

CHAPTER XXVI

PERSONNEL *

26-1 PURPOSE.

It is the intent of this chapter to establish personnel policies, practices and regulations which will be consistent with sound business principles to the end that the administration of the Township's personnel program will be accomplished in a manner equitable to the employees without handicapping or curtailing the responsible administrative officers.
(Code 1971, § 3-31)

26-2 PERSONNEL POLICIES.

26-2.1 Policy Manual. All Personnel Policies are embodied within the Policy and Procedure Manual.

26-2.2 Findings and Purpose.

- a. The Township Council adopted a Personnel and Procedures Manual in 1981.
- b. The public judges its government by the way public officers and employees conduct themselves in the posts to which they are elected or appointed.
- c. The people have a right to expect that every public employee and official will conduct himself in a manner that will tend to preserve the public confidence in and respect for the government he represents.
- d. This manual serves as a repository certifying existing New Jersey Civil Service Rules as well as Municipal law and procedures relating to personnel administration in the Township.
- e. It is the spirit, intent and purpose to provide an orderly interpretation of personnel regulations which will serve to assure equitable and fair treatment of applicants and employees in selection, promotion and compensation without regard to political views, race, nationality, origin, sex, religion, disability or age.
- f. The Township Council has filed a copy of the Personnel Policy and Procedures Manual with the Township Clerk and the Manual is available for inspection during regular business hours by any interested party.
(Ord. #90-30, Preamble)

26-2.3 Reaffirmation of Policy.

The document entitled the “Rockaway Township Policy and Procedure Manual” as revised through October 1, 1990, and as may be amended from time to time subsequent thereto is hereby declared to be the official embodiment of the rules and regulations of the Township governing the conduct of all municipal employees.
(Ord. #90-30 § 1)

26-2.4 Employees’ Responsibility.

All employees covered by the Manual will be required to be familiar with the rules and regulations set forth in the Manual and shall be responsible for conforming their conduct to the standards set forth therein.
(Ord. #90-30 § 2)

26-2.5 Copy on File; Available for Inspection.

A copy of the Rockaway Township Policy and Procedures Manual will be kept in the offices of the Township Clerk and shall be made available to any individual during regular business hours.
(Ord. #90-30 § 3)

26-3 CLASSES OF TITLES CREATED.

The Classes of Titles, which are set forth in the various Labor Agreements are hereby created and adopted by reference.

26-4 CLASSES OF POSITIONS CREATED.

The classes of positions which are set forth and prepared by the N.J. State Department of Labor are hereby created and adopted by reference.

26-5 OTHER POSITIONS.

Within the Township of Rockaway certain other positions exist which are not Civil Service as scheduled below:

- Full Time Employees*
- Assessor
- Director Public Works and Utilities
- Business Administrator
- Chief Financial Officer
- Director of Recreation/Parks/Sr. Service
- Health Officer
- Municipal Clerk

Municipal Engineer
Municipal Tax Collector
Secretary to Mayor – To serve at the pleasure of the Mayor.

Part Time Employees

Assessment Commissioners
Assistant Business Administrator
Council Members
Council President
Deputy Registrar
Director of Welfare
Election Official
Emergency Management Coordinator
Emergency Management Deputy
Judge of Municipal Court
Mayor
Recycling Coordinator
Sewer Assessment Officer
Special Police Officer
Tax Search Officer

26-6 PERSONNEL POLICY AND PROCEDURE MANUAL

26-6.1 Policy and Procedure Manual; Adoption by Reference.

The Policy and Procedure Manual adopted by the Township on February 3, 2004, effective March 1, 2004 by Ordinance No. 04-1 is hereby readopted by reference in its entirety. A complete copy of said Township of Rockaway Policy and Procedure Manual shall be distributed to all employees and shall be available at the office of the Township Clerk during regular business hours. The Township of Rockaway Policy and Procedure Manual effective March 1, 2004, as amended and supplemented from time to time, shall supersede all previous versions of the Policy and Procedure or Personnel Policies of the Township of Rockaway. The Policy and Procedure Manual shall be applicable to all officials, appointees, employees, prospective employees, volunteers and independent contractors of the Township of Rockaway.
(Ord. #05-42 § 1)

26-6.2 Employee Handbook.

The Employee Handbook for the Township of Rockaway which outlines the Policy and Procedure Manual and which was adopted by the Township on February 3, 2004, effective March 1, 2004 by Ordinance No. 04-1 is hereby readopted by reference in its entirety. A complete copy of said Employee Handbook shall be distributed to all employees and shall be available at the

office of the Township Clerk during regular business hours. The Employee Handbook effective March 1, 2004, as amended and supplemented from time to time, shall supersede all previous versions of the Employee Handbook. The Employee Handbook shall be applicable to all officials, appointees, employees, prospective employees, volunteers and independent contractors of the Township of Rockaway.
(Ord. #05-42 § 2)

26-6.3 Amendment by Resolution.

The Township of Rockaway Policy and Procedure Manual effective March 1, 2004 referenced in subsection 26-6.1 above, and the Employee Handbook effective March 1, 2004 as referenced in subsection 26-6.2 above may be amended from time to time by resolution duly adopted by the Township Council at a regular or special meeting. Once adopted, said amendments and modifications shall have the full and complete authority as if included in the originally adopted Policy and Procedure manual or Employee Handbook and shall become effective as designated in said resolution. A copy of any such amendment shall be distributed to all employees who have received the Policy and Procedure Manual and/or the Employee Handbook and a copy thereof shall be available at the offices of the Township Clerk during regular business hours.
(Ord. #05-42 § 3)

26-6.4 Business Administrator Designated to Implement and Enforce.

The Business Administrator of the Township of Rockaway shall be responsible to implement and enforce the personnel practices, including the Policy and Procedure Manual adopted by ordinance or by resolution authorized pursuant hereto. If there is a conflict between said Policy and Procedure Manual and any duly adopted and lawful collective bargaining agreement, personnel services contract, or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, the practices adopted pursuant to this section shall prevail.
(Ord. #05-42 § 3)

26-7 SAFETY MANUALS.

a. The documents entitled “Safety Manual” and “Safety Manual, Township of Rockaway, New Jersey Police Department” are hereby adopted and promulgated as rules and regulations affecting employees and the operations of the Township of Rockaway.

b. A copy of the aforementioned “Safety Manual” and “Safety Manual, Township of Rockaway, New Jersey Police Department” is filed with the Township Clerk of the Township of Rockaway.
(Code 1971 § 3-34A)

26-8 RESERVED.

Former Section 26-8, use of Municipally Owned Vehicles, previously codified herein and containing portions of 1971 Code §§ 3-34B and 13-5 was repealed in its entirety by Ordinance No. 12-10.

26-9 RESIDENCY REQUIREMENTS.

26-9.1 Title.

This section shall hereafter be known as cited as the “Residence Requirement Ordinance.”
(Ord. #93-29 § 1)

26-9.2 Bona Fide Residency.

A bona fide “resident” is defined as any person having a permanent domicile within the Township of Rockaway and one which has not been adopted with the intention of again taking up or claiming a residence acquired outside of the corporate limits of the Township.
(Ord. #93-29 § 1)

26-9.3 Residency Preferred; Applicability.

a. From and after the effective date of this section, those individuals possessing residency in the Township of Rockaway shall be given preference in the hiring of all officers and employees to be employed or appointed by the Township of Rockaway, therein, except for certain appointed positions expressly provided for by New Jersey Statutes N.J.S.A. 40A:9-1.1 et seq. or in accordance with the exceptions provided hereinafter.

b. This section is not applicable to officers and employees of the Township of Rockaway holding their positions prior to the date of this section, insofar as requiring that any such officer or employee become a resident of the Township of Rockaway.
(Ord. #93-29 § 1)

26-9.4 Employment of Nonresidents.

a. Where the appointing authority shall determine that there cannot be recruited a sufficient number of qualified residents for available specific positions or employments, the appointing authority may, in its discretion, give preference for hiring of nonresidents for such positions or employments in the following manner:

1. Other residents of Morris County;
2. Other residents of counties contiguous to Morris County;
3. Other residents of New Jersey;
4. All other applicants.

(Ord. #93-29 § 1)

26-9.5 Exemptions.

Notwithstanding any provision of this section to the contrary, any office or employment of the Township of Rockaway shall, be deemed exempt from the residency requirements of this section provided that:

- a. The residency requirement exemption is provided by statute;
- b. The office or employment is considered to be a professional service as provided in N.J.S.A. 40A:11-2(6).

(Ord. #93-29 § 1)

26-10 DRUG AND ALCOHOL ABUSE POLICY FOR EMPLOYEES HOLDING COMMERCIAL DRIVERS LICENSES.

26-10.1 Definitions.

Commercial Drivers' License as defined in N.J.S.A. 39:3-10.9 et seq. entitled "New Jersey Commercial Driver License Act".

Employee shall mean a person employed by the Township of Rockaway in a capability which requires a commercial drivers' license to be maintained including all Department of Public Works Sanitation workers, Roadmen, Mechanics, Building and Grounds workers, foremen and supervisors, all of whom shall be included in the test pool.

Fail a drug/alcohol test shall mean that the confirmation test result shows a positive evidence of the presence of a prohibited drug/alcohol in a person's system.

Pass a drug/alcohol test shall mean that initial testing or confirmation testing does not show evidence of the presence of prohibited drug/alcohol in a person's system.

Prohibited drug shall mean any of the following substances specified in the Schedule I or Schedule II of the Controlled Substances Act, 21 U.S.C. 801.812 (1981 and 1987 CUM.P.P.) Marijuana, Cocaine, Opiates, Amphetamines and phencyclidine "PCP", (Ord. #1-96 § 1)

26-10.2 Drug/Alcohol Tests Required.

a. *Pre-Employment Testing.* No employee will be hired unless that person passes a drug/alcohol test or is covered by a recognized anti-drug/alcohol program, documentation of which must be supplied to the Township of Rockaway Business Administrator.

b. *Post-Accident Testing.* As soon as possible but no later than two to eight (2-8) hours after an accident occurs during employment hours, any employee whose performance either contributed to the accident or whose performance cannot be completely discounted as a contributing factor to the accident shall be drug/alcohol tested. The decision to test or not to test shall be in the sole discretion of the employer based upon the base information available immediately after the accident. The supervisor in conjunction with any other investigative personnel shall fully document the basis upon which a decision to test or not to test is made. In the case of an accident involving a fatality or involving the issuance of a citation to the Township of Rockaway employee, the involved employee shall automatically be tested. All covered employees shall immediately report all accidents or citations issued during the employee's course of his/her shift regardless of the type or ownership of vehicle involved in the accident or the citation. Failure to report such accident or citation will result in disciplinary action.

c. *Random Testing.* At least fifty (50%) percent of all employees shall be drug tested and twenty-five (25%) percent of all employees shall be alcohol tested every twelve (12) months. The employees for testing shall be selected by using a random number table that is matched with an employee's identification number. During the first twelve (12) months following the institution of random drug/alcohol testing, the total number of tests conducted shall include at least twenty-five (25%) percent of the employees required to be tested.

d. *Testing Based on Reasonable Cause.* Whenever there is reasonable cause to believe that an employee is using a prohibited

drug/alcohol, such employee shall be drug/alcohol tested. The decision to so test will be based on a reasonable belief that the employee is using a prohibited drug/alcohol on the basis of the specific contemporaneous, physical, behavioral or performance indicators of probable drug/alcohol use. One (1) supervisor of the employee trained in detecting drug/alcohol use symptoms shall substantiate the decision to test.

e. *Rehabilitation and Discipline.* All employees are entitled to voluntarily participate in the “Employee Assistance Program” regardless of positive test result being received. However, if there is a positive test result, participation in the “Employee Assistance Program” or an alternate program approved by the Township of Rockaway Business Administrator or Health Director shall be a prerequisite to continued employment. Refusal to enroll in a program or to complete a full course of rehabilitation shall be cause for immediate termination of services. A positive alcohol test is one with a level of .040 or greater. Employees with a pattern of reading between .020 and .039 will also be subjected to enrolling in a mandatory counseling program.

In addition to completing a required course of rehabilitation, employees shall be subject to the following discipline:

1. Following the confirmation of a positive test, there shall be a minimum five (5) day suspension. In the case of an alcohol test result between .020 and .039, the penalty would be limited to a suspension for the remainder of that day’s work shift unless a pattern developed. The suspension shall remain in full force until there is a negative retest provided to the Township of Rockaway through a certified laboratory (all costs of testing to be borne by the employee) but failure on the part of the employee to present a positive test result within six (6) weeks from the original incident date shall automatically result in termination of services. After two (2) weeks the Township of Rockaway reserves the right, for reasons of operational efficiency to fill the suspended employee’s position and in such case, the suspended employee would be entitled to the next available opening providing all other conditions (rehabilitation and positive test result) are met.

2. Employees found to be in violation of this policy (confirmation of positive drug/alcohol test) on a second occasion will be immediately dismissed.

3. Failure or refusal to submit to a drug/alcohol test shall result in the employee being suspended indefinitely or until the employee can produce a passing test result for the first incident. A second failure or refusal to submit to a drug/alcohol test will result in immediate termination.

f. *Testing after Rehabilitation.* A person who returns to duty as an employee after rehabilitation shall be subject to a reasonable program of follow-up drug/alcohol testing without prior notice for not more than sixty (60) days after his or her return to duty.

g. *Administration.* The Township of Rockaway has designated Health Net, as a subcontractor for the Morris County JIF or such other persons as the Township may designate to administer the Township's anti-drug/alcohol program; and further, to provide for the collection and testing to be done under Health Net's standard procedures, and for the employee awareness and supervisory training program as designed and administered by Health Net; all as more particularly required by the Township of Rockaway anti-drug/alcohol program.

(Ord. #1-96 § 2)