

RESOLUTION 2023-102

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 AND POLICIES AND PROCEDURES MANUAL

WHEREAS, the Bordentown Sewerage Authority ("the Authority"), in the County of Burlington, State of New Jersey, maintains a Policies and Procedures Manual which outlines the policies and procedures of the Authority;

WHEREAS, from time to time the Authority must routinely update its policies and procedures manual to be consistent with changes in law and regulations;

NOW, THEREFORE, BE IT RESOLVED by the Board of the Bordentown Sewerage Authority, in the County of Burlington, State of New Jersey, this 16th day of October, 2023 as follows:

- (A) The Authority revises its Policies and Procedures Manual in accordance with the attached Exhibit A. Additions are underlined thusly and deletions are stricken ~~thusly~~. Changes are contained within the following sections:
- (1) Section One – Policies Relating to Employee Rights and Obligations within subsections for Americans with Disabilities Act Policy, Drugs and Alcohol Policy, and Domestic Violence Policy; and,
 - (2) Section Three – Paid and Unpaid Time Off Policies within subsections for Sick Leave Policy, New Jersey Family Leave Act, and New Jersey Family Leave Insurance Benefits; and,
 - (3) Section Five – Misuse of Alcohol and Use of Controlled Substances within subsection for Non-CDL employees.

(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the Policies and Procedures Manual which is found to be inconsistent with the provisions of these revisions are hereby repealed.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: October 16, 2023

THE BORDENTOWN SEWERAGE AUTHORITY

Attest:



Aneka Miller, Secretary

By: 

M. Ellen Gulbinsky, Chairwoman

Sick Leave Policy :

The Authority permits an employee, pursuant to N.J.S.A. § 34:11D-3(a), to use the earned sick leave accrued for any of the following instances:

- (1) Time needed for diagnosis, care, or treatment of, or recovery from, the employee's own mental or physical illness, injury or other adverse health condition, or for preventive medical care for the employee;
- (2) To aid or care for a family member during diagnosis, care, or treatment of, or recovery from, the family member's mental or physical illness, injury or other adverse health condition, or during preventive medical care for the family member;
- (3) If an employee or a family member are a victim of domestic or sexual violence, and are obtaining services from a designated domestic violence agency or other victim services organization, medical attention, legal services, counseling, or are relocating due to the domestic or sexual violence;
- (4) Closure of an employee's workplace, or of the school or place of care of an employee's child, due to an epidemic or public health emergency, or because of the issuance by a public health authority of a determination that the presence of the employee or their family member in the community would jeopardize the health of others;
- (5) During a state of emergency declared by the Governor, or upon the recommendation, direction, or order of a healthcare provider or the Commissioner of Health or other authorized public official, the employee undergoes isolation or quarantine, or cares for a family member in quarantine, as a result of suspected exposure to a communicable disease and a finding by the provider or authority that the presence in the community of the employee or family member would jeopardize the health of others; or
- (6) If an employee needs to attend a school-related conference, meeting, function or other event requested or required by an administrator, teacher, or other professional school staff member responsible for the education of the employee's child, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.

In regard to the above, the Authority requires three (3) days' notice for any foreseeable use of leave. If the use of leave is unforeseeable, the employee should notify the Authority as soon as practicable of their need to use same. Should an employee need to use three (3) or more consecutive days of leave, said employee must provide the Authority with reasonable documentation that the leave is being taken for one of the purposes permitted above. Reasonable documentation shall be as defined in N.J.S.A. § 34:11D-3(b).

An employee is eligible to use the earned sick leave beginning on the 120th calendar day after the employee starts work. The employee may subsequently use earned sick leave as soon as it is accrued. Employees will not be paid for any unused sick leave, except as expressly required by federal or State laws, or an applicable collective negotiations agreement.

~~Sick leave is to be used only in cases where the employee is ill and is unable to work, or in cases of the serious illness of a family member. Sick time may also be permitted to allow an~~

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~~employee to attend a medical appointment, provided advance notice is given to the Supervisor.~~

Sick leave shall be earned and accrued by employees of the Authority in the following manner:

1. Probationary employees will accrue sick time at a rate of 1 hour for every thirty (30) hours worked, up to a cap of forty (40) hours per year. Probationary employees will be eligible to use this time 120 calendar days after his/her start date. At the conclusion of the probationary period, additional sick leave shall accrue as defined below.
2. All other employees shall be given a maximum of thirteen (13) sick days per calendar year, which shall accrue at the rate of one (1) day per full calendar month. Although sick leave may be taken at any time during the year, in the event that any employee works less than the full calendar year, the employee shall reimburse the Authority for any sick leave taken that is in excess of the sick leave accrued.
3. Sick leave that is unused during the calendar year will be carried forward for use in subsequent years.
4. Sick leave pay shall be based upon the employee's regular straight time rate, exclusive of any premiums for the day or days on which the employee is absent from work because of accident or illness.
5. Reporting of absence on sick leave -- If an employee intends to use leave for a foreseeable reason, the employee must provide 3 days advanced notice of the intended use of sick leave. Where sick leave is used for an unforeseeable reason, the employee must provide notice as soon as practicable. Failure to notify the Supervisor may be cause for disciplinary action.
6. Sick leave benefits shall commence on the first day of absence from work.
7. A doctor's certificate shall be required as a condition for payment of sick leave after a three-day absence, and at the discretion of the Authority, after five (5) separate occurrences of sick leave in any one (1) calendar year. If the employee is attending to an immediate family member, a doctor's certificate may be required of that individual.
8. Sick leave benefits are not convertible to cash, bonuses or to extra time off with pay, except upon retirement the Authority shall buy back all accumulated sick leave at one-half (1/2) the employee's then-current hourly rate up to a maximum of \$15,000.00.
9. Sick leave benefits shall not be used for personal days, vacation or the like, and shall only be used as defined in this policy or allowed by law.

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10. During the period of absence from work, the Authority shall receive credit for welfare payments, worker's compensation or other benefits received under policies whose premiums are paid in whole or in part by the Authority. Under no circumstances shall the combination of sick leave benefits with any of the aforesaid exceed an employee's regular straight time daily or weekly rate of pay.
11. Sick leave benefits shall be payable only to those days lost on which the employee was regularly scheduled to work. In no event shall sick leave benefits apply to an employee's scheduled day off, holiday, vacation, leave of absence, overtime, or to any day for which an employee has received full pay from the employer.
12. In the case of absence due to exposure to contagious disease, a medical certificate shall be required as a condition precedent to the return to work by the employee affected.
13. The Authority, may, in its discretion, require an employee who has been absent because of illness to undergo a physical examination by a physician designated by the Authority at the expense of the Authority.
14. Abuse of sick leave shall be cause for disciplinary action.
15. New Jersey Temporary Disability Insurance claim applications can be made on the New Jersey Department of Labor and Workforce Development website. The employee may choose to use accrued sick leave during Temporary Disability leave.

Drugs and Alcohol Policy:

The Authority recognizes that the use of ~~unlawful~~ drugs and the abuse of alcohol pose a threat to the health and safety of all employees. The Authority has adopted a comprehensive "Policy on the Misuse of Alcohol and the Use of Controlled Substances", which applies to all employees. The Drug and Alcohol Policy is contained in Section Five herein.

Any employee who is observed by a supervisor or Department Head to be intoxicated or under the influence of alcohol and drugs during working hours, or is under reasonable suspicion of same, shall be immediately tested and is subject to discipline, up to and including termination. Employees who are required to maintain a Commercial Driver's License ("CDL") are subject to random drug testing as required by the federal government. Refusal to submit to testing when requested may result in immediate disciplinary action, including termination.

Any Operations Staff using prescription drugs that may affect the safety of him/herself, fellow employees or the general public must notify the Executive Director or Administrative Manager who are required to maintain the confidentiality of any information regarding an employee's medical condition.

Policy on Misuse of Alcohol and the Use of Controlled Substances (non-CDL) – only sections with changes are in this document

WHAT IF YOU TEST POSITIVE?

The Medical Review Officer will contact you confidentially to give you an opportunity to discuss your results before reporting them to the Authority as a verified positive. You may discuss the result with the MRO up to seventy-two (72) hours of a positive result and ask questions of the MRO about prescription and non-prescription medications, rebut or explain the test results to the MRO, and provide supporting documentation. During this 72 hour period, any applicant or employee may request that their split specimen be tested at a second laboratory and if positive, they will be responsible for that expense and that cost may be deducted from their paycheck, depending upon the result and, if negative, the employee will be reimbursed by the Authority for the cost of the test and any lost time. Under federal regulations, the MRO has the discretionary authority to notify the Authority that an employee is temporarily medically disqualified from the performance of safety-sensitive work during this evaluation period and also has the duty to notify the Authority if the employee is taking an impairing effect medication. A positive drug or alcohol test is classified as willful misconduct and a violation of the Authority's Policy. Any employee who tests positive, or refuses to be tested, may be subject to appropriate disciplinary action for engaging in willful misconduct connected with work, up to and including immediate termination, for gross misconduct connected with work, and violation of a safety rule for those employees working in a safety-sensitive position and/or forfeit eligibility for Worker's Compensation benefits *N.J. Stat. Ann. § 34:15-7* if post-accident and may adversely affect an employee's eligibility to receive Unemployment Compensation benefits. Any applicant made a conditional offer that tests positive, or refuses to be tested, will be denied employment or have their offer withdrawn.

As it relates to cannabis, an employee will be subject to adverse action if there is both a positive drug test, confirmed by a licensed laboratory, and a determination of reasonable suspicion based on documentation of physical signs or other evidence of impairment during the employee's work hours. When the New Jersey Cannabis Regulatory Commission issues standards for certification of a Workplace Impairment Recognition Expert ("WIRE"), an employee will be subject to adverse action if there is both a positive drug test and a physical evaluation by a WIRE.

Applicants for non-CDL positions will not be denied employment based solely on a positive pre-employment drug test for cannabis, except for law enforcement officers assigned to a federal task force, holding a federally regulated license requiring testing, or applying to an agency that is specifically required to test for cannabis by the terms of a federal contract or federal grant.

WHAT ABOUT IMPAIRING EFFECT MEDICATIONS OR SUBSTANCES?

Any employee working in a safety-sensitive position as defined by Authority Policy is required, as a safety rule, to pre-duty disclosure that they are taking or using ANY impairing effect prescription, including medical marijuana, over-the-counter medications, mind altering synthetic or designer drugs or other substance which may have an effect on performance of safety-sensitive duties. ~~This includes medical and recreational Marijuana, the use of which the Authority, for safety reasons, will not be able to accommodate employees working in safety sensitive positions.~~

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However, for employees who are qualifying medical marijuana cardholders reporting to work in those states which have statutory anti-discrimination against the use of medical marijuana laws, qualifying employees, and applicants, may request a reasonable accommodation by contacting the DER and such request will be considered. If the fact that the employee is taking or using an impairing effect medication or substance is not disclosed pre-duty by a safety-sensitive employee and the employee tests positive, is otherwise determined to be taking or using such, or is determined by the MRO to be a potential safety risk due to taking or using an impairing effect medication or substance, that employee will be subject to discipline, up to and including termination, for violation of this safety rule. If disclosure is made, the Authority reserves the right to send the employee for a Fitness-for-Duty evaluation to evaluate the medication or substance and its effects on the performance of safety-sensitive duties. In advance of testing, employees are encouraged to have their own doctor make an individualized assessment of any safety related risks of the medications or substances which they are taking or using, providing the doctor a copy of their job description and having the doctor to render an opinion on the safety related risks. The employee need not disclose to the Authority the medication or medical condition involved to fulfill the disclosure obligation of this Policy. All information provided will be kept separate from personnel files and in a confidential manner. The MRO, or another Medical Professional selected by the Authority, will make the final determination on the safety related risks of any particular medication or substance.

POLICY PROHIBITIONS

Employees, applicants and Contractors for the Authority are strictly prohibited from engaging in the following conduct:

1. With respect to illegal drugs, employees and applicants violate this Policy by engaging in the following conduct, whether or not during work time or on Authority premises or property and are subject to discipline up to and including discharge, or rejection of the application for employment, or cancellation of contractual agreements:
 - a. Testing positive in a confirmed drug or alcohol test, or refusing to be tested.
 - b. Bringing and/or storing (including in a desk, locker, automobile, or other repository) illegal drugs or drug paraphernalia on Authority premises or property, including Authority-owned or leased vehicles, or vehicles used for Authority purposes.
 - c. Having possession of, being under the influence of, testing positive for, or being in close proximity to persons using illegal drugs, or otherwise having in one's system illegal drugs.
 - d. Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing illegal drugs. In addition, the Authority will refer such matters to the appropriate police authority.
 - e. A conviction or plea of guilty relative to any criminal drug offense occurring in the workplace. All employees must notify the Authority in writing of any criminal drug conviction no later than five (5) calendar days after such conviction. Drug off-the-job which adversely affects an employee's performance on the job, or which has the potential to jeopardise the health or safety of other employees, the public or the Authority's equipment or function, shall be cause for disciplinary action up to and including dismissal. Action will be taken against employees who are convicted for an off-the job drug offence. In deciding what action will be taken, the incident

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will be evaluated in terms of the nature of the conviction, the employee's job assignment, the employee's record with the Authority and other factors related to the impact of the employee's conviction on the Authority.

- f. Abuse of prescription drugs which includes exceeding the recommended prescribed dosage or using others' prescribed medications. Such prescriptions brought to work should remain in the original labeled container and show both the prescribing doctor's name and the prescription's expiration date.
 - g. Switching, tampering with, diluting, or adulterating any specimen or sample collected under this Policy, or attempting to do so.
 - h. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, drug testing, medical or physical tests or examinations, when requested or conducted by Authority or its designee, is a violation of Authority Policy and may result in disciplinary action up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.
 - i. Failure to advise the Authority pre-duty ~~the Authority~~ of the use of a prescription or over-the-counter drug which may alter the employee's ability to safely perform the essential functions of his or her job.
 - j. Failure of an employee to notify his or her supervisor before reporting to work if he or she believes that he or she is under the influence of drugs.
 - ~~k. We strictly prohibit employees from using hemp products, which some within the medical community have indicated may cause a positive marijuana test result. We will not generally consider use of hemp products a valid medical explanation for a positive marijuana test result.~~
2. With respect to alcohol and cannabis, employees violate this Policy by engaging in the following conduct during work time or on Authority premises or property:
- a. Bringing and/or storing (including in a desk, locker, automobile, or other repository) alcohol or cannabis on Authority premises or property, including Authority owned or leased vehicles, or vehicles used for Authority purposes.
 - b. Having possession of, being under the influence of, testing positive for or having in one's system, alcohol or cannabis. Using, consuming, transporting, distributing or attempting to distribute, manufacturing, selling, or dispensing alcohol or cannabis. As it relates to a positive drug test for cannabis, an employee violates this policy if there is both positive drug test and evidence-based documentation of physical signs or other evidence of impairment during the employee's work hours. *Exceptions to the policy concerning alcohol consumption or possession may be made only upon the prior explicit approval of senior management for specifically identified circumstances.*
 - c. A conviction or plea of guilty relative to any criminal alcohol or cannabis offense occurring in the workplace. All employees must notify Authority in writing of any criminal alcohol or cannabis conviction not later than five calendar days after such conviction. Alcohol or cannabis use off-the-job which adversely affects an employee's performance on the job, or which has the potential to jeopardize the

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health or safety of other employees, the public or Authority's equipment or function, shall be cause for disciplinary action up to and including dismissal. Action will be taken against employees who are convicted for an off-the job alcohol or cannabis offence. In deciding what action will be taken, the incident will be evaluated in terms of the nature of the conviction, the employee's job assignment, the employee's record with the Authority and other factors related to the impact of the employee's conviction on the Authority.

- d. Switching, tampering with, or adulterating any specimen or sample collected under this Policy, or attempting to do so.
- e. Refusing to cooperate with the terms of this Policy which includes submitting to questioning, alcohol or drug testing, medical or physical tests or examinations, when requested or conducted by Authority or its designee, is a violation of Authority Policy and may result in disciplinary action, up to and including termination. A refusal to test includes conduct obstructing testing such as failure to sign necessary paperwork or failing to report to the collection site at the appointed time.
- f. Failure of employee to notify his or her supervisor before reporting to work if he or she believes that he or she is under the influence of alcohol or cannabis.

Domestic Violence Policy – only sections with changes are in this document

DOMESTIC VIOLENCE REPORTING PROCEDURES

Employees who are victims of domestic violence are encouraged to seek immediate assistance from their HRO. Employees who have information about or witness an act of domestic violence against an employee, are encouraged to report that information to the designated HRO, unless the employee is required to report the domestic violence pursuant to applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report, in which case the employee must so report to the appropriate authority in addition to reporting to the designated HRO. Nothing in this policy shall preclude an employee from contacting 911 in emergency situations. Indeed, HROs shall remind employees to contact 911 if they feel they are in immediate danger.

Each designated HRO shall:

- A. Immediately respond to an employee upon request and provide a safe and confidential location to allow the employee to discuss the circumstances surrounding the domestic violence incident and the request for assistance.
- B. Determine whether there is an imminent and emergent need to contact 911 and/or local law enforcement.
- C. Provide the employee with resource information and a confidential telephone line to make necessary calls for services for emergent intervention and supportive services, when appropriate. The HRO or the employee can contact the appropriate Employee Assistance Program to assist with securing resources and confidential services.
- D. Refer the employee to the provisions and protections of The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1 et seq. (NJ SAFE Act), referenced under Section VIII of this policy.
- ~~E. In cases where domestic violence involved a sexual touching or sexual assault between state employees, the HRO is also required to report the incident to their agency's EEO Officer or Title IX Officer, Thomas Redwood, Executive Director.~~
- E. If there is a report of sexual assault or abuse, the victim should be offered the services of the Sexual Assault Response Team, Burlington County S.A.R.T., call 911 or local police department.
- F. Maintain the confidentiality of the employee and all parties involved, to the extent practical and appropriate under the circumstances, pursuant to this

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policy. (See Section VI).

G. Upon the employee's consent, the employee may provide the HRO with copies of any TROs, FROs, and/or civil restraint agreements that pertain to restraints in the work place and ensure that security personnel are aware of the names of individuals who are prohibited from appearing at the work location while the employee who sought the restraining order is present. All copies of TROs and FROs shall be maintained in a separate confidential personnel file.

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, breastfeeding, 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, breastfeeding, or pregnancy related medical condition. We will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities or pregnant, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided that the accommodation does not impose undue hardship on the 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. In the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child.~~

~~All decisions with regard to reasonable accommodation shall be made by the Executive Director. 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.~~

The Bordentown Sewerage Authority complies with the New Jersey Law Against Discrimination and the Americans with Disabilities Act. The Authority will not discriminate

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against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability, pregnancy, pregnancy-related medical condition, breastfeeding or childbirth. The Authority also will make reasonable accommodations wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential duties and assignments connected with the job and provided that accommodations do not require significant difficulty or expense. The Authority's nondiscrimination policy applies to all aspects of the employer-employee relationship, including recruitment, hiring, upgrading, training, promotion, transfer, discipline, layoff, recall, and termination.

Definitions. The Americans with Disabilities Act defines an individual with a disability as any person who:

- (1) has a physical or mental impairment that substantially limits one or more major life activities, such as caring for oneself, walking, seeing, hearing, or speaking;
- (2) has a record of such an impairment; or
- (3) is regarded as having such an impairment.

An individual must satisfy at least one of the three prongs of the above definition to be considered an individual with a disability under the ADA. Temporary conditions, such as a broken leg, are not disabilities, nor are minor impairments, such as vision problems that are correctable with glasses.

The New Jersey Law Against Discrimination defines disability as a physical disability, infirmity, malformation or disfigurement which is caused by bodily injury, birth defect or illness including epilepsy and other seizure disorders, and which shall include, but not be limited to, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment or physical reliance on a service or guide dog, wheelchair, or other remedial appliance or device, or any mental, psychological or developmental disability resulting from anatomical, psychological, physiological or neurological conditions which prevents the normal exercise of any bodily or mental functions or is demonstrable, medically or psychologically, by accepted clinical or laboratory diagnostic techniques. Disability shall also mean AIDS or HIV infection.

A qualified individual is an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position held or sought. An individual who poses a threat to the health and safety of oneself or to others is not qualified. Reasonable accommodation means any change or adjustment to a job or work environment that does not impose an undue hardship on the Authority, or that permits a qualified applicant or employee with a disability to participate in the job application process, perform the essential functions of the job, or enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities.

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Requesting Accommodation. Qualified employees or prospective employees with disabilities may request accommodations to perform the essential functions of their job or gain access to the hiring process. Employees or prospective employees should direct their written request to the Authority's Executive Director. In the written request, the employee or prospective employee should identify themselves as a person with a disability, eligible for protection, and identify the nature of the accommodation or consideration desired.

The Authority may require the employee or prospective employee to provide adequate medical or other appropriate documentation of the disability and the need for the desired accommodation. The Authority will reasonably accommodate the known physical or mental limitation of an otherwise qualified applicant or employee with a disability unless the accommodation would impose an undue hardship on the Authority's business operation.

To further the Authority's nondiscrimination policy, the Authority will:

- Identify the essential functions of a job;
- Determine whether a person with a disability, with or without accommodation, is qualified to perform the duties; and
- Determine whether a reasonable accommodation can be made for a qualified individual.

Reasonable accommodations that the Authority may provide in connection with modifications to the work environment or adjustments in how and when a job is performed may include the following:

- Making existing facilities accessible and usable;
- Job restructuring;
- Part-time or modified work schedules;
- Acquiring or modifying equipment or devices;
- Appropriate adjustment or modifications of testing materials, training materials, and/or policies;
- Reassignment to a vacant position.

In the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child.

The Authority is also committed to not discriminating against any qualified employee or applicant because he or she is related to or associated with a person with a disability. If any applicant or employee has questions concerning the Authority's equal employment opportunity policy, he or she should contact the Authority's Executive Director.

New Jersey Family Leave Act:

Similar to the federal Family Medical Leave Act, employees who worked for at least twelve (12) months and at least 1,000 base hours are eligible for New Jersey Family Leave Act (NJFLA). Upon written notice, eligible employees may take up to a maximum of twelve (12) weeks of NJFLA leave in a twenty-four (24) month period, which is measured as a rolling twenty-four (24) month period that commences with the first day of NJFLA leave taken.

~~are entitled to up to 12 weeks of unpaid leave during any 24 month period, for one of the following reasons: (1) to care for the employee's son or daughter during the first 12 months following birth; (2) To care for a child during the first 12 months following placement with the employee for adoption or foster care; (3) To care for a family member [child (including step-child adopted child, foster child), parent (including foster parent, step-parent, parent-in-law and legal guardian) spouse or civil union partner] law with a serious health condition.~~

Qualifying Reasons for Leave. An employee may take NJFLA leave to care for:

- A newly born or adopted child or a child placed into foster care with the employee, but the leave must start within twelve (12) months of the birth of the child or the placement of the child.
- A family member (sibling, grandparent, grandchild, child, spouse, domestic partner, civil union partner, parent-in-law, or parent of a covered individual, or any other individual related by blood to the employee, and any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship) with a serious health condition.
- In the event of a state of emergency declared by the Governor, or when indicated to be needed by the Commissioner of Health or other public health authority, an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent spread of a communicable disease, which:
 - (i) requires in-home care or treatment of a child due to the closure of the school or place of care of the child of the employee, by order of a public official due to the epidemic or other public health emergency;
 - (ii) prompts the issuance by a public health authority of a determination, including by mandatory quarantine, requiring or imposing responsive or prophylactic measures as a result of illness caused by an epidemic of a communicable disease or known or suspected exposure to the communicable disease because the presence in the community of a family member in need of care by the employee, would jeopardize the health of others; or
 - (iii) results in the recommendation of a health care provider or public health authority, that a family member in need of care by the employee voluntarily undergo self-quarantine as a result of suspected exposure to a communicable disease because the presence in the community of that family member in need of care by the employee, would jeopardize the health of others.

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Leave taken to care for a newly born or adopted child or a child placed into foster care with the employee may be consecutive or intermittent and must begin by the end of the twelve (12) month period after the birth or placement for adoption or foster care.

You may take NJFLA leave to care for a seriously ill family member:

- As a single block of time.
- By reducing your normal work schedule for no more than twenty-four (24) consecutive weeks in a twenty-four (24) month period.
- Intermittently when medically necessary.

Employees permitted to take intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt the Authority's operations. The total time within which an intermittent leave is taken may not exceed a twelve (12) month period, if such leave is taken in connection with a single serious health condition.

Intermittent leaves taken in connection with more than one serious health condition episode must be taken within a consecutive twenty-four (24) month period, or until such time as the employee's twelve (12) week family leave entitlement is exhausted, whichever is shorter. An employee taking a family leave on a reduced leave schedule shall not be entitled to such leave for more than a consecutive twenty-four (24) week period. An eligible employee shall be entitled to only one leave on a reduced leave schedule during any consecutive twenty-four (24) month period. Any remaining family leave to which the employee is entitled subsequent to the expiration of a leave taken on a reduced leave schedule may be taken on a consecutive or intermittent basis.

Depending on the purpose of the employee's leave, the employee may be required to or may choose to use accrued paid leave, concurrently with some or all of his/her NJFLA leave. The employee will not be eligible to accrue seniority or benefits, including vacation and holidays, during any period of NJFLA leave. The Authority will notify employees of their options to continue to participate in our group health plans during NJFLA leave.

Required Notice and Certifications. When requesting NJFLA leave, an employee must provide the Authority thirty (30) days' advance written notice. For employees requesting leave on an intermittent basis, at least fifteen (15) days advance written notice must be provided. If advance written notice is not possible because of an emergency, the employee must provide the Authority with reasonable oral notice and then follow up with written notice.

The employee also must give the Authority a medical certification supporting the need for leave. The Authority reserves the right to require second or third medical opinions and periodic re-certifications. The employee must also provide periodic reports during the leave regarding the employee's status and intent to return to work as deemed appropriate by the Authority. If an employee fails to provide the required documentation, the Authority may delay the start of the employee's NJFLA leave, withdraw any designation of NJFLA leave or deny the leave, in which case the absences will be treated in accordance with

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the Authority's standard leave of absence and attendance policies and the employee may be subject to discipline up to and including termination of employment.

If an employee provides false or misleading information or omits material information about an NJFLA leave, the employee will be subject to discipline up to and including immediate termination of employment.

Benefits Protection. During a family leave of absence, the employee's health benefits will be maintained under the same conditions as if the employee continued to work. If the employee decides to return to work when his/her family leave of absence ends, the employee may be reinstated to the same or equivalent job with the same pay, benefits, and terms and conditions of employment. If the employee decides not to return to work when the family leave of absence ends, the employee may be required to reimburse the Authority for the health insurance premiums paid on his/her behalf during the leave of absence (except if the failure to return to work was caused by the continuation, recurrence, or onset of serious health condition which would entitle the employee to a leave of absence under the law or other circumstances beyond the employee's control). With regard to any pension contributions, the employee must contact the human resources official to make payment arrangements concerning contributions or credits paid toward his/her pension benefits. Employees should consult with the Authority prior to taking an approved leave.

Returning to Work after NJFLA Leave. On returning to work after NJFLA leave, eligible employees will typically be restored to their original job or to an equivalent job with equivalent pay, benefits and other employment terms and conditions. Any employee who fails to return to work as scheduled after NJFLA leave or exceeds the twelve (12) week NJFLA entitlement will be subject to the Authority's standard leave of absence and attendance policies. This may result in termination if the employee's continued absence is unauthorized (for example, if the employee has no other Authority-provided leave available to him/her).

Retaliation Prohibited. The Employer and the NJFLA prohibit the interference with, restraint of or denial of any right provided under the NJFLA and/or discharge or discrimination against any person for opposing any practice made unlawful by the NJFLA or for involvement in any proceeding under or relating to the NJFLA. The Authority encourages employees to bring any concerns or complaints about retaliation or compliance with the NJFLA to the attention of the human resources official.

It should be noted that leave under the federal Family Medical Leave Act and the New Jersey Family Leave Act will often run concurrently and result in a total leave of only 12 weeks. However, there are also circumstances in which the employee is entitled only to leave under the federal Family Medical Leave Act or only to leave under the New Jersey Family. In such cases, the employee is entitled to his/her full leave time under both policies.

The most notable is that the New Jersey Family Leave Act does not allow leave for an employee's own serious health condition whereas the federal Family Leave Act does

Exhibit A

allow for such leave. Accordingly, if an employee is incurring leave for his/her own serious health condition, the employee may exhaust his/her full 12 weeks of leave. Thereafter, although no longer eligible for leave under the federal Family Medical Leave Act, the employee would still be entitled to 12 weeks of leave under the New Jersey Family Leave Act for a qualifying condition. The most frequently occurring scenario is related to giving birth to a child. Under the federal Family Medical Leave Act, an employee could qualify for up to 12 weeks of disability time to allow for recovery after the birth of the child. However, this time would not be *ineligible* for New Jersey Family Leave. However, under the New Jersey Family Leave Act, the employee would also be entitled to 12 weeks of time to care for the new baby. As a result, the employee could be entitled to up to 24 total weeks of leave.

For example, assume an employee has worked the requisite number of hours in the preceding 12 months and, as such, is qualified for both Family Medical Leave and New Jersey Family Leave. The employee gives birth to a child. Initially, the employee is entitled to disability leave to recover from child birth. However, the employee's doctor releases her from disability after seven weeks. The employee is still entitled to 5 additional weeks of leave under the federal Medical Leave and up to 12 additional weeks under the New Jersey Family Leave Act. In this scenario, the last 5 weeks of federal Family Medical Leave and first five weeks of New Jersey Family Leave will run concurrently. Accordingly, the employee may receive up to 19 weeks of total leave.

New Jersey Family Leave Insurance Benefits:

~~Prior to July 1, 2020, New Jersey will provide up to six (6) weeks of Family Leave Insurance benefits. Benefits are payable to covered employees to either bond with a child (during the first 12 months following birth, if the covered individual or the domestic partner or civil union partner of the covered individual, is a biological parent of the child or 12-months after the placement of the child for adoption/foster care with the covered individual) or to care for a family member with a serious health condition. Covered workers who take intermittent days, shall be eligible for New Jersey Family Leave Insurance benefits for us to 42 days.~~

~~After to July 1, 2020, New Jersey will provide up to twelve (12) weeks of Family Leave Insurance benefits. Benefits are payable to covered employees to either bond with a child (during the first 12 months following birth, if the covered individual or the domestic partner or civil union partner of the covered individual, is a biological parent of the child or 12-months after the placement of the child for adoption/foster care with the covered individual) or to care for a family member with a serious health condition. Covered workers who take intermittent days, shall be eligible for New Jersey Family Leave Insurance benefits for us to 56 days.~~

During a period of unpaid leave to care for a family member with a serious health condition or a newborn or adopted child or child placed into foster care with the employee, the employee may be eligible for up to twelve (12) weeks of Family Leave Insurance ("FLI") payments through the State in a twelve (12) month period. FLI is a monetary benefit paid by the State and not a separate leave entitlement, and will thus run concurrently with FMLA and/or NJFLA leaves.

An employee's job is not protected while receiving FLI benefits – unless the employee is eligible for leave under the FMLA, NJFLA, or is otherwise designated for an approved family leave of absence.

Employees must provide the Authority with advance notice of need for leave, as follows:

- At least thirty (30) days before leave to bond with a newborn or newly adopted child, unless the time of the leave is unforeseeable or the time of the leave changes for unforeseeable reasons.
- In a reasonable and practicable manner for leave to care for a seriously ill family member on a continuous, non-intermittent basis, unless an emergency or other unforeseen circumstance precludes advance notice.
- At least fifteen (15) days before leave to care for a seriously ill family member or leave to bond with a newborn or newly adopted child on an intermittent basis unless an emergency or other unforeseen circumstance precludes advance notice.