

**RESOLUTION 2016-069**

**RESOLUTION OF THE BORDENTOWN SEWERAGE  
AUTHORITY, IN THE COUNTY OF BURLINGTON,  
STATE OF NEW JERSEY UPDATING AND REVISING  
THE BORDENTOWN SEWERAGE AUTHORITY'S  
EMPLOYEE HANDBOOK**

**WHEREAS**, the Bordentown Sewerage Authority (“the Authority”), in the County of Burlington, State of New Jersey, maintains an employee handbook which outlines the policies and procedures of the Authority;

**WHEREAS**, the Authority is a member of the Municipal Excess Liability Joint Insurance Fund (“MEL”);

**WHEREAS**, a requirement for participation in the MEL, the Authority must routinely update its policies and procedures manual to be consistent with the recommendations of the MEL;

**WHEREAS**, the MEL has promulgated new recommendations which are attached hereto as **EXHIBIT A**.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of the Bordentown Sewerage Authority, in the County of Burlington, State of New Jersey, this 19<sup>th</sup> day of September, 2016 as follows:

(A) The Authority revises its Personnel Policies and Procedures Manual, along with corresponding sections of the Employee Handbook as follows:

SECTION 1. The language in **SECTION ONE – POLICIES RELATING TO  
EMPLOYEES RIGHTS AND OBLIGATIONS – ANTI-DISCRIMINATION**

**POLICY** is removed completely and shall now read:

**Anti-Discrimination Policy:**

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

SECTION 2. The language in **SECTION ONE – POLICIES RELATING TO  
EMPLOYEES RIGHTS AND OBLIGATIONS – AMERICANS WITH**

**DISABILITIES ACT POLICY** is removed completely and shall now read:

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

In compliance with the Americans with Disabilities Act, the ADA Amendments Act and the New Jersey Law Against Discrimination as amended by the New Jersey Pregnant Worker's Fairness Act (LAD), the Bordentown Sewerage Authority does not discriminate based on disability, pregnancy, pregnancy related medical

condition or childbirth. The Bordentown Sewerage Authority will endeavor to make every work environment handicap assessable and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines, as well as the ADA Amendments Act.

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

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

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

### **SECTION 3. SECTION ONE – POLICIES AND PROCEDURES RELATING TO**

**EMPLOYEE RIGHTS AND OBLIGATIONS** is supplemented to include the following additional language regarding communications on social media and similar electronic means of communication:

#### **Communication Media Policy:**

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

Social Media and its uses in government and daily life are expanding each year however, information posted on a website is available to the public; therefore, employees must adhere to the following guidelines for their participation in social media. Only those Employees directly authorized by Executive Director/Administrative Manager may engage in social media activity during work time through the use of the Bordentown Sewerage Authority Communication Media, as it directly relates to their work and it is in compliance with this policy.

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

No Bordentown Sewerage Authority employee shall post internal working documents to social media sites. This includes, but is not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves without the prior approval of the Executive Director/Administrative Manager. In addition employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job related incident or occurrence taken with the Bordentown Sewerage Authority Communication Media to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Executive Director/Administrative Manager. Except in "emergency situations, "Employees are prohibited from taking digital images or photographs with media equipment not owned by the Bordentown Sewerage Authority

For purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes and the employee does not have access to the Bordentown Sewerage Authority Communication Media. If such situation occurs, employee agrees that any images belong to the Bordentown Sewerage Authority and agree to release the image to the Bordentown Sewerage Authority and ensure its permanent deletion from media device upon direction from the Bordentown Sewerage Authority.

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

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

All users are personally accountable for messages that they originate or forward using the Bordentown Sewerage Authority Communication Media. Misrepresenting, obscuring, suppressing, or replacing a user's identity on any Communication Media is prohibited. "Spoofing" (constructing electronic communications so that it appears to be from someone else without a legitimate authorized purpose and authorized by the Executive Director/Administrative Manager is prohibited

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

To the extent that employees use social media outside of their employment and in so doing employees identify themselves as Bordentown Sewerage Authority employees, or if they discuss matters related to the Bordentown Sewerage Authority on a social media site, employees must add a disclaimer on the front page, stating that it does not express the views of the Bordentown Sewerage Authority, and the employee is expressing only their personal views. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer." Place the disclaimer in a prominent position and repeat it for each posting that is expressing an opinion related to the Bordentown Sewerage Authority or the Bordentown Sewerage Authority business. Employees must keep in mind that, if they post information on a social media site that is in violation of Bordentown Sewerage Authority policy and/or federal, state or local laws, the disclaimer will not shield them from disciplinary action.

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

**SECTION 4. SECTION ONE – POLICIES AND PROCEDURES RELATING TO EMPLOYEE RIGHTS AND OBLIGATIONS** is supplemented to include the following additional language regarding video surveillance.

### **Video Surveillance**

The Bordentown Sewerage Authority may install video surveillance camera systems within public buildings and throughout public areas within the Bordentown Sewerage Authority, primarily as visual deterrents of criminal behavior and for the protection of employees and municipal assets. In implementing these video camera systems, the Bordentown Sewerage Authority will ensure compliance with federal, state and local laws governing such usage.

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

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

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

Any employee who becomes aware of any unauthorized disclosure of a video record in a contravention of this policy and/or a potential privacy breach has the responsibility to ensure that Executive Director/Administrative Manager are immediately informed of such breach.

**SECTION 5. SECTION ONE – POLICIES AND PROCEDURES RELATING TO EMPLOYEE RIGHTS AND OBLIGATIONS** is supplemented to include the following additional language regarding dating among Authority employees.

**Employee Dating Policy:**

The Bordentown Sewerage Authority recognizes the right of employees to engage in social relationships with each other, including relationships of a romantic or intimate nature. However, the Authority also recognizes that such relationships can be a problem in the workplace. They may result in favoritism, discrimination, unfair treatment, friction among coworkers, or the perception that they generate such problems.

To try to achieve a balance between employee rights and workplace needs, the Bordentown Sewerage Authority has adopted the following policy on the subject of supervisor/subordinate dating.

If such a relationship exists or develops, both parties involved shall report the fact to A) their immediate supervisor or B) human resources.

For the purposes of this policy, a supervisor/subordinate status means a situation where one employee, irrespective of job title [or civil-service classification], makes or has the authority to make decisions or to take action concerning another employee's compensation, promotion, demotion, discipline, daily tasks, or any other terms, conditions or privileges of employment with the Authority.

If the employees involved in the relationship are also in a supervisor/subordinate status, management may take any action which it deems appropriate, up to and including transferring one of the parties so that there is no longer a supervisor/subordinate relationship between them.

In Addition, management reserves the right to address any workplace issues that may result from that relationship in the manner it deems appropriate.

Any employee who violates this policy will be subject to disciplinary action, up to and including discharge. The Authority regards a violation of this policy as particularly serious because such workplace relationships can cause favoritism, discrimination, unfair treatment for other interference with Authority operations.



(B) The Authority revises its Personnel Policies and Procedures Manual as follows:

SECTION 6. **Section Seven – Managerial/Supervisory Procedures – Employment Procedure** is replaced as follows:

**Employment Procedure:\***

- **Recruitment:** Executive Director in conjunction with the Administrative Manager will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, and equal opportunity requirements. When a vacancy occurs, it is the responsibility of the Department Head to notify Executive Director who will distribute notification of the vacancy to all departments. Executive Director will undertake to recruit qualified applicants in accordance with applicable Federal and State law. Where positions are advertised, the media or other periodical utilized must have as wide circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the Bordentown Sewerage Authority is an equal opportunity employer.
- **Applications:** All candidates must fully complete an application form. A resume will not be considered as a substitute for this form. The application is a confidential document and will not be available to anyone who is not directly involved in the hiring process, except as required by law.
- **Interviews:** Executive Director or Department Head will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries. The Bordentown Sewerage Authority will make reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided the accommodation does not impose an unreasonable hardship on the Bordentown Sewerage Authority.

- **Physical Examinations:** Pursuant to the Americans with Disabilities Act, after an offer of employment is made and prior to commencing employment, Executive Director may require applicants to pass a physical examination in order to insure that they can perform the duties of their position without injury to themselves or others. The same post-offer physical examination must be performed on all applicants for a particular position. Executive Director may require periodic physical examinations to determine the employee's continued ability to perform the duties of the position. All physical examinations must be performed by a physician chosen by the Bordentown Sewerage Authority at the expense of the Bordentown Sewerage Authority. All medical records of employees and prospective employees are confidential and are to be maintained by the Administrative Manager separate from the employee's official personnel file. Medical exams may include tests for drug and alcohol use.
- **Criminal Background Checks:** Criminal background checks are required of all candidates, whether paid or volunteer, that may work directly or indirectly with children/youth/minors in accordance with the procedures outlined in the Section of this ordinance entitled "Background Checks and Procedures for Candidates, Employees and Volunteers".
- **Job Offers:** The final decision will be made by the Authority Members, Executive Director, and Department Head after all references and other information has been verified. Every effort shall be made to offer reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose an unreasonable hardship on the Bordentown Sewerage Authority. The employment offer must be made in a letter to the candidate outlining all terms and conditions of the offer. The letter will also establish a deadline for acceptance.
- **Acceptances and Rejections:** If the first offer is rejected, the Authority Members, Executive Director, and Department Head will decide to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.

- **Employability Proof:** After acceptance, but before starting employment, all new employees shall be required to fill out an employment verification form (I9) and to provide acceptable proof of right to employment in the United States.
- **Record Retention:** All applications, notes made during interviews and reference checks, job offers and other documents created during hiring process must be returned to the Administrative Manager. Documents related to the successful candidate will be placed in the employee's official personnel file except medical records including physical examinations must be maintained in a separate file. All records documents related to other candidates must be retained for at least one year. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

### **Background Checks and Procedures for Candidates, Employees and Volunteers:**

- **Background checks required:** Background checks are required of all candidates, whether for paid or volunteer positions, working directly or indirectly with children/youth/minors. Background checks will also be administered for each employee or volunteer that works directly or indirectly with children/youth/minors every three years.
- **Background check procedure:** The Administrative Manager will perform or initiate background checks and be the recipient of reports from outside agencies or contractors. The Administrative Manager will discuss disqualifying information received with the employee's or volunteer's department head. Written information received as a result of a "Request for Criminal History Record Information For A Noncriminal Justice Purpose" will be destroyed immediately after it has served its authorized purpose, as required by the State Police. Such information will be kept confidential and will not be published or disclosed in any manner not consistent with the procedures listed herein. Such information will not be deemed a public record under P.L. 1963, c.73 (C:47:1A-1, et seq.) as amended and supplemented by P.L. 2001, c.404 (C:47:1A-5, et seq.).

The Administrative Manager will inform the candidate, volunteer, or employee, in writing, of any information that would disqualify

the person from working with children/youth. If the Bordentown Sewerage Authority contracts with an outside vendor to process the background checks, that contractor may be authorized to inform the person in writing of any information that would disqualify the person from working with children/youth/minors. Existing employees or volunteers will be placed on immediate suspension pending the outcome of a hearing or appeal. Employee suspensions may be with or without pay at the discretion of Executive Director.

- **Conditions Under Which An Employee Will Be Disqualified From Working With Children/Youth:** A candidate, volunteer, or employee may be disqualified from employment in a position that works with children/youth/minors if that person's criminal record history background check reveals a record of conviction of any of the following crimes and disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:

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

A disqualification from any position will be based only on a conviction for one or more of the above disqualifying crimes and offenses. An acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a criminal offense, including a disqualifying criminal offense, is not a disqualifying conviction.

- **Appeal Process:** The Appeals Committee will be comprised of Executive Director, Administrative Manager and Authority Solicitor.

Once a candidate, employee or volunteer has been notified of a disqualifying conviction, the employee has 14 calendar days to file a Notice of Appeal with the Bordentown Sewerage Authority. Such Notice of Appeal must be sent in writing to the Administrative Manager. The Notice of Appeal shall include a

Notice of Rehabilitation and/or a Notice that the information is inaccurate or incorrect, pursuant to NJAC 13:59-1.6.

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

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

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

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

SECTION 7. Section Seven – Managerial/Supervisory Procedures – Nepotism  
Procedure is replaced as follows:

**Nepotism Procedure:**

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

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

For purposes of this policy, immediate relative includes spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household.

SECTION 8. Section Seven – Managerial/Supervisory Procedures – Open Public Meetings Act Procedure Concerning Personnel Matters is replaced as follows:

**Open Public Meetings Act Procedure concerning Personnel Matters:**

Discussions by the governing body or any body of the Bordentown Sewerage Authority concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session, with the right of the employee to be present, unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the governing body or any body of the Bordentown Sewerage Authority concerning such matters, the Administrative Manager shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session.

In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session.

SECTION 9. Section Seven – Managerial/Supervisory Procedures – Processing and Orientation of New Employees Procedure is replaced as follows:

**Processing and Orientation of New Employees Procedure:**

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

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

SECTION 10. Section Seven – Managerial/Supervisory Procedures – Initial Probationary Employment Period Procedure is replaced as follows:

**Initial Employment Period Procedure:**

Except where State requirements direct otherwise, new employees (or present employees transferring to new positions) will be hired subject to an initial employment period of not less than three (3) months or more than six (6) months, as determined by Executive

Director. During this initial employment period, the new employee or transferee will be provided with training and guidance from the supervisor. At the end of the initial employment period, the supervisor will conduct an employee evaluation – see Performance Evaluation Procedure. New employees may be discharged at any time during this period if Executive Director concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, Executive Director may extend the initial employment period.

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

SECTION 11. Section Seven – Managerial/Supervisory Procedures – Employee Handbook Procedure is replaced as follows:

**Employee Handbook Procedure:**

The Administrative Manager with the assistance of the Authority Solicitor shall draft an Employee Handbook for the approval of Executive Director. A separate version of the Handbook will be drafted for part-time and seasonal employees as well as for major bargaining groups if appropriate. Once approved, copies will be distributed and employees will be required to sign an acknowledgement of receipt that will be placed in the official personnel file. Subsequent changes to the Handbook will be distributed to employees for inclusion in their previously signed for Handbook.

SECTION 12. Section Seven – Managerial/Supervisory Procedures – Performance Evaluation Procedure is replaced as follows:

**Performance Evaluation Procedure:**

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



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

- **Setting the Stage:** The reviewer must create a productive climate for the discussion. In preparing the evaluation form, prior evaluations should be reviewed to identify trends. Employees must be notified in advance of the meeting and should be given a copy of the blank evaluation form. The meeting should be private without interruptions in a comfortable environment.
- **Confirm Expectations:** The reviewer should start the discussion of each performance area by reviewing expectations. Ask the employee to confirm the employee's understanding of job requirements. Refer to the job description as appropriate.
- **Rating:** Continue the discussion by giving the employee's rating in each performance area. The supervisor should be prepared to refer to documentation. Employees should be evaluated based on set standards, not as they compare to other employees. It is rare that any person's rating in all areas is either high or low. The evaluation should consider performance during the entire period, not just the recent past. Care should be taken to avoid allowing one aspect of a person's performance to overshadow all other performance factors be it positive or negative. Ideally, each performance area should be evaluated individually based on specific behaviors exhibited.
- **Discussing Future Plans:** This is where the reviewer should turn to the discussion to the future performance and development of the employee. A Counseling Action Plan form must be completed if any item is rated "Needs Improvement" or "Does Not Meet Minimum Standards." Specific performance goals must be established for the next review period along with plans for achieving those goals.
- **Closing the Discussion:** When all performance areas have been discussed, close the discussion by summarizing all of ratings in an overall rating for the review period.

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

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

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

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

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

After completing the evaluation, the reviewer will return the form(s) with the signed acknowledgement to Executive Director. After review by Executive Director, the form(s) are to be forwarded to the Administrative Manager for inclusion in the employee's official personnel file. As a part of the evaluation, employees have the right to request a conference with Executive Director or Administrative Manager.

SECTION 13. Section Seven – Managerial/Supervisory Procedures – Disciplinary Action Procedure is replaced as follows:

**Disciplinary Action Procedure:**

All employees are expected to meet the Bordentown Sewerage Authority's work performance standards. The intent of the Disciplinary Action Procedure is to formally document problems and provide the employee with a reasonable time to improve performance. The process should encourage development by

providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with the Bordentown Sewerage Authority's policies and procedures and other disciplinary problems.

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

- **Verbal Reprimand:** Depending on the circumstances, the supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The supervisor will prepare a record of the verbal reprimand including the date, time and what was discussed with the employee. This record must be forwarded to the Administrative Manager for the employee's official personnel file.
- **Executive Director Review:** Should the supervisor consider the offense sufficiently serious to warrant consideration by Executive Director, the employee will be so advised and a meeting arranged with Executive Director at the earliest possible date. All facts should be detailed at this meeting and, if possible, a determination will be made at that time of disciplinary action, if any.
- **Written Reprimand:** When a supervisor determines that a written reprimand is appropriate, the situation must be discussed with Executive Director. The reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e., termination) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement and comments must be forwarded to the Administrative Manager for the employee's official personnel file.
- **Suspension:** Whenever an employee is recommended for suspension, Executive Director and Personnel Committee will make the decision and may seek the advice of the Authority

Solicitor if appropriate. Suspended Employees may request a hearing under the applicable grievance procedure.

- **Dismissal:** Whenever an employee is recommended for dismissal, Executive Director and Authority Members will make the decision only after seeking the advice of the Authority Solicitor. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal. Terminated employees may request a hearing under the applicable grievance procedure.

SECTION 14. Section Seven – Managerial/Supervisory Procedures – Personnel File Procedure is replaced as follows:

**Personnel File Procedure:**

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

The Official file shall include at least the following:

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

- Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.;
- Educational transcripts; and
- Any other pertinent information.

SECTION 15. Section Seven – Managerial/Supervisory Procedures – Employee Complaint Investigation Procedure is replaced as follows:

### **Employee Complaint Investigation Procedure:**

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

- **Reporting:** Employees should be asked to report complaints in writing utilizing the Employee Complaint form, but are not compelled to do so.
- **Identification/Screening:** The supervisor, Department Head, Administrative Manager or Authority Solicitor must report all written or verbal complaints to Executive Director unless the complaint is against Executive Director. Upon receipt, Executive Director will determine if the complaint was made pursuant to the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy, the Whistle Blower Policy, a grievance procedure or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed and the response action plan. As soon as possible but no later than ten days after receiving the complaint, Executive Director or investigator appointed by Executive Director will interview the employee. If the employee is reluctant to sign a written complaint, Executive Director or investigator will prepare written notes of the date, time and place of the complaint and the specific allegations. These notes will be read back to the employee who will be asked to affirm, preferably in writing the information's accuracy.
- **Investigation:** Executive Director will seek the advice of the Authority Solicitor/Personnel Committee when planning the investigation. The investigation should be conducted by the Authority Solicitor or county prosecutor if it involves potential criminal charges. The investigation should establish the frequency and nature of the alleged conduct and whether the complaint coincides with other

employment events such as a poor performance evaluation. The investigation should also determine if other employees were subjected to similar misconduct. It is important to protect the rights of both the person making the complaint and the alleged wrongdoer.

- **Response Plan – No Corrective Action Required:** Executive Director will discuss the conclusions with the Authority Solicitor and render a decision within fourteen days after the investigation is complete. If the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee should be notified in writing. Care should be taken to avoid being too specific, confrontational or accusatory and to avoid any language that might be construed as defamatory. A general statement is usually more appropriate that the claim was thoroughly investigated, but could not be sufficiently documented or confirmed to justify taking formal action. The employee should be assured that future complaints will be investigated and that the Bordentown Sewerage Authority is committed to eliminating wrongful employment practices when they are found to exist. If the investigation reveals that the complainant intentionally and maliciously levied false charges against the alleged wrongdoer, the complainant must be notified of the seriousness of filing a false complaint, and the appropriate disciplinary penalty under the circumstances, up to and including termination.
- **Response Plan – Corrective Action Required:** If the investigation reveals that the complaint is justified and substantiated, Executive Director will formulate with the advise of the Authority Solicitor a corrective action plan as well as possible disciplinary action. The complaining employee will be notified, in writing that it appears that the complaint was justified and an appropriate response plan has been formulated. A copy of the response plan should be attached to the letter. The response plan should provide for appropriate remedial action to prevent a recurrence of the wrongful act or behavior.

SECTION 16. Section Seven – Managerial/Supervisory Procedures – Requests for Employment Verification and Reference Procedure is replaced as follows:

**Requests for Employment Verification and Reference Procedure:**

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

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

SECTION 17. Section Seven – Managerial/Supervisory Procedures – Continuing Education Procedure is replaced as follows:

**Continuing Education Procedure:**

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

Managerial and supervisory personnel will also update employees periodically by department meetings and memos that should address specific problems and concerns that may arise. Every

effort will be made to encourage employee suggestions about ways to avoid employer-employee disputes and violations of employment rights.

(C) **Severability.** If any section, subsection, paragraph, sentence or other part of these revisions is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the judgment shall not affect, impair or invalidate the remainder of these changes, which shall remain in full force and effect.

(D) **Repealer:** Any provisions of the Employee Handbook which is found to be inconsistent with the provisions of these revisions are hereby repealed.

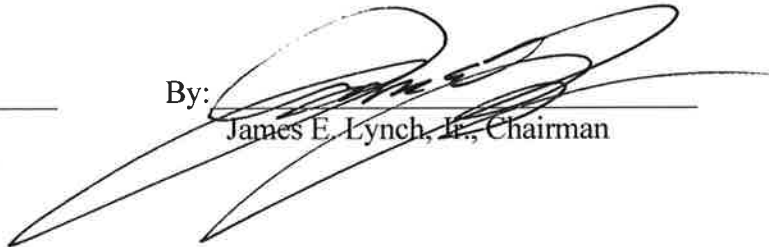
(E) **Effective Date:** The above revisions shall take effect immediately upon final adoption by the Authority.

Date of adoption: September 19, 2016

ATTEST:

BORDENTOWN SEWERAGE AUTHORITY

  
\_\_\_\_\_  
Stephen Monson, Secretary,  
Bordentown Sewerage Authority

By:   
\_\_\_\_\_  
James E. Lynch, II, Chairman