor. Recipients may not be credited or use more than 180 donated days in their lifetime.
10. Recipients may use donated leave in one-half day or whole day increments. Recipients may return to work on a part time, or intermittent basis, and remain eligible for the program as long as they do not exceed 180 days in a lifetime.
11. An incident is considered closed when the recipient is medically cleared to return to work without restrictions.
12. If the recipient returns to work or otherwise terminates employment, the remaining balance of unused donated leave must be equally returned to all donors in whole day increments only. Partial day increments will not be restored to the donor nor remain credited to the recipient.
13. Recipients will continue to earn sick and vacation leave while using donated leave. If the earned sick and vacation leave is unused when the employee returns to work, all such earned leave shall be retained by the recipient and credited to the recipients accrued sick or vacation leave balances.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

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## **PENSION**

New Jersey State Public Employees' Retirement System and New Jersey State Police and Firemen's Retirement System provide pension coverage. The following information was selected from the Public Employees' Retirement System and the Police and Firemen's Retirement System Handbooks. To obtain further information, please pick up an appropriate handbook for either of the two State systems from the Division of Central Personnel.

## **ENROLLMENT – PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

An employee is eligible and required to join the Public Employees' Retirement System if he/she meets any of the following:

- (a) Permanent employee either full or part time and earns more than \$1,500 per year or works more than 120 days per year. (Exceptions: Full time County Correction Officers, County Correction Sergeants, Sheriff's Officers, Sheriff's Officers Sergeants, and Investigators or Detectives in the Prosecutor's Department must join Police & Firemen's Retirement System if they are under age 35. See Maximum Enrollment Age for Police and Firemen's Retirement System.)
- (b) Part time law enforcement officers who earn more than \$1,500 per year or work more than 120 days per year.
- (c) Full time law enforcement officers who are over age 35. (See Maximum Enrollment age for Police and Firemen's Retirement System.)
- (d) Provisional or Temporary, full or part time employees employed for 12 consecutive months and earn more than \$1,500 per year or work more than 120 days per year.
- (e) Any part time employee who did not enroll when he/she became eligible (12 months or permanent status) because he/she earned less than \$1,500 but now earns more than \$1,500 per year or works more than 120 days per year.
- (f) Elected officials who are veterans. (Enrollment is optional for elected officials who are not veterans.)

There are no minimum age nor maximum age limits.

If you meet any of the above requirements and have not yet completed an enrollment application, call Personnel immediately. The Division of Pensions, the State agency that administers the retirement system, will direct our payroll office to make double deductions for employees whose enrollment applications are received late.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

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## ENROLLMENT – POLICE & FIREMEN'S RETIREMENT SYSTEM

Permanent, Full time, employees are required to join the Police & Firemen's Retirement System if he/she is a County Correction Officer, County Correction Sergeant, Lieutenant, Captain, or Sheriff's Officer, Chief Sheriff's Officer, Sergeant, Lieutenant and Captain Sheriff's Officer, or Detective or Investigator in the Prosecutor's Office. Enrollment is compulsory and a condition of employment in the above titles except as indicated below for the Maximum Enrollment Age.

**Maximum Enrollment Age**<sup>36</sup> After February 25, 1997, individuals qualified to enroll in Police & Firemen's Retirement System in all other respects must also meet the maximum age restriction, that is, appointed on or before their 35<sup>th</sup> birthday.

Employees hired in a PFRS eligible title on or after February 25, 1997, must have been age 35 or under as of the closing date of the examination for that title to establish membership in PFRS. NOTE: Individuals meeting this age requirement can be hired at any time from the Civil Service list while it is still active and be enrolled in PFRS. Employees hired in an unclassified PFRS eligible title on or after February 25, 1997, must have been age 35 or under on the date of hire to establish membership in PFRS.

Employees who did not meet the maximum age requirement described above must establish membership in the **Public Employees' Retirement System (PERS)** one year after being provisionally employed in the title or immediately after being permanently appointed in the title.

Employees who qualified for enrollment in the PFRS while the age 35 restriction was not in force will be allowed to enroll and/or retain membership in the system on the same basis as any other member.

Part time law enforcement employees who have worked 12 consecutive months or are permanent are required to join the Public Employee's Retirement System.

If you meet any of these requirements and have not yet completed an enrollment application, call Personnel immediately. The Division of Pensions, the State agency that administers these retirement systems, will direct our payroll office to make double deductions for employees whose enrollment applications are received late.

Effective April 1, 1990, the pension rate for members of the Police & Firemen's Retirement System is 8.5% (Chapter 204, P.L. 1989.)

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<sup>36</sup> Please refer to the March 28, 1997 memorandum from the State Division of Pensions and Benefits for more details.

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There is a medical requirement for acceptance into the Police & Firemen's Retirement System. When you apply for membership, you must have a medical examination to determine if you satisfy the requirements of PFRS. The examination may be given by the department physician, another physician designated by the County, or the retirement system may require an examination by its own physicians.

## **RECEIVING RETIREMENT BENEFITS FROM ANOTHER STATE**

Chapter 276, P.L. 1991 permits individuals receiving public pensions from another state retirement system to participate as members of a New Jersey State Retirement System. As of September 10, 1991, all newly hired employees who meet the eligibility requirement for participation as members of a New Jersey public retirement system are required to enroll even if they are receiving a pension benefit from another state.

## **TRANSFERS**

If you are/were enrolled in a State pension system before Sussex County employment and did not withdraw your contributions, you are required to transfer membership immediately. Contact the Division of Personnel upon employment to provide them with your membership number, prior employer, etc.

## **EMPLOYEE CONTRIBUTIONS**

Employee contributions for Public Employees' Retirement system are 5% of base salary. Employee contributions for Police & Firemen's Retirement System are 8.5% of base salary. "Base salary" does not include overtime, longevity, bonuses, shift differential, etc.

The Division of Pensions bases contributions on 12 months per year x 2 pays per month or 24 pays per year. The County pays 26 times per year. Therefore, two pays per year there are no pension deductions.

Payroll deductions appear on paycheck stubs for the current year only. The State Division of Pensions and Benefits keeps records of prior deductions. The County Treasurer distributes yearly statements from the Division of Pensions when received.

Effective January 1, 1987, Pension deductions are tax deferred. County employees do not pay Federal income taxes on pension contributions that reduces total taxable income. Example: Annual salary is \$10,000 and annual pension contributions total \$500. Taxable income becomes \$9,500. Purchases of service credit are voluntary pension contributions and are not tax deferred.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

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When employees retire or withdraw pension contributions, you may be required to pay the income taxes. Consult with your tax preparer.

Deductions before 1987 were not tax deferred.

Normally it takes the Division of Pensions four months to process enrollment applications or transfer forms. When the processing is completed, the payroll office receives a "Certification of Payroll Deductions" to begin payroll deductions. If you request to purchase additional service credit (for example: provisional service or service with another public agency) the back deductions for this purchase may be processed later.

Because it normally takes the State four months to process the enrollment application, it is very important that applications are completed timely. Late applications result in double pension deductions for the employee!

## **PURCHASE OF SERVICE CREDIT**

Employees may purchase credit in PERS, at their expense, for:

**OUT OF STATE/US GOVERNMENT** – up to 10 years of comparable public service. You may not purchase credit for service if you have a vested right to retirement benefits. Partial purchase is permitted.

**FORMER MEMBERSHIP** – former membership in a New Jersey State administered retirement system. No partial purchase is permitted.

**PROVISIONAL/TEMPORARY SERVICE** – all temporary/provisional service (with the County or other public agency) which is continuous and immediately preceding a permanent appointment with the same employer. Chapter 138, P.L. 1991, removes the one year limitation for this purchase and enables eligible employees to purchase provisional/temporary service any time during their active membership. No partial purchase is permitted.

**LEAVE OF ABSENCE, WITHOUT PAY** – up to two years for personal illness or up to three months for personal reasons. Maternity leave is considered personal illness. Child care is eligible as personal reasons. No partial purchase is permitted. See State booklet on Public Employees' Retirement for more details.

**MILITARY SERVICE BEFORE ENROLLMENT** – You may purchase credit for the time you were in the military services, including American Merchant Marine, before you enrolled in PERS if the dates of your military service were during:

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World War I – April 6, 1917 to November 11, 1918

World War II – September 16, 1940 to December 31, 1946

Korean Conflict – June 23, 1950 to January 31, 1955

Vietnam Conflict – December 31, 1960 to May 7, 1975

Lebanon Conflict – September 26, 1982 to December 1, 1987<sup>37</sup>

Grenada Conflict – October 23, 1983 to November 21, 1983

Panama Peacekeeping Mission – December 20, 1989 to January 31, 1990

Desert Shield/Desert Storm – August 2, 1990 to present

You cannot purchase military credit, however, if you have the right to receive retirement benefits based wholly or partially on your military service.

If you purchase credit for military service before enrollment, you must bear the entire cost!

PEACETIME MILITARY SERVICE – see booklet for more details.

The cost to purchase service is an actuarial factor applicable to the member's age and salary at the time of the purchase. A special hot-line for questions on purchase of service credit is (609) 777-1928.

If you purchase credit, you can pay for it:

- immediately in lump sum
- with an extra deduction from your pay

Once payroll deductions begin, you cannot cancel your request to purchase credit. Also, once you purchase service credit, you cannot revoke your request or exchange it for the purchase price.

### **LOANS**

Employees can apply for a loan of half their contributions after three years and three months of membership (39 months). Loan applications are available in Personnel and normally take the Division of Pensions in Trenton four to six weeks to process.

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<sup>37</sup> Expanded dates for Veteran Classification, Chapter 406, P.L. 1995.



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The interest rate is 4% and employees repay the loan through payroll deductions. The minimum repayment is full pension rate multiplied by the base salary plus interest. For Example: If your full rate is 5% and base salary is \$20,000, then

$$\begin{aligned} \$20,000 \times .05 &= \$1,000 \text{ per year divided by 24 year} \\ &= \$41.67 \text{ per pay plus interest} \end{aligned}$$

Employees may elect to have a larger repayment stating the amount on the loan application.

For more information, refer to the booklet Public Retirement in New Jersey of call (609) 777-1777. Please use a push button phone and your social security number.

### **REQUIREMENTS FOR RETIREMENT**

- (a) Employees with 25 years of contributions can retire at any age. (Note: Monthly benefits are reduced if you are under age 55. See State booklets.)
- (b) Employees with 10 years or more contributions may apply for a deferred retirement. This means you can “vest”/“freeze” your pension and collect a monthly pension at age 60.
- (c) Employees who are age 60 or older can apply for retirement with no minimum nor maximum years of service.
- (d) Employees with 10 years or more of service and who are permanently and totally incapacitated for further employment may be eligible for Disability Retirement. Please review the pension booklet for more details or contact the Division of Pensions Directly.

### **PUBLIC EMPLOYEES' RETIREMENT SYSTEM RETIREMENT**

Years of service/60 x Final Average Salary = the yearly amount of pension/12 months = monthly amount. (Maximum Option)

Final Average Salary is the average of the highest three years.

This maximum is the largest monthly allowance. However, if the employee dies before he/she collects in monthly retirement all his/her contributions, the beneficiary DOES NOT receive the balance of his/her contributions. The State of New Jersey keeps the balance. On the other hand, the “maximum” is paid to the employee for the rest of his/her life even if he/she did not contribute all that he/she receives.

Options 1, 2, 3 and 4, provide smaller monthly allowances to the retiree and allows the retiree to receive a benefit. Check the booklet for more details or complete a Retirement Estimate form.

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**POLICY & FIREMEN'S RETIREMENT SYSTEM RETIREMENT:** Refer to State booklet.

Mandatory Retirement<sup>38</sup> After June 30, 1997, Police & Firemen's Retirement System members must retire no later than the first of the month following their 65<sup>th</sup> birthday. Employees who are or will be age 65 or older by June 30, 1997, must retire no later than July 1, 1997.

## **ESTIMATES FOR RETIREMENT**

If considering retirement, make an appointment with Personnel to apply for an "estimate" at least six months before retirement. This "estimate", prepared by the Division of Pensions in Trenton, will explain the monthly benefits and the different options available in detail. The final application for retirement must be completed at least 30 days before the effective date of retirement!

## **DISHONORABLE SERVICE – FORFEIT OF PENSION**

Chapter 408, P.L. 1995 provides that the receipt of a public pension is expressly predicated upon the rendering of honorable service by a public officer or employee. The Division of Pensions & Benefits, Board of Trustees may order the forfeiture of all or part of the pension or retirement benefit of a member for misconduct occurring during public service which renders the service or part thereof dishonorable. The County is required to inform the Division of Pensions whenever an officer or employee is removed from their employment due to formal disciplinary action and the relationship between the misconduct and the member's public duties.

## **LARGE INCREASES IN SALARY PRECEDING RETIREMENT**

Large increases in salary in the years preceding retirement may be subject to a review by the Division of Pensions, Board of Trustees. The Board will determine if the salaries reported may be used in the calculation of the retirement benefits. Employers may be required to provide copies of salary contracts, minutes, ordinances, etc. and certificates regarding the purpose of the increase to justify the salary as pensionable compensation. Should the Division of Pensions find that a particular increase was granted primarily in anticipation of retirement, those monies will not be used in the calculation and the employee's pension contributions reported to them will be refunded without interest. (Quoted from New Jersey Public Employee Benefit Manual, State of New Jersey Division of Pension and Benefits.)

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<sup>38</sup> Refer to the memorandum from the State Division of Pensions and Benefits dated March 28, 1997 or call Client Services at (609) 292-7524.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **WORKERS' COMPENSATION AND PENSION**

If you are receiving periodic workers' compensation benefits, you retain the same status as an active member of the pension system. Unless the employer/employee relationship ceases, you cannot withdraw from the pension system while receiving workers' compensation. The County is obligated by statute to pay your pension contributions based on the salary you were receiving immediately before the receipt of workers' compensation benefits. Sussex County is not obligated to pay voluntary contributions such as loans and arrears.

The voluntary resignation or retirement of an employee receiving any kind of workers' compensation frees the employer from pension contributions on behalf of the employee. From page 34 of the Public Employee's Retirement System book and page 37 of the Police & Firemen's Retirement System book.

Under Chapter 369, P.L. 1995, the accidental disability retiree's pension is to be reduced dollar-for-dollar by the full amount of the retirant's periodic workers' compensation benefits received after retirement, but only for as long as the periodic benefits are paid. After the last installment payment of the workers' compensation has been made, the retirant's retirement benefit is to be restored to the amount to which the retirant was entitled prior to the reduction.

## **EMPLOYMENT AFTER RETIREMENT**

Working for private industry or the federal government will not affect your retirement benefits. If you resume public employment the New Jersey State government, County government, municipal government, school district, or other public agency you must contact the Division of Pensions. Areas of concern are:

Returning to employment covered by the system from which you retired: If you retired under P.E.R.S. or P.F.R.S. and return to full or part time employment, you must re-enroll as a condition of employment. Your retirement allowance will be canceled for the duration of your employment.

If you return to employment as above and fail to re-enroll, you will be required to reimburse the retirement system for all retirement benefits you received since the date you should have enrolled. In addition, you would be required to pay pension contributions as back deductions to your enrollment date. The County may also be liable for pension and social security contributions.

Returning to work in a position covered by another State-administered retirement system: your retirement allowance continues and you can receive salary but cannot become a member of that system.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **WITHDRAWAL OF CONTRIBUTION WHEN NOT ELIGIBLE FOR RETIREMENT**

If you leave Sussex County employment and are not planning to work for another public agency and are not eligible for retirement benefits or vesting, schedule an appointment with Personnel to complete the application for withdrawal. Pension contributions may not be returned without this signed, notarized, withdrawal form. This State withdrawal application takes about six to eight weeks to be processed and mailed to your home.

If you are leaving the County and have contributed to a pension system at least 10 years and are not age 60, consider deferring your pension and requesting an "estimate" of future benefits.

If planning to work for another public agency in New Jersey, you are required to transfer your contributions. Your new employer will process the transfer papers and you must provide them with your membership number.

## **PENSION PAPERWORK**

Since the State of New Jersey, Division of Pensions and Benefits, administers the pension/retirement benefits and since the pension account belongs to you it is the employee's responsibility to:

- (a) Complete pension forms timely and return them to Personnel. Late enrollment may result in double pension payments for the employee.
- (b) Make an appointment with Personnel to complete the Withdrawal Application if terminating and not eligible for retirement.
- (c) Make an appointment with Personnel at least six months before retirement to complete an "estimate" form. It is also the employee's responsibility to have the Application for Retirement completed at least 30 days before the effective date of retirement.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **SUPPLEMENTAL ANNUITIES**

Supplemental Annuity Collective Trust is administered by the New Jersey Division of Pensions, Trenton, according to NJSA Title 52, Chapter 18A, Sections 107-124. This variable annuity program is designed for one specific purpose – to allow employees to purchase a variable retirement annuity to supplement the guaranteed benefit of their basic retirement. This program is optional. An employee is eligible when he/she is enrolled in the State Pension system. Employees may contribute from 1% to 10% of base salary, after pension contributions, through payroll deductions. Employees may also make lump sum direct contributions in amounts not less than \$50.

If interested, obtain an application from Personnel or from the Division of Pensions in Trenton. Personnel also has a brochure available.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **GROUP LIFE INSURANCE**

The County provides non-contributory group life insurance at no cost to the employee equal to 1 ½ times annual salary for Public Employees' Retirement System and 3 ½ times annual salary for Police and Firemen's Retirement System. The Prudential Insurance Company of America is the carrier for the Group Life Insurance Plan. Enrollment is part of the pension form.

Additional insurance called "Contributory Group Life Insurance Plan" is available to Public Employee's Retirement system for .55 of 1% of annual salary. During the first year of membership in PERS, employees are required by State law to participate in the plan. Thereafter, you may withdraw by giving appropriate written notice in advance. Once canceled, the employee cannot again become insured. The law specifically provides there shall be no return of contributions made for contributory insurance. (1989 Manual, 61.13)

Should you continue your "contributory" life insurance the protection is equal to three times your annual salary.

## **CONTRIBUTORY INSURANCE – LEAVE OF ABSENCE** (Partially quoted from the New Jersey Public Employee Benefit Manual, 1989, 61.8)

When a member is granted an official leave of absence without pay, the noncontributory and contributory insurance, if applicable, will continue:

- (a) Up to two (2) years while on leave due to the member's illness;
- (b) Up to 93 days if the leave is for any other reason, including child care.

During the first three months of an unpaid leave of absence for maternity, an employee is considered disabled because of her pregnancy and its resulting disabilities.

(The employee remains responsible for providing the Division of Pensions with the documents required if they so choose to continue the Contributory Insurance.)

## **CONTRIBUTORY INSURANCE AND WORKERS' COMPENSATION**

While an employee is receiving Workers' Compensation Insurance, the County shall assume the employee's share of pension costs (but not contributory insurance) and medical benefits costs (except HMO additional premiums) unless the employee fails to reimburse the County for contributory insurance. Contact the payroll office, (973) 579-0333, for exact amounts and due dates of contributory insurance.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **CONTRIBUTORY INSURANCE UPON TERMINATION**

If you terminate employment before retirement or your insured period during a leave of absence expires, you will continue to be protected for the next 31 days. During the 31-day period you may convert your life insurance. Please contact: Prudential Insurance Company of America, (800) 262-1112 for more information. Make sure you use the Policy numbers: Non-contributory Group Life Insurance Group Number is **G-14800** and Contributory Group Life Insurance Group Number is **GC-13900**.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

Adopted by the Board of Chosen Freeholders on July 28, 1999

## IMPUTED INCOME AND LIFE INSURANCE

“Imputed Income” is the cost of a benefit provided by the employer that the employee must report as wages to the Federal Internal Revenue Service and as New Jersey State Gross Income, though the employee has not received the income as cash. Since the County contributes some portion to life insurance through the Retirement System, some employees may be subject to extra Income Taxes, Social Security, and Medicare taxes as “imputed income.” Under Federal Laws, the amount considered as “imputed income” is the amount of the Life insurance that exceeds \$50,000.

“Imputed income” will now be subject to Social Security and Medicare withholding; in addition, the individual will still be responsible for paying income tax on the imputed income.

If you are subject to “imputed income” from your life insurance, the amount you will have to pay as income, social security, and Medicare taxes will be included in Box 10 of your W-2 form. That amount will also be included in the total listed for Social Security/Medicare Taxes in Box 13 of the W-2 form.

“Imputed income” is not subject to extra pension contributions, unemployment and temporary disability insurance payments.

Age at end of tax year	Monthly Cost per \$1,000	Annual Cost per \$1,000
Under age 30	8 cents	\$0.96
30 to 34	9 cents	\$1.08
35 to 39	11 cents	\$1.32
40 to 44	17 cents	\$2.04
45 to 49	29 cents	\$3.48
50 to 54	48 cents	\$5.76
55 to 59	75 cents	\$9.00
60 and older	\$1.17	\$14.04



# SUSSEX COUNTY EMPLOYEES' HANDBOOK

Adopted by the Board of Chosen Freeholders on July 28, 1999

## METHOD OF COMPUTING "IMPUTED INCOME" ON AN ANNUAL BASIS

Assume age 62, with a base salary of \$25,000

A. Salary	\$25,000
B. Base Annual Salary (Multiplied by: 1.5, non-contributory only PERS 3, contributory PERS 3.5, P&FRS Assume PERS Contributory \$25,000 x 3)	\$75,000
C. Subtract insurance exempted by IRS	<u>-\$50,000</u>
D. Excess over \$50,000 (B minus C)	\$25,000
E. Divide excess (D) by 1,000	25
F. Age Cot Factor (see table above)	14.04
G. Actual Cost (E times F)	\$351.00
H. Employee Contribution (see pay stub)  This sections is not applicable to PFRS because there is no contribution made by the employee.	<u>\$137.28</u>
I. Imputed Income	\$213.72
J. Social Security/Medicare Tax on Imputed Income (7.65% times I)	\$16.35

Imputed Income is based on your age and salary. The amount each employee must pay for imputed income will vary. There are no payroll deductions from the income taxes on the "imputed income", but it will be included in the gross income on the W-2. However, the County is required to make payroll deductions for the Social Security and Medicare taxes.

If you have any questions, please contact your tax preparer or the local office of the Internal Revenue Service.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **PAYROLL SAVINGS PLAN**

The County wishes to help interested employees save through various payroll deduction programs. The Voluntary Life Insurance, Deferred Compensation Program, and U.S. Savings Bonds, are programs to encourage employees to save. These voluntary programs are not supported or funded by the County of Sussex. To participate in these programs, contact each of the agents listed and complete their forms as required. The agents will contact our payroll office to provide payroll deduction information.

## **VOLUNTARY LIFE INSURANCE**

There are two voluntary life insurance programs available through the (1) United Life and Accident, a subsidiary of Chubb, 1 (800) 453-8586 and (2) Aetna Life Insurance & Annuity Company, 1 (800) 343-6692.

## **DEFERRED COMPENSATION PROGRAM**

An employee may elect to have payroll deductions from the deferred compensation program. This program is administered by a private firm and is not a county sponsored benefit. However, for convenience, the County will process payroll deductions.

Deferred Compensation, under Internal Revenue Code Section 457, is a tax-deferred supplemental retirement program that allows public employees to contribute a portion of their salary before federal taxes to a personal retirement account. The Government's aim in establishing these tax favored plans was to encourage workers to establish their own financial security. The primary benefit of the deferred compensation plan is that employees defer current federal income taxes through payroll deductions. This is not the case with conventional savings plans (such as "pass book" savings accounts and certain income restrictions on I.R.A.'s) where contributions and, most likely, the earnings are subject to current taxation. There are 2 plan administrators for Sussex County employees: Nationwide Retirement Solutions and The Equitable Life Assurance Society of the United States.

For more information about this program, please call Nationwide Retirement Solutions at (800) 732-3760, fax (973) 338-0716, or Equitable Life Assurance Society at (980) 417-2441.

## **SAVINGS BONDS**

United States Savings Bonds may be purchased through payroll deductions. Applications may be obtained from Personnel or the payroll office.

Savings Bonds deductions may be cancelled at any time by providing Personnel or payroll office with written notice.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

Adopted by the Board of Chosen Freeholders on July 28, 1999

## HEALTH BENEFITS

The enrollment form is for enrollment/change in the New Jersey State Health Benefits Program, (HMO) Health Maintenance Organizations or New Jersey Plus (formerly PPO). These programs are administered by the State of New Jersey, Division of Pensions, Health Benefits Bureau, in Trenton. All rights, benefits, eligibility, etc. are determined by the State of New Jersey, Division of Pensions, Health Benefits Bureau.

Under the State Health Benefits Program, employees have a choice between the Traditional Plan, (HMO) Health Maintenance Organizations or New Jersey Plus.

Employees whose regular work week is at least twenty-five (25) hours or more are eligible for New Jersey State Health Benefits, prescription program, and dental program.

**N.J.A.C. 17:9-1.8 “Employer incentives for non-enrollment prohibited.** An employer shall not offer a financial enticement of cash or anything of value to an employee who elects not to enroll or to terminate enrollment in the State Health Benefits Program.”

Health benefits coverage will begin after two months of eligibility providing that the proper enrollment forms are completed and on file in Personnel within fifteen days of the date of employment or fifteen days of date of eligibility. The plan includes coverage for the employee and eligible immediate family members<sup>39</sup> and is fully paid for by the County for the Traditional Plan. If the employee elects an HMO or N.J. Plus and the monthly premiums are greater than the Traditional Plan, the employee must pay, through payroll deductions, the additional costs. A schedule of costs for HMO or N.J. Plus is available from Personnel and posted on most Bulletin Boards.

## TRADITIONAL PLAN

The Traditional Plan is an **indemnity plan** that provides reimbursement or expenses for treatment of illness and injury. This plan focuses on providing insurance for catastrophic illnesses or injuries and is not intended to pay all the medical bills. There is no deductible or required copayment at the point of service and the first dollars paid against the claim come from the plan, not the employee. If basic or extended basic benefits do not completely pay for an eligible charge, the remainder of the charge, with some exceptions, is then normally processed under Major Medical.

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<sup>39</sup> Eligible dependents for health insurance are spouse and children.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

Adopted by the Board of Chosen Freeholders on July 28, 1999

Major Medical applies to office visits, laboratory fees, or other claims not paid. Major Medical benefits have an annual deductible, normally pay at 80% of reasonable and customary charges, and includes charges for doctors, drugs, medical services and supplies as well as services not completely paid under basic or extended basic benefits. When an employee has \$2,000 in eligible major medical charges during the calendar year, the plan then pays 100% of eligible charges for the remainder of the calendar year. There are deductibles and co-pays involved in this coverage. The DEDUCTIBLE is:

Single	\$100 per calendar year.
Husband & Wife	\$100 per person per calendar year.
Parent & Child(ren)	\$100 for employee and \$100 for any one child per year (see below.)
Family	\$100 for employee and \$100 for any other family member per year (i.e. if two children each have \$50 in bills, the \$100 deductible has not be reached. If one child has \$100 in bills, then the deductible for other family members has been reached and bills for a spouse and other children would be eligible for payment at 80%.)

The premiums are fully paid for by the County for employees and their eligible dependents.

## HEALTH MAINTENANCE ORGANIZATION (HMO)

A Health Maintenance Organization (HMO) provides services to employees through primary care physicians who are under contract to provide services to the HMO patients in the doctor's own office. Employees pay a small co-payment for office visits. HMOs emphasize preventive care and provide coverage for physicals, well-baby visits, immunizations, etc.

This plan may NOT BE FULLY PAID FOR BY THE COUNTY. The general costs to the employees are listed below. To enroll in an HMO, employees must complete the proper multi-part enrollment form and list the primary physician for each member of the family.

Single	approximately \$0 to \$10 per month
Husband & Wife	approximately \$0 to \$23 per month
Family	approximately \$0 to \$23 per month
Parent & Child	approximately \$0 to \$25 per month

The above rates depend on the type of coverage requested and the HMO. For an updated list of HMO's for you zip code, call Personnel. The rates may increase or decrease each July 1<sup>st</sup>.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

Occasionally, an HMO will go out of business or a physician may retire or withdraw from participation in the HMO. When an HMO goes out of business, the employee will be offered an opportunity to move to the Traditional Plan, the N.J. Plus, or another HMO. If the physician retires or withdraws from participation, the employee must choose another physician or must wait until the Annual Enrollment Period to change plans.

State Health Benefits Program booklets are available from the Central Personnel.

## **NEW JERSEY PLUS (formerly PPO)**

The New Jersey Plus (formerly PPO) resembles the HMO in that employees select from a list of physicians who work from their own offices. The physician makes referrals to specialists and hospitals that are also part of the New Jersey Plus. Unlike the HMO, which pays nothing if an employee uses physicians or hospitals outside the HMO, the N.J. Plus pays 70% of those bills. A complete list of benefits is available in the State Health Benefits Program booklets.

## **ANNUAL ENROLLMENT PERIODS FOR HEALTH BENEFITS**

The purpose of the Annual Open Enrollment Period is:

- (a) If you did not apply for coverage as a new employee when you first started, or
- (b) If you failed to enroll eligible dependents when first became eligible, or
- (c) To change from an HMO to the Traditional Plan or another HMO or to the N.J. Plus, or
- (d) If you were late forwarding the enrollment form to Personnel when you were a new employee, or
- (e) If you were later forwarding the form the Personnel when you changed from less than 24 hours per week to 24 or more per week, or
- (f) If you were late (more than 31 days of occurrence) enrolling an eligible dependent (i.e. marriage, birth of child).

The enrollment application must be on file with Personnel no later than March 15<sup>th</sup>; coverage will be effective July 1.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **PRESCRIPTION PLAN**

Prescription coverage will begin at least the first of the month after two months of employment providing that the proper enrollment forms are completed and on file in Personnel within fifteen days of the date of employment or fifteen days of the date of eligibility. The plan includes coverage for the employee and eligible immediate family members and is fully paid for by the County.

Most employees' prescription coverage is with State Health Benefits Program. The State Health Benefits Prescription program includes a \$1 generic co-pay; a \$5 name brand co-pay; and contraceptives. Some P.B.A. employees' prescription programs are different from about – check the union contract.

The white form is for enrollment/change in the Prescription Program only. This program is administered by the State Health Benefits or Blue Cross. All rights, benefits, eligibility, etc. are determined by State Health Benefits or Blue Cross.

This co-pay program issues a credit-card type identification which is presented to the pharmacy. The employee pays the co-pay for the prescription (see the booklet for eligible prescriptions.)

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **DENTAL PLAN**

Delta Dental Service Plan coverage will begin the first of the month after two months of employment providing that the proper enrollment forms are completed and on file in Personnel within fifteen days of the date of employment or fifteen days of the date of eligibility. The plan includes coverage for the employee and eligible immediate family members and is fully paid for by the County.

To enroll in the dental program, complete the enrollment form. All rights, benefits, eligibility, etc. are determined by a contract between the County of Sussex and Delta Dental Plan (a private insurance carrier). The Dental Program is fully paid for by the County for the employee and their eligible immediate family members.

There is no open enrollment period for the dental program. If an employee does not enroll when eligible, he/she will not be allowed to enroll later (insurance carrier's policy). If dental coverage is cancelled at any time for any reason while still employed, the employee may never be re-enrolled in the program. These are rules of the insurance carrier.

A dental program brochure is issued to eligible employees and describes the benefits and covered procedures. After the \$25 deductible per person per year, Delta Dental will pay 80% of preventive and diagnostic procedures and 50% of certain restorative procedures.

Present a claim form to the dentist before the work is done. The claim forms are available in Personnel.

Please refer to the brochure for more details or call (800) 452-9310.

## **VISION REIMBURSEMENT**

Effective January 1, 2001, CWA represented employees and non-represented employees will be eligible for a Vision Reimbursement Program. The program is limited to employees only and does not include family members. Check the CWA union contracts for further details.

# SUSSEX COUNTY EMPLOYEES' HANDBOOK

Adopted by the Board of Chosen Freeholders on July 28, 1999

## TYPES OF COVERAGE

Single Coverage	Employee Only
Husband & Wife	Employee and spouse coverage (unless legally separated or divorced)
Family	Employee, spouse, and at least one child
Parent & Child(ren)	Employee and eligible child(ren)

## ELIGIBLE DEPENDENTS

A married couple must have at least one unmarried child under age 23 who lives with them in a normal parent/child relationship to enroll in family coverage for State Health Benefits, health maintenance organization, prescription program, or dental program.

To qualify for the dental program, children must be over age two.

Step-children, foster children, and legal wards may be included, if they are substantially dependent upon the employee for support and maintenance (normally with legal documents). If divorced, children who do not live with the employee may be included if the employee is legally required to support the children (legal documents including an indication they are claimed as dependents for income tax purposes).

Children are covered if they are unmarried, under age 23, and living at home in a normal parent/child relationship. A normal parent/child relationship includes children temporarily living away at school/college.

Children who are living at home but covered for insurance by their employer may not be enrolled in their parents' coverage with the County of Sussex. The reason for this is that the child's coverage will be primary. The child's claims must be submitted to his/her coverage. The County would incur the expenses of extra premiums and the child would not benefit.

Legally separated or divorced employees may NOT enroll their spouses in these programs. A copy of the court order must accompany the forms to enroll a child who is living with the divorced or separated spouse. The court order must clearly state that the employee is responsible for providing medical coverage for the child even though the child is not living with the employee. Generally, step-children may be covered if they are claimed by the employee on their Federal Income Tax.



# SUSSEX COUNTY EMPLOYEES' HANDBOOK

Adopted by the Board of Chosen Freeholders on July 28, 1999

If a spouse is covered for medical/hospital, prescription, and/or dental benefits at their place of employment, the employee may enroll the spouse if he/she so chooses.

Employees found to be enrolled in unnecessary coverage will be asked to reimburse the County for the extra premiums retro-actively and may be suspended without pay for up to five days. For example, an employee who enrolls in husband & wife coverage and later divorces must complete change forms. Should an employee fail to make the change in coverage within 31 days, the County shall require the employee to reimburse the County for the difference in premiums between husband & wife and single coverage (approximately \$75 to \$100 per month) AND may be suspended without pay for up to five days.

## DUPLICATE COVERAGE

Duplicate coverage refers to those situations where both spouses are covered by the State Health Benefits Program. The following are State Health Benefits rules regarding duplicate coverage. Please be aware that in the interpretation of the State Health Benefits Bureau an "employee" for coverage purposes is anyone currently participating in the State Health Benefits program. This includes spouses who work for townships, other Counties, school districts, and even the State. All "employees" are protected by the following State regulations:

**153.48 HUSBAND AND WIFE ARE EMPLOYEES** – When both husband and wife have elected to enroll and become major medical covered employees, there will be no duplication of available benefits. For benefit purposes, an employee may be considered either as an employee or a dependent, but not both.

**153.42 DIVORCE OR SEPARATION** – Any employee who has been enrolled, or has been covered as a dependent of an enrolled employee, and is subsequently divorced may enroll, delete from coverage or cover any eligible dependents by completing and forwarding a new enrollment form (to Personnel within 31 days) after the divorce...

**153.43 DEATH OF A SPOUSE OR DEPENDENT CHILD** – Any employee who is enrolled as the dependent of another employee who dies may enroll as an employee and may enroll all eligible dependents for an appropriate coverage by completing and forwarding a new enrollment form (to Personnel within 31 days) following the death. Any employee, upon the death of a spouse or a dependent child enrolled as a dependent, may enroll oneself and any other eligible dependents for any appropriate coverage by completing and forwarding a new enrollment form.

**153.46 SPOUSE CEASES TO BE AN EMPLOYEE** – If two spouses, both of whom are employees, are enrolled for any coverage and one of them ceases to be an employee or become ineligible for coverage as an employee, the other spouse may enroll for any appropriate coverage and may enroll all eligible dependents for that coverage by completing and forwarding a new enrollment form (to Personnel within 31 days) after the change of status occurs.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

## **COVERAGE CHANGE**

**TO INCREASE COVERAGE** – For employees getting married, the coverage can be changed effective the date of marriage provided Personnel receives the new forms within 31 days of occurrence (sooner if possible).

For the birth/adoption of a child, he/she will be covered the date of the birth or adoption provided Personnel receives the forms within 31 days of occurrence. In the case of adoption, complete both the white prescription form and the health benefits form and attach a copy of the court order. Children under age two are not eligible for dental coverage. When the child attains age two, notify Personnel in writing.

**TO DECREASE COVERAGE** – For employees who are widowed, divorced, or whose child is no longer eligible, forms must be completed to change their coverage within 31 days of occurrence. Employees found to be enrolled in unnecessary coverage will be asked to reimburse the County for the extra premiums retro-actively and may be suspended without pay for up to five days.

Spouses or children who are no longer eligible for coverage may continue health benefits, prescriptions, and/or dental under the Federal COBRA program for a maximum of 36 months by paying the same premium as the County plus 2% administration charge. Contact Personnel for more information.

When completing the forms for a change, be sure to fill out the forms completely and to include new information and old information. For example, changing from husband and wife coverage to family coverage, be sure to include the spouse's name and birth date with the child's information.

Coverage can be changed only with the employee's signature on the proper form.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

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## **ID CARDS**

Identification cards for State Health Program and the Prescription Program will be forwarded as soon as they are received from the insurance carriers. Carry the prescription and health benefits identification card at all time.

If enrolled in the Traditional Plan, the identification number will be your Social Security Number followed by A1. If enrolled in the Traditional Plan and retired, the identification number will be your Social Security Number followed by A5.

Health Maintenance Organization or Preferred Provider Organization ID cards are mailed directly to the employee's home by the insurance carrier. Personnel does not have a copy of HMO number; replacement cards must be obtained directly from the health maintenance organization.

Dental cards are attached to a brochure explaining the benefits.

## **HEALTH INSURANCE AND LEAVE OF ABSENCE**

If granted a medical or Family leave of absence, the County will pay for the first three months of health benefits (but not employee's share for an HMO), prescription, and/or dental coverage. The employee is responsible for their share of the health maintenance organization premium, if any. To be eligible for this three months of paid coverage, the employee must provide a physician's statement indicating the employee cannot work.

Employees taking a leave of absence for reasons other than medical are responsible for reimbursing the County for all health benefits, prescription premiums, and/or dental premiums.

Within five (5) days of return from Leave of Absence, the employee must complete an enrollment form for Health Benefits, Prescription, and Dental in order to be reenrolled.

For more information, see the section in this Handbook under LEAVES OF ABSENCE.

## **MEDICARE B**

If you or your spouse are going to be 65 in the near future, contact the local Social Security Office to enroll in the Federal Medicare Program, Part A. As an active employee, enrollment in Part B is voluntary. Medicare B costs about \$46 per month.

# **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

The County will reimburse retired employees, with 25 years or more who have retired under Disability Retirement, and their spouses for Medical B provided a County voucher is submitted to the Treasurer's Office during January and July for the previous six months. Effective July 1, 1996, active employees are no longer reimbursed for Medicare B.

## **TERMINATION OF BENEFITS**

State Health benefits and State Prescription coverage with the County will be discontinued the first of the month after one month of resignation or retirement with less than 25 years of pension credit.

Blue Cross Prescription (may include P.B.A. Jail and Sheriff's Dept.) and/or dental coverage will be discontinued the end of the month of the termination date.

If you resign or employment is terminated by the County, there is a choice to continue your health benefits, prescription program and/or dental program.

First, under the Federal COBRA (Consolidated Omnibus Budget Reconciliation Act) employees may continue the health benefits/HMO, prescription, and/or dental program for a maximum of 18 months by paying the County's premiums plus 2% administrative cost. Employees are required to report to Personnel within five days of the termination date to receive COBRA information.

Second, employees can elect to continue the Traditional Plan under extended option at non-group rates. Blue Cross/Blue Shield will bill the employee directly for this coverage. If interested in continuing the Prudential Major Medical coverage, complete a conversion form available from Personnel.

If retiring with less than 25 years of pension contributions, employees may elect to pay for the health benefits/HMO costs from the monthly pension check. Employees will be offered the COBRA option listed above, but it may not be in your best interest to continue under COBRA because the monthly retirement allowance will continue for the rest of your life and COBRA benefits are for a maximum of 18 months.

If retiring with less than 25 years of pension contributions, health benefits/HMO ONLY is continued by deductions from the monthly pension check. Prescription program and/or dental program can be continued under the COBRA option.

## **SUSSEX COUNTY EMPLOYEES' HANDBOOK**

Adopted by the Board of Chosen Freeholders on July 28, 1999

If retiring with 25 years or more of pension contributions or under a Disability Retirement, the County will pay health benefits premium (but not the employee's share of health maintenance organization) for the rest of your life. Should the retiree die, the widow(er) will be offered coverage under the State Health Benefits Program at his/her expense. The County does not pay for coverage of the survivors (this is a State Health Benefits Program regulation not a County policy).

If retiring with 25 years or more of pension contributions on or after January 1, 1988 or under a Disability Retirement, the County will pay for prescription program and dental program premiums for the rest of your life for you and your immediate family members for CERTAIN EMPLOYEES (the continuation of the prescription program and dental program after 25 years at the County's expense applies to most employees but not all. Check with Personnel for more details.) The County does not pay for coverage of the survivors.