

CONTAGIOUS/LIFE THREATENING ILLNESS POLICY

The Employer is committed to providing and maintaining a healthy and safety work environment which allows all employees to perform their jobs in a safe and productive manner. The Employer respects the dignity and worth of every employee through its Equal Opportunity Employment statement, which explains its policy and practice with respect to prohibiting discrimination in every phase of employment. The Employer provides support for individual employees who may be facing the trauma of a life-threatening or catastrophic illness. The purpose of this policy is to support the physical and emotional health of all employees, minimize disruptions of productivity and morale caused by the presence of a worker with a life-threatening illness, and demonstrate the Employer's continued commitment to its affirmative action goals related to physically disabled employees.

If an employee has learned that he or she has a contagious or life threatening illness the employee should take all steps to protect further spread of the disease or illness. When appropriate, the employee's Department Head should be notified of any illnesses that may affect the health, safety, and welfare of any co-employee or member of the general public. Employees with such conditions, who are able to meet appropriate standards and whose continued employment does not pose a threat to their own health and safety or that of others, are assured equal employment opportunities and reasonable accommodations in their employment. If an employee is able to work, he or she is expected to be productive. If the individual cannot work, then he or she may be eligible for disability benefits.

Consistent with the concern for employees with life-threatening illness, the Employer offers the following resources through the human resources official:

- 1) Employee education and information on terminal illnesses and specific life-threatening illnesses.
- 2) Referral to agencies and organizations which offer supportive services for life-threatening illnesses.
- 3) Consultation in assisting employees in efficiently managing health, leave and other benefits. The Employer encourages employees who need these resources to contact the human resources official.

DISCIPLINE AND TERMINATION POLICY

Corrective disciplinary action, as appropriate, will be taken against any employee found to be in violation of established procedures. All disciplinary action shall be based upon total concern for the employee, the employee's relationship with his/her fellow workers, the employee's relationship with his/her supervisor, and the best interest of the Employer. Such disciplinary action shall be of a positive, educational and corrective nature, and shall not be used in an abusive or vindictive manner.

Discipline is considered to be major or minor. Major discipline shall include:

- Removal
- Disciplinary demotion
- Suspension of greater than five (5) days

Minor discipline is a formal written reprimand or a suspension or fine of five (5) or less days.

This policy covers non-union employees. It also covers union employees to the extent that their collective bargaining agreements do not cover this subject matter.

Procedure in Major Disciplinary Actions – Generally, an employee will be served with a "Preliminary Notice of Disciplinary Action" ("PNDA") setting forth the charges against the employee and affording a hearing opportunity at a specified date, time and location. The employee must respond with a request for a hearing within five (5) days of the receipt of PNDA; otherwise, the hearing is waived. After the hearing (or a waiver of a hearing), a decision is made and within twenty (20) days, unless additional time is agreed to by the parties. Written notification to the employee shall be made by issuing a "Final Notice of Disciplinary Action" form.

An immediate suspension may be imposed prior to a hearing when:

1. The employee is unfit for duty or presents a hazard to any person if permitted to remain on the job or the suspension is necessary to maintain safety, health, order or effective direction of public services. However, a PNDA with opportunity for a hearing must be served in person or by certified mail within five (5) days following the immediate suspension; or
2. The employee is suspected/charged with an act of misdemeanor, felony or any form of malicious mischief which leads to arrest and/or incarceration and fails to notify his Department/Division Head or Designated Superior immediately. This failure could result in disciplinary action, up to and including termination; or
3. The employee has been formally charged with a crime of the First, Second or Third Degree or a crime of the Fourth Degree directly related to the employee's job.

Where a suspension is immediate, and is without pay, the employee must first be apprised either orally or in writing regarding the charges, the reason why an immediate suspension is sought, and a general description of the evidence in support of the charges. The employee will be provided an opportunity to respond to the charges before a representative of the Employer. The response may be oral or in writing.

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

- Incompetency, inefficiency or failure to perform duties;
- Insubordination;
- Inability to perform duties;
- Chronic or excessive absenteeism or lateness;
- Conviction of a crime;
- Conduct unbecoming a public employee;
- Neglect of duty;
- Misuse of public property, including motor vehicles;
- Discrimination that affects equal employment opportunity, including sexual harassment;
- Violation of federal regulations concerning drug and alcohol use by and testing of employees who perform functions related to the operation of commercial motor vehicles, and state and local policies issued thereunder;
- Falsification of public records, including attendance and other personnel records;
- Failure to report absence;
- Harassment of co-workers and/or volunteers and visitors;
- Theft or attempted theft of property belonging to the Employer, fellow employees, volunteers or visitors;
- Unauthorized absences and/or chronic or excessive absences;
- Fighting on Employer's property at any time;
- Being under the influence of intoxicants (e.g., liquor) or illegal drugs (e.g., cocaine or

- marijuana) on Employer property and at any time during work hours;
- Failure to report to work on the day or days prior to or following a vacation, holiday and/or leave, and/or any other unauthorized day of absence;
- Possession, sale, transfer or use of intoxicants or illegal drugs on Employer property and at any time during work hours;
- Entering the building without permission during non-scheduled work hours;
- Soliciting on Employer premises during work time. This includes but is not limited to distribution of literature or products or soliciting membership in fraternal, religious, social or political organizations, and for sales of products, such as those from Avon, Amway, etc.;
- Careless waste of materials or abuse of tools, equipment or supplies;
- Deliberate destruction or damage to Employer property or the property of other employees;
- Sleeping on the job;
- Carrying weapons of any kind on Employer premises and/or during work hours, unless carrying a weapon is a function of your job duties;
- Violation of established safety and fire regulations;
- Unauthorized absence from work area, and/or roaming or loitering on the premises, during scheduled work hours;
- Defacing walls, bulletin boards or any other property of the Employer or other employees;
- Unauthorized disclosure of confidential Employer information;
- Gambling on Employer premises;
- Horseplay, disorderly conduct and use of abusive and/or obscene language on Employer premises;
- Deliberate delay or restriction of your work effort, and/or incitement of others to delay or restrict their work effort;
- Conviction of a crime or disorderly persons offense;
- Violating any Employer rules, procedures, regulations or policies;
- Unauthorized use of computers, Internet, email, voicemail, telephone and cellular phone; and
- Other sufficient cause.

These are mere examples and not an exhaustive list or binding on the Employer. Additionally, the Employer reserves the right to use any and all forms of discipline on a case-by-case basis and is not obligated to use progressive discipline. Employment with the Employer may be terminated at any time with or without cause or reason by the employee or Employer.

DOMESTIC VIOLENCE POLICY

PURPOSE

The purpose of the State of New Jersey Domestic Violence Policy for Public Employers (herein "policy") is to set forth a uniform domestic violence policy for all public employers to adopt in accordance with N.J.S.A. 11A:2-6a. The purpose of this policy is also to encourage employees who are victims of domestic violence, and those impacted by domestic violence, to seek assistance from their human resources officers and provide a standard for human resources officers to follow when responding to employees.

DEFINITIONS

The following terms are defined solely for the purpose of this policy:

Domestic Violence - Acts or threatened acts, that are used by a perpetrator to gain power and control over

a current or former spouse, family member, household member, intimate partner, someone the perpetrator dated, or person with whom the perpetrator shares a child in common or anticipates having a child in common if one of the parties is pregnant. Domestic violence includes, but is not limited to the following: physical violence; injury; intimidation; sexual violence or abuse; emotional and/or psychological intimidation; verbal abuse; threats; harassment; cyber harassment; stalking; economic abuse or control; damaging property to intimidate or attempt to control the behavior of a person in a relationship with the perpetrator; strangulation; or abuse of animals or pets.

Abuser/Perpetrator - An individual who commits or threatens to commit an act of domestic violence, including unwarranted violence against individuals and animals. Other abusive behaviors and forms of violence can include the following: bullying, humiliating, isolating, intimidating, harassing, stalking, or threatening the victim, disturbing someone's peace, or destroying someone's property.

Human Resources Officer (HRO) – An employee of a public employer with a human resources job title, or its equivalent, who is responsible for orienting, training, counseling, and appraising staff. Persons designated by the employer as the primary or secondary contact to assist employees in reporting domestic violence incidents.

Intimate Partner - Partners of any sexual orientation or preference who have been legally married or formerly married to one another, have a child or children in common, or anticipate having a child in common if one party is pregnant. Intimate partner also includes those who live together or have lived together, as well as persons who are dating or have dated in the past.

Temporary Restraining Order (TRO) - A civil court order issued by a judge to protect the life, health or well-being of a victim. TROs can prohibit domestic violence offenders from having contact with victims, either in person or through any means of communication, including third parties. TROs also can prohibit offenders from a victim's home and workplace. A violation of a TRO may be a criminal offense. A TRO will last approximately 10 business days, or until a court holds a hearing to determine if a Final Restraining Order (FRO) is needed. In New Jersey, there is no expiration of a FRO.

Victim - A person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. A victim of domestic violence is also any person, regardless of age, who has been subjected to domestic violence by one of the following actors: a person with whom the victim has a child in common; a person with whom the victim anticipates having a child in common, if one of the parties is pregnant; and a person with whom the victim has had a dating relationship.

Workplace-Related Incidents - Incidents of domestic violence, sexual violence, dating violence, and stalking, including acts, attempted acts, or threatened acts by or against employees, the families of employees, and/or their property, that imperil the safety, well-being, or productivity of any person associated with a public employee in the State of New Jersey, regardless of whether the act occurred in or outside the organization's physical workplace. An employee is considered to be in the workplace while in or using the resources of the employer. This includes, but is not limited to, facilities, work sites, equipment, vehicles, or while on work-related travel.

PERSONS COVERED BY THIS POLICY

RESPONSIBILITY OF EMPLOYERS TO DESIGNATE A HUMAN RESOURCES OFFICER

The Employer hereby designates the following employee as the Primary HRO to assist employees who are victims of domestic violence.

Acting Primary HRO:

Michael Laffey, Township Manager

609-886-2005, ext. 132

Mlaffey@townshipoflower.org

The designated Primary HRO shall have the ability to appoint designated employees for each instance, which may require training on responding to and assisting employees who are domestic violence victims in accordance with this policy.

Managers and supervisors are often aware of circumstances involving an employee who is experiencing domestic violence. Managers and supervisors are required to refer any employee who is experiencing domestic violence or who report witnessing domestic violence to the designated HRO. Managers and supervisors must maintain confidentiality, to the extent possible, and be sensitive, compassionate, and respectful to the needs of persons who are victims of domestic violence.

The name and contact information of the designated HRO will be provided to all employees.

This policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General Directives and guidelines that impose a duty to report. For example, if there is any indication a child may also be a victim, reporting is mandatory to the Department of Children and Families, Child Protection and Permanency, under N.J.S.A. 9:6-8.13.

DOMESTIC VIOLENCE REPORTING PROCEDURES

Employees who are victims of domestic violence are encouraged to seek immediate assistance from the Manager. 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, HRO shall remind employees to contact 911 if they feel they are in immediate danger.

The 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

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 in 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, **insert name and contact information**.
- F. If there is a report of sexual assault or abuse, the victim should be offered the services of the Sexual Assault Response Team, **insert contact information**
- G. Maintain the confidentiality of the employee and all parties involved, to the extent practical and appropriate under the circumstances, pursuant to this policy.
- H. 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.

CONFIDENTIALITY POLICY

In responding to reports of domestic violence, the HRO shall seek to maintain confidentiality to protect an employee making a report of, witnessing, or experiencing domestic violence, to the extent practical and appropriate under the circumstances and allowed by law. Thus, this policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General Directives and guidelines that impose a duty to report.

This confidentiality policy shall not prevent disclosure where to do so would result in physical harm to any person or jeopardize safety within the workplace. When information must be disclosed to protect the safety of individuals in the workplace, the HRO shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others and comply with the law. The HRO shall provide advance notice to the employee who disclosed information, to the extent possible, if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere. The HRO shall also provide the employee with the name and title of the person to whom they intend to provide the employee's statement and shall explain the necessity and purpose regarding the disclosure. For example, if the substance of the disclosure presents a threat to employees, then law enforcement will be alerted immediately.

This policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General Directives and guidelines where mandatory reporting is required by the appointing authority or a specific class of employees.

CONFIDENTIALITY OF EMPLOYEE RECORDS

To ensure confidentiality and accuracy of information, this policy requires the HRO to keep all documents and reports of domestic violence in confidential personnel file separate from the employee's other personnel records. These records shall be considered personnel records and shall not be government records available for public access under the Open Public Records Act. See N.J.S.A. 47:1A-10.

THE NEW JERSEY SECURITY AND FINANCIAL EMPOWERMENT ACT

The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1, et seq. (NJ SAFE Act), is a law that provides employment protection for victims of domestic or sexual violence.

The NJ SAFE Act allows a maximum of 20 days of unpaid leave in one 12-month period, to be used within 12 months following any act of domestic or sexual violence. To be eligible, the employee must have worked at least 1,000 hours during the 12-month period immediately before the act of domestic or sexual violence. Further, the employee must have worked for an employer in the State that employs 25 or more employees for each working day during 20 or more calendar weeks in the current or immediately preceding calendar year. This leave can be taken intermittently in days, but not hours.

Leave under the NJ SAFE Act may be taken by an employee who is a victim of domestic violence, as that term is defined in N.J.S.A. 2C:25-19 and N.J.S.A. 30:4-27.6, respectively. Leave may also be taken by an employee whose child, parent, spouse, domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic or sexual violence.

Leave under the NJ SAFE Act may be taken for the purpose of engaging in any of the following activities, for themselves, or a child, parent, spouse, domestic partner, or civil union partner, as they relate to an incident of domestic or sexual violence:

- 1) Seeking medical attention;
- 2) Obtaining services from a victim services organization;
- 3) Obtaining psychological or other counseling;
- 4) Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase safety;
- 5) Seeking legal assistance or remedies to ensure health and safety of the victim; or
- 6) Attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

PUBLIC EMPLOYER DOMESTIC VIOLENCE ACTION PLAN

The Employer has developed the following action plan to identify, respond to, and correct employee performance issues that are caused by domestic violence, pursuant to N.J.S.A. 11A:2-6a, and in accordance with the following guidelines:

- A. Designate an HRO with responsibilities pursuant to this policy.
- B. Recognize that an employee may need an accommodation as the employee may experience temporary difficulty fulfilling job responsibilities.
- C. Provide reasonable accommodations to ensure the employee's safety. Reasonable accommodations may include, but are not limited to, the following: implementation of safety measures; transfer or

reassignment; modified work schedule; change in work telephone number or work-station location; assistance in documenting the violence occurring in the workplace; an implemented safety procedure, or other accommodation approved by the employer.

- D. Advise the employee of information concerning the NJ SAFE Act; Family and Medical Leave Act (FMLA); or Family Leave Act (FLA); Temporary Disability Insurance (TOI); or Americans with Disabilities Act (ADA); or other reasonable flexible leave options when an employee, or his or her child, parent, spouse, domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic violence.
- E. Commit to adherence to the provisions of the NJ SAFE Act, including that the employer will not retaliate against, terminate, or discipline any employee for reporting information about incidents of domestic violence, as defined in this policy, if the victim provides notice to their Human Resources Office of the status or if the Human Resources Office has reason to believe an employee is a victim of domestic violence.
- F. Advise any employee, who believes he or she has been subjected to adverse action as a result of making a report pursuant to this policy, of the civil right of action under the NJ SAFE ACT. And advise any employee to contact their designated Labor Relations Officer, Conscientious Employees Protection Act (CEPA) Officer and/or Equal Employment Opportunity Officer in the event they believe the adverse action is a violation of their collective bargaining agreement, the Conscientious Employees Protection Act or the New Jersey Law Against Discrimination and corresponding policies.
- G. Employers, their designated HRO, and employees should familiarize themselves with this policy. This policy shall be provided to all employees upon execution and to all new employees upon hiring. Information and resources about domestic violence are encouraged to be placed in visible areas, such as restrooms, cafeterias, breakrooms, and where other resource information is located.

RESOURCES

This policy provides an Appendix listing resources and program information readily available to assist victims of domestic violence. These resources should be provided by the designated HRO to any victim of domestic violence at the time of reporting.

DISTRIBUTION OF POLICY

The Township Manager will be responsible for distributing this policy to employees, volunteers, and other employees identified above.

The Township Manager will be responsible for updating this policy at least annually to reflect circumstances changes in the organization.

The Township Manager will be responsible for monitoring The Civil Service Commission and the Division of Local Government Services in the Department of Community Affairs for modifications thereto, to public employers.

OTHER APPLICABLE REQUIREMENTS

In addition to this policy, the HRO and the public employer's appointing authority must follow all applicable laws, guidelines, standard operating procedures, internal affairs policies, and New Jersey Attorney General Directives and guidelines that impose a duty to report. Additionally, to the extent that the procedures set forth in this policy conflict with collective negotiated agreements or with the Family Educational Rights and Privacy Act (FERPA), the provisions of the negotiated agreements and the provisions of FERPA control.

POLICY MODIFICATION AND REVIEW

A public employer may seek to modify this policy, to create additional protocols to protect victims of domestic violence but may not modify in a way that reduces or compromises the safeguards and processes set out in this policy.

The Civil Service Commission will review and modify this policy periodically and as needed.

POLICY ENFORCEABILITY

The provisions of this policy are intended to be implemented by the Civil Service Commission. These provisions do not create any promises or rights that may be enforced by any persons or entities.

POLICY INQUIRIES & EFFECTIVE DATE

Any questions concerning the interpretation or implementation of this policy shall be addressed to the Chair/Chief Executive Officer of the Civil Service Commission, or their designee. This policy shall be enforceable upon the HRO's completion of training on this policy.

LAYOFF

Pursuant to N.J.A.C. 4A: 8-1.1 the Township may institute layoff actions for economy, efficiency or other related reasons, but will first consider voluntary alternatives. (Seniority, lateral or other re-employment rights for employees in Career Service titles will be determined by the New Jersey Department of Personnel.)

The Township may implement pre-layoff actions in order to lessen the possibility, extent or impact of layoffs. These pre-layoff actions may include but are not limited:

- Instituting temporary hiring or promotion freeze;
- Separating temporary, provisional, and unclassified employees;
- Returning provisional to permanent titles in affected department;
- Reassigning employee;
- Assisting employees with transfers or other jobs.

The Township will post a general notice of a layoff in all affected departments and distribute individual notices of a layoff to affected employees at least forty-five days prior to the effective date of a layoff.

The New Jersey Department of Personnel will advise employees of appeal rights, layoff rights and identify employment opportunities available to the employee based on permanent title and seniority. Layoff rights may include lateral, demotion, and special re-employment rights.

The Township will consult with all affected unions prior to offering any alternatives to employees or initiating any pre-layoff actions.

EMPLOYEE DATING POLICY

The Employer strongly believes that an environment where employees maintain clear boundaries between employee personal and business interactions is most effective for conducting business. Although this policy does not prevent the development of friendships or romantic relationships between coworkers, it does establish very clear boundaries as to how relationships will progress during working hours and within the working environment. Individuals in supervisory relationships or other influential roles are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information and their ability to influence others.

Procedures.

1. During working time and in working areas, employees are expected to keep personal exchanges limited so that others are not distracted or offended by such exchanges and so that productivity is maintained.
2. During non-working time, such as lunches, breaks and before and after work periods, employees are not precluded from having appropriate personal conversations in non-work areas as long as their conversations and behaviors could in no way be perceived as offensive or uncomfortable to a reasonable person.
3. Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person while anywhere on Employer premises, whether during working hours or not.
4. Employees who allow personal relationships with coworkers to affect the working environment will be subject to the appropriate provisions of the Employer disciplinary policy which may include counseling for minor problems. Failure to change behavior and maintain expected work responsibilities is viewed as a serious disciplinary matter.

5. Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace. An exception to this principle, however, is romantic or sexual relationships between supervisors and subordinates.

6. Supervisors, managers, executives or anyone else in sensitive or influential positions must disclose the existence of any relationship with another coworker that has progressed beyond a platonic friendship. Disclosure may be made to the immediate supervisor or the Department Head. This disclosure will enable the Employer to determine whether any conflict of interest exists because of the relative positions of the individuals involved.

7. Where problems or potential risks are identified, the Employer will work with the parties involved to consider options for resolving the problem. The initial solution may be to make sure that the parties involved no longer work together on matters where one is able to influence the other or take action for the other. Matters such as hiring, firing, promotions, performance management, compensation decisions, financial transactions, etc. are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage.

8. In some cases, other measures may be necessary such as transfer to other positions or departments.

9. Refusal of reasonable alternative positions, if available, will be deemed a voluntary resignation.

10. Continued failure to work with the Employer to resolve such a situation in a mutually agreeable fashion may ultimately be deemed insubordination and therefore serve as cause for immediate termination. The organization's disciplinary policy will be consulted to ensure consistency, however, before any such extreme measures are undertaken.

11. The provisions of this policy apply regardless of the sexual orientation of the parties involved.

12. Where doubts exist as to the specific meaning of the terms used above, employees should make judgments on the basis of the overall spirit and intent of this policy.

13. Any employee who feels they have been disadvantaged as a result of this policy, or who believes this policy is not being adhered to, should make their feelings known to the human resources official or other designated individual.

EMPLOYMENT REFERENCES

To ensure that individuals who work for the Employer are well-qualified and have a strong potential to be productive and successful, it is the policy of the Employer to check the employment references of all applicants at the Employer's discretion.

Employees should not, under any circumstances, provide another individual with information regarding a current or former employee. Any employee, including Department Heads, who receives a request for reference information should forward the request to the human resources official. Generally, unless otherwise required by law, the Employer will only confirm employees' name, title, salary, compensation, dates of service, reason for separation, if applicable, and specific educational or medical qualifications required for employment. The Employer's response to a request for reference information shall be communicated in writing only. The Employer does not honor oral requests for employment references.

A current or former employee may also authorize the Employer to release additional information. Unless otherwise required by law, the Employer will only release additional information if the current or former employee provides authorization, in writing.

ANTI-NEPOTISM POLICY

Nepotism: the practice of giving preferential treatment to family members in areas of employment, including but not limited to: hiring, promotion, transfer, compensation, evaluation and discipline.

The employment of relatives in the same area of the organization may cause serious conflicts and problems with favoritism – or the perception of such – and negatively impact morale. Decisions concerning the employment, evaluation, promotion and compensation of personnel should be based on considerations of individual merit. It is the Township of Lower's policy to hire, promote and transfer employees based on individual merit.

Family members for the purpose of this policy shall include: employee's spouse or ex-spouse, children, step-children, parents, step-parents, siblings, niece or nephew, grandparents, step-grandparents, grandchildren, step-grandchildren, and like relations of the employee's spouse (in-law family members).

Family members shall not directly supervise another Family Member, and shall not be directly supervised by a Family Member.

No employee shall be involved in any part of the process of influencing or controlling the terms and condition of another Family Member's employment including: hiring, evaluation of work performance, establishing or changing work assignments, making recommendations for compensation or salary adjustments, promotions or other personnel decisions

Township employees conducting interviews for the purpose of hiring a new employee shall inquire of all interviewees or applicants whether the individual has a Family Member that is employed by the Township, along with the name of the Family Member employee. This information shall be utilized to determine if hiring the prospective employee would result in a violation of this policy.

Any pre-existing family relationships between employees of any Township Department that predates this policy shall be exempt under this policy. However, if the existing employment relationship is changed so that the conflict no longer exists, this Policy would apply in future employment decisions affecting employee Family Members.

The Township recognizes that employee Family Member conflicts may arise when one Family Member gains an elected office where another Family Member already is employed. In such cases, the Township Manager may work with the Department where the conflict exists to reduce any real or perceived conflict.

The requirements set forth in this Policy may only be overturned on a case-by-case basis with the approval of the Township Manager, with consent of the Lower Township Council, upon a finding that there would be no adverse impact on the operation of the Township and/or that the greater interests of the Township would be furthered by not following the Policy.

PERFORMANCE EVALUATION

The Employer recognizes that an employee job performance evaluation system is the basis for assisting in employee growth and development. The Employer requires supervisors to conduct performance appraisals to ensure that:

- (1) each employee receives feedback on objectives, accomplishments, strengths, and areas for improvement;
- (2) each employee receives advice from his or her supervisor on ways to improve performance and has the chance to identify with his or her supervisor areas where greater contribution is possible, or where either feels more development would be beneficial; and
- (3) essential information is recorded concerning strengths and weaknesses of all employees in relation to career development, including potential for advancement and suitability for other positions and training.

The performance evaluation provides the vehicle for a dialogue between the employee and the supervisor and ensures shared expectations of the requirements for the employee's job and the employee's performance in the job. Accordingly, the Employer will use a performance review/evaluation system for all employees.

During performance reviews, supervisors will consider, among others:

- Initiative, dependability and effort
- Knowledge of work
- Attitude and willingness
- Quantity and quality of work
- Disciplinary record
- Attendance and tardiness

A copy of an employee performance evaluation shall be maintained in the employee's personnel file.

POLITICAL ACTIVITY

Employees have exactly the same right as any other citizen to join political organizations and participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations. In accordance with State law, employees are prohibited from engaging in political activities while performing their public duties and from using the Employer's time, supplies or equipment in any political activity. Political activities include, but are not limited to, advocating the election or appointment of any candidate for office, verbally or otherwise, and soliciting funds for campaigns or campaign materials.

Additionally, State law precludes employees from directly or indirectly using their position to control or affect the political action of another person. In accordance with the Hatch Act and Federal regulations, an employee whose principal employment is with a program financed in whole or in part by Federal funds or loans shall not:

- be a candidate for public office in a partisan election. (This provision does not apply to the elected head of an executive department or an individual holding elective office, where that office is the sole employment connection to federally funded programs.)

- use his/her official authority to influence, to interfere with or affect election results or nominations for office.
- directly or indirectly coerce contributions from any employee to support a political party or candidate. See The Hatch Act, 5 U.S.C. § 1501 et seq.

Violations of either State or Federal laws are serious matters and such violations should not be taken lightly. Any employee engaging in such political activities during working hours will be subject to disciplinary action up to and including termination of employment. Employees who engage in political activities during their non-working hours must not represent themselves as spokespersons for the Employer. Employees should report any violation of this policy to their supervisor or Department Head.

SAFETY POLICY

The Employer endeavors to provide a safe and healthy work environment for all employees and shall comply with the requirements of the Public Employees Occupational Safety and Health Act (“PEOSHA”). The Employer is equally concerned about the safety of the public.

Consistent with this policy, employees will receive periodic safety training and will be provided with appropriate safety equipment. Employees are responsible for observing safety rules and using available safety devices including personal protective equipment. Failure to do so constitutes grounds for disciplinary action.

Any occupational or unsafe public condition, practice, procedure or act must be immediately reported to the supervisor or Department Head. Any on-the-job accident or accident involving the Employer’s facilities, equipment, or motor vehicles must also be immediately reported to the supervisor or Department Head and the Chief Administrative Officer. Failure to do so constitutes grounds for disciplinary action. Employees are encouraged to discuss safety concerns with supervisory personnel.

SECURITY POLICY

The Employer makes every effort to provide for employees’ safety and security while at work. The Employer, however, does not accept responsibility for the protection of employees’ personal property. The Employer is not liable for loss or damage to personal property.

The Employer maintains a work environment that is free of illegal drugs, alcohol, unauthorized firearms, explosives, or other improper materials. To this end, the Employer prohibits the possession, transfer, sale, or use of such materials on its premises. The Employer requires the cooperation of all employees in administering this policy. Desks, lockers, other storage devices, and Employer vehicles may be provided for the convenience of employees, but remain the sole property of the Employer. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the Employer at any time, either with or without prior notice. The Employer may conduct video surveillance of Employer property to, among other things, identify safety concerns, detect theft, and discourage or prevent acts of harassment and workplace violence. Additionally, the Employer may monitor employee e-mails.

Security is everyone’s responsibility. If any employee sees or suspects that an individual is breaching security, it is the employee’s responsibility to notify his or her supervisor or Department Head immediately. In the event a serious incident occurs, employees must report it to their Department Head promptly. The following are examples of serious incidents that should be reported immediately:

1. Any accident which results in the injury of a third party while on the premises.
2. Any incident in which physical force is either used by or against an employee.
3. Any incident which involves a crime, or an attempt to commit a crime, such as robbery or the theft of money.
4. Any incident in which a serious unfavorable reaction from the public might be expected.
5. The loss of Employer keys.
6. Any other incident, which an employee believes is of a nature that it should be brought to the attention of the Department Head without delay.

Employees are encouraged to make any reports, in writing, so that they may be properly addressed by the Employer.

STATE RESIDENCY REQUIREMENT

Every employee shall have his/her principal place of residence in the State of New Jersey. New hires shall have one year from the time of taking office, employment or position to satisfy the requirement of principal residency. Failure to satisfy this requirement shall render the employee unqualified for holding office, employment or position with the Employer.

If, however, an employee holds an office, employment, or position with the Employer as of Sept. 1, of 2011 (the effective date of P.L.2011, c.70), but does not have his or her principal residence in this State on that effective date, he/shall will not be subject to the residency requirement while that employee continues to hold office, employment, or position without a break in public service of greater than seven (7) days.

POLICY FOR USE OF EMPLOYER VEHICLES (NON-LAW ENFORCEMENT)

The Employer owns and maintains a fleet of vehicles ("Employer Vehicles") that are used in furtherance of the business of the Employer. The following policy governs the use of all Employer Vehicles (with the exception of vehicles utilized for law enforcement purposes), and supersedes all other vehicle policies previously in effect. Any employee violating the provisions contained herein will be subject to disciplinary action, up to and including termination, in accordance with applicable laws and regulations. Violations of this policy may also result in the denial of indemnification and/or defense by the Employer to the employee in any civil or criminal matter brought in any Court arising from improper use of an Employer vehicle. The Employer also expressly reserves its right to seek indemnification and/or contribution from employees (including their personal automobile insurance policies) found to have acted in violation of this policy to the maximum extent permitted by law. Personal use of Township vehicles is strictly prohibited.

Driving Privileges and Licensure. The use of an Employer Vehicle by an employee is subject to the approval and discretion of the Chief Administrative Officer. Any employee operating an Employer Vehicle must have, in his or her possession, a valid driver's license issued by a state regulatory body within the United States. Licenses issued by any territory or possession of the United States, the District of Columbia, or any international agency (including any province of the Dominion of Canada) must be expressly approved by the Employer's insurance carrier before an employee will be permitted to operate an Employer Vehicle.

A. Employees are required to file a copy of a valid driver's license with the Employer prior to the use of an Employer Vehicle.

1. Upon request, an employee must provide a copy of their driver's license or other required documents within twenty-four (24) hours of said request.

2. Employees shall inform the Employer within twenty-four (24) hours of any changes in the status of their driving privileges.

3. Failure to comply with the requirements of this section will result in an immediate suspension of an employee's privilege to operate an Employer vehicle and may also result in the denial of indemnification and/or defense by the Employer to the employee in any civil or criminal matter brought in any Court arising from the use of an Employer vehicle while said employee's driving privileges were suspended or revoked.

B. The Employer reserves the right to obtain a driving abstract record from the New Jersey Motor Vehicle Service Commission or other regulatory and law enforcement agencies.

1. The Employer reserves the right to suspend an employee's Employer driving privileges if the Employer deems necessary based on the employee's driving record.

2. The Employer shall utilize information obtained pursuant to this section only for the purposes of furthering the objectives of this Policy and for no other reason, and will not reveal personal or other information contained in an employee's driving abstract record to any party except where required by applicable law.

C. The Employer occasionally offers safe driving courses and reserves the right to compel employee attendance at such courses.

D. If requested by the Chief Administrative Officer or human resources official, the employee must agree to consent to a simulated road test to determine his/her fitness to safely operate a vehicle.

E. In the event that the employee is under the influence of any medication (prescribed or over-the-counter) that might impair his/her ability to safely operate a vehicle, he/she must refrain from driving until he/she notifies the Employer and await clearance to resume driving.

Official Use Only. The use of Employer Vehicles is restricted to official Employer business only. Employees shall not be permitted to use Employer vehicles for travel or activity unrelated to Employer business. Likewise, no supervisor may authorize such use or any use of an Employer Vehicle for other than Employer business or use which is otherwise inconsistent with this policy.

Employer Vehicles assigned to employees under this policy are to be operated only by the employee while acting within the scope of their employment. No employee shall authorize or permit any other non-Employer employee, including but not limited to family members of the employee, to operate or ride as a passenger in an assigned Employer Vehicle, unless said passengers are assisting in the official business of the Employer.

Accidents and Incidents. Prior to operation of any Employer vehicle, employees must consult their Department Head as to the appropriate steps to take if they become involved in an accident (filling out accident reports, obtaining witness names, etc.)

A. In the event of an incident or accident involving the use of an Employer Vehicle, employees must immediately contact their supervisor and/or Department Head. All required reports and documentation must be submitted to the Chief Administrative Officer within two (2) business days of receipt.

B. An employee may be required to submit to an alcohol or drug screening test following an accident or incident if there is a reasonable suspicion to believe that the employee's use of drugs or alcohol may have contributed to the cause of the accident or as otherwise required by law or other policy of the Employer.

Citations and Violations. Operators of Employer Vehicles are expected to follow all laws, regulations and rules proscribed by the Motor Vehicle Commission. Drivers are responsible for paying any moving violation tickets and MUST notify the Employer of said violations within forty-eight (48) hours of receipt of said ticket (regardless of the employee's decision to contest such ticket in municipal court). Drivers are responsible for paying all parking tickets incurred. The Employer should be notified of the receipt of a parking ticket within 48 hours of receipt of said ticket.

Drivers are responsible for all "Notice of Delinquent Toll Payment Violations" (including but not limited to EZ-Pass). Upon having been notified of said violation, either by direct mail or notice from the Employer, an employee shall, within ten (10) business days of such notice, provide acceptable proof to the Employer that the outstanding toll and any related fees have been paid.

General Policies and Procedures. Employees authorized to use an Employer Vehicle for official business must adhere to the policies and procedures set forth in this Policy. Failure to comply with the provisions below will result in a loss of privileges:

A. Drivers must ensure that all required documents (driver's license, LD. badge/card, registration, insurance card) are in their possession while operating the vehicle. Vehicle registration and insurance cards should be kept in a locked compartment of the vehicle when not in use.

B. Employees assigned exclusive use of an Employer Vehicle are responsible for scheduling all repairs and manufacturer recommended maintenance with the Employer, in order to maintain all manufacturers' warranties (including routine oil changes).

C. Vehicles are to be kept clean at all times, and should be washed and vacuumed regularly (unless prohibited by the New Jersey Department of Environmental Protection or other similar regulatory body).

D. No smoking is allowed in Employer Vehicles at any time.

E. In accordance with N.J.S.A. 39:4-97.3 and any other applicable statutes and regulations, the use of hand-held phones or electronic devices (BlackBerry, navigation systems, etc...) while driving Employer Vehicles is prohibited. This prohibition includes the sending or reading of e-mails, text messages and other similar communications.

F. All occupants must wear seat belts at all times when the vehicle is in use and observe all road safe rules and regulations, such as "Wipers On, Lights On."

G. Employees are expected to operate vehicles in a safe and courteous manner at all times and are expressly reminded to avoid tailgating or other unsafe practices.

H. Employees are reminded of the risks inherent from driving while drowsy. In the event that a driver becomes tired while operating a vehicle, they should pull off the road and seek appropriate assistance.

Violation of this policy may result in disciplinary action up to and including the suspension of the employee's privilege to operate an Employer Vehicle and/or termination.

TRANSITIONAL DUTY POLICY

1. Purpose: To establish guidelines and procedures for transitional duty work assignments to employees who are recovering and recuperating from a work-related injury or illness, with temporary physical work restrictions or limitations, as diagnosed by a treating physician. Transitional duty assignments are temporary in nature.

2. Policy and Benefits: According to a report authored by the American College of Occupational and Environmental Medicine, unnecessary, prolonged work absence can cause significant harm to a worker's well-being. Workers who are on extended disability often lose social relationships with co-workers, as well as the self-respect and self-esteem that comes from earning a living. For many workers, their job is part of their identity, and being kept away by illness or injury is a very stressful experience. By allowing a more accelerated return to work and more significant support during recovery, transitional duty programs can help employees reduce the stress and disruption that injuries or illness cause in their daily lives, leading to better recovery. Transitional Duty programs offer time-limited, modified and meaningful work assignments to employees who, due to an on the job injury or illness, have been rendered temporarily incapable of meeting the physical demands of their usual duties. These assignments are modified to accommodate the physical limitations imposed by injury or illness, as determined by medical professionals involved in the care of the worker.

The Employer is committed to providing opportunities for employees who have been injured on the job to return to the workforce as soon as possible. The Employer views the Transitional Duty Program as a partnership with the employees who have been injured, with the sole objective of enhancing the recovery of employees to facilitate their return to work in their previous position as soon as possible.

The Employer will make every effort on a case by case basis to accommodate an employee under the Americans with Disabilities Act (ADA) absent an undue hardship by the Employer.

Benefits of an effective transitional duty program include:

- Greater control and monitoring of worker's compensation claims, and an increased chance for a positive resolution of those claims.
- Retaining the services of trained and valuable employees.
- Avoidance of replacement and training costs of hiring a new employee.
- Faster recovery by injured employees, both physically and psychologically.
- Discouragement of fraudulent claims.
- Enhancement of employee morale.
- Compliance with the Americans with Disabilities Act (ADA) by accommodating disabilities and avoiding costly and unnecessary lawsuits.
- Identification of cross-training opportunities.
- Enhanced awareness of safe work practices and injury prevention.

3. Definitions:

Americans with Disabilities Act (ADA): Federal legislation passed in 1990 that prohibits discrimination against people with disabilities. The ADA makes it unlawful to discriminate against a disabled person in terms of employment opportunities, access to transportation, public accommodations, communications, and government activities. The law prohibits state and local governments from discriminating against the disabled. Employers are required to make reasonable accommodations in order for a disabled person to perform their job function.

Fair Labor Standards Act (FLSA): Federal legislation enacted in 1938, and subsequently amended, setting forth the standards for minimum wage requirements, overtime payments, necessary recordkeeping provisions, and child labor in the U.S., which affect those employees working both on a full-time and part-time basis in the federal, state, and local government as well.

Functional Capacity Evaluation (FCE): A series of tests used to evaluate an injured employee's work-related physical abilities. A functional capacity evaluation is designed to be safe and to provide impartial information about an injury or illness. The tests in an FCE are performed by an evaluator certified to conduct these examinations.

Injured Worker (IW): An employee (including persons on probationary, regular, casual or temporary status) of the Employer who, due to an on the job injury or illness, has been rendered temporarily incapable of meeting the physical demands of their usual duties

Job Bank: A listing of the job assignments available to injured employees under the Transitional Duty Program compiled, update and maintained by, the Transitional Duty Coordinator. The assignments may be in ANY department of the Employer, and not necessarily in the department where the injured employee works typically.

Maximum Medical Improvement (MMI): The point at which the Treating Physician determines that (1) the condition resulting from the injury or illness is stable, (2) additional medical treatment or physical therapy will not improve the patient's condition or (3) the patient has reached the medical plateau of recovery.

Meaningful Work: Work assigned under the transitional duty program which in the judgment of the Employer, has a serious, meaningful or useful quality and purpose. A written description of the work to be performed and the expected outcome shall be provided to each employee assigned meaningful work.

Nurse Case Manager (NCM): The medical professional assigned to each worker's compensation case who, along with the Treating Physician, works with the employee and the Employer in directing the care of the injured employee.

Transitional Duty Assignment: A temporary work assignment that does not exceed an employee's medical work restrictions during a period of recovery from a work-related injury or illness. A transitional duty assignment does not evolve at any time into a permanent position, and the injured employee is returned to work on a regular full-time basis as soon as possible.

Transitional Duty Program Coordinator (TDC): An employee of the Employer who has been duly assigned the responsibility of managing and directing the Transitional Duty Program by the Chief Administrative Officer or governing body of the Employer.

Treating Physician (TPJ): The authorized medical professional assigned to each worker's compensation case by the Employer's insurance professionals who, along with the Nurse Case Manager, works with the employee and the Employer in directing the care of the injured employee. The Treating Physician is ultimately responsible for recommending an injured employee's ability to return to work under the transitional duty policy, and what restrictions should be imposed.

4. Transitional Duty Program Guidelines:

The Employer has established the following guidelines for the Transitional Duty Program:

- a. Transitional Duty assignments are temporary in nature, and made at the sole discretion of the Employer Transitional Duty Coordinator (TDC).
- b. In order for transitional duty to be offered to an employee, the employee must be qualified to perform the transitional duty assignment. If the employee is not qualified to perform the assignment (or cannot be trained by the Employer to perform the assignment), the transitional duty assignment may be refused by the Employer.
- c. Transitional Duty is **temporary**, lasting no more than 90 calendar days. This time frame may be extended at the sole discretion of the Employer Transitional Duty Coordinator (TDC). ***(NOTE: THE TYPICAL RANGE IS FROM 45 TO 90 DAYS FOR THE INITIAL ASSIGNMENT, WHICH MAY BE EXTENDED)***
- d. All employees who are receiving Workers' Compensation indemnity payments and working Transitional Duty assignments must follow the restrictions imposed by the Treating Physician (TP) while engaging in all activities. ***PLEASE NOTE: It is recommended that local units seek the advice of their municipal attorney or labor counsel prior to seeking to bar injured workers who are receiving indemnity payments from engaging in outside employment.***
- e. The Transitional Duty policy does not affect the rights and privileges of employees under the provisions of the, Fair Labor Standards Act OR Americans with Disabilities Act or other federal or state law or regulations.
- f. Refusal of a transitional duty assignment may adversely affect the employee's worker's compensation temporary disability benefits.
- g. As long as the assignment involves "meaningful work" (as defined herein), and it falls within the physical restrictions established by the medical professionals, the employees may be assigned transitional duty work in ANY department of the Employer.
- h. Employees shall follow the policy of the Employer regarding time off to attend medical appointments and physical therapy sessions which have been scheduled by the Nurse Case Manager. However, the employee is responsible for notifying the Employer when they are unable to report to their transitional duty assignment due to a scheduled medical appointment.
- i. Transitional duty assignments are not guaranteed. Each assignment is reviewed on a case by case basis in accordance with the procedure set forth herein.

j. The Employer reserves the right at any time to request a functional capacity evaluation (FCE) of the injured employee to determine their fitness for assignment.

k. Employees will be paid in accordance with applicable policies, salary ordinances, and collective bargaining agreements while on Transitional Duty. Employees participating in Transitional Duty assignments shall receive the full salary as long as they are working a full work day. ***(NOTE: THE EMPLOYER WILL DETERMINE IF THIS PROVISION IS APPLICABLE. TYPICALLY, THE EMPLOYER WILL PAY THE INJURED WORKER THE BALANCE OF HIS/HER FULL SALARY, LESS THE AMOUNT OF TEMPORARY TOTAL DISABILITY BENEFITS PAID IF THE WORKER PARTICIPATES IN THE TD PROGRAM.)*** All overtime assignments must be approved in advance by the department head, and must be in accordance with the transitional duty assignment and limitations set forth by the Treating Physician.

l. The employee's time card or work hours shall be maintained by the department to which the employee is regularly assigned.

5. Creation of the Job Bank:

In order to set up the "Job Bank," the Transitional Duty Coordinator (TDC) will contact all of the department heads in Employer, and encourage each to fill out the Form found in the Appendix entitled, "Possible Transitional Duty Assignments." Based on the input from Department Heads, the TDC will establish a "Job Bank," which will be used for the assignments under the Transitional Duty program. The TDC will update the Job Bank assignments as frequently as necessary. In addition, the TDC will collaborate with the Nurse Case Manager assigned to the Employer, and formulate brief job descriptions for each of the assignments, including any medical restrictions that may be accommodated (i.e. standing, sitting, lifting, driving, bending, etc.).

6. Transitional Duty Program Procedure:

Transitional duty assignments are the collective responsibility of the employer, (specifically the Transitional Duty Coordinator), along with the Claims Administrator, Treating Physician and Nurse Case Manager. The Transitional Duty Coordinator shall pay particular attention to the following:

- The TDC will make assignments with the goal of returning the employee to full duty as soon as possible. This may require the adjustment or modification of duties in the assignment as the employee's medical condition progresses (or regresses).
- The TDC shall maintain the confidentiality of all medical information related to the transitional duty assignments. Only individuals with an administrative "Need to Know" shall be included in discussions on transitional duty.
- The TDC shall contact upper management and the Claims Administrator if he or she becomes aware that an injured employee may have permanent medical restrictions. Permanent restrictions must be treated differently than temporary restrictions, and must be evaluated in accordance with possible implications under the Americans with Disabilities Act³(ADA).

The Transitional Duty assignment process is as follows:

A. An initial medical assessment of the injured employee is completed by the Treating Physician in order to determine (1) the work restrictions imposed, and (2) the estimated duration of the recovery period. The results of the written medical assessment are provided to the Nurse Case Manager for review. The

Nurse Case Manager will consult the Treating Physician if any clarification is necessary. The Employer will maintain an updated copy of all job descriptions and will forward job descriptions to the Nurse Case Manager for review as part of the assessment process.

B. The NCM will contact the TDC to discuss the results of the initial medical assessment, and whether or not the injured employee is a candidate for a Temporary Duty assignment, and, if so, what Temporary Duty assignments are available. The TDC will consider the employee's skills, knowledge, abilities, risks (if any) to the motoring public or other employees, in addition to the physical limitations set forth by the TP. The following skills may be necessary to participate in a transitional duty assignment:

- a. Sit or stand for some tasks
- b. Understand and follow directions and procedures
- c. Accept direction and function cooperatively
- d. Communicate effectively and coherently using telephone, or when initiating or responding to verbal communication
- e. Read and understand documents
- f. Exercise independent judgment.

If the injured employee is not a candidate for an assignment, the NCM will review the case after each medical appointment with the Treating Physician to determine if the injured worker's status has changed, and if so, the NCM will contact the TDC.

It is extremely important for the TDC to communicate with the NCM regarding the employee's disposition relative to a Temporary Duty assignment.

C. If a work assignment is available, prior to an assignment, the injured worker will meet with the TDC to go over the work assignment, what the expectations are, and any other concerns the injured worker may have. If necessary, the TDC shall arrange for training for the IW. During that meeting, the IW will be given the **Letter Offering Transitional Duty Assignment**. The IW will be asked to sign the letter acknowledging his/her acceptance OR rejection of the work assignment. If the IW declines the assignment, he/she will be directed to state the reasons in writing on the letter, and the TDC shall notify the IW that failure to accept the TD assignment may adversely affect his/her ability to collect worker's compensation temporary disability benefits. If the injured worker's objection is based on a disagreement with the Treating Physician's or Nurse Case Manager's work-related restrictions, the TDC shall discuss the case with the NCM and, if necessary the TP, prior to making a final decision. The decision of the TDC will be final, and shall be communicated to the IW and NCM.

D. The TDC will review ALL assignments in 14 day intervals, and, if necessary meet with the injured worker. The NCM shall update the TDC on the employee's medical status after each medical visit. If it appears as if the IW will not be able to return to work after the initial **60 to 90 day (NOTE: CHOICE OF THE EMPLOYER) limit**, the TDC will consult with the NCM, and, if necessary, the TP, to determine whether the assignment should be continued until the employee reaches maximum medical improvement (MMI) OR until the employee can return to work to his/her former position without restrictions.

CONFLICT OF INTEREST POLICY

Employees including Township officials must conduct business according to the highest ethical standards of public service. Employees are expected to devote their best efforts to the interests of the Township. Violations of this policy will result in appropriate discipline including termination.

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

A potential or actual conflict of interest occurs whenever an employee including a Township official is in a position to influence a Township decision that may result in a personal gain for the employee or an immediate relative including a spouse or significant other, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee's household. Employees are required to disclose possible conflicts so that the Township may assess and prevent potential conflicts. If there are any questions whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Manager or the Township Solicitor to obtain clarification.

Employees are allowed to hold outside employment as long as it does not interfere with their Township responsibilities. Employees are prohibited from engaging in outside employment activities while on the job or using Township time, supplies or equipment in the outside employment activities. The Manager may request employees to restrict outside employment if the quality of Township work diminishes. Any employees who holds an interest in, or is employed by, any business doing business with the Township must submit a written notice of these outside interests to the Manager.

Employees may not accept donations, gratuities, contributions or gifts that could be interpreted to affect their Township duties. Under no circumstances accept donations, gratuities, contributions or gifts from a vendor doing business with or seeking to do business with the Township or any person or firm seeking to influence Township decisions. Meals and other entertainment valued in excess of \$5.00 are also prohibited. Employees are required to report to the Manager any offer of a donation, gratuity, contribution or gift including meals and entertainment that is in violation of this policy.

JOB DESCRIPTION POLICY

A job description including qualifications shall be maintained for each position pursuant to New Jersey Department of Personnel guidelines. Job titles are based on job qualifications, level of responsibility, difficulty, working conditions, skill, hazard, and amount of supervision required for the specific job title. Job specifications are used to describe examples of work for a particular title that are for illustrative purposes only and include a descriptive summary of duties and responsibilities of the position.

Job specifications are distributed to new employees or whenever there is a change in title. Since the job specifications do not describe all duties performed, assignments of specific duties are the responsibility of the supervisor. Copies of job specifications are available upon request

NO SMOKING POLICY

The New Jersey Legislature has declared that in all governmental buildings the rights of non- smokers to breathe clean air supersedes the rights of smokers. In accordance with State law, the Township has adopted a smoke-free policy for all buildings. Township facilities shall be smoke- free and no employee or visitor will be permitted to smoke anywhere in Township buildings. Employees are permitted to smoke only outside Township buildings and such locations as not to allow the re-entry of smoke into building entrances. Smoking

inside vehicles owned by the Township and near equipment that may be sensitive to smoke is also prohibited. This policy shall be strictly enforced and any employee found in violation will be subject to disciplinary action.

VIDEO SURVEILLANCE

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

The Township's video surveillance camera systems are a significant tool to which the employees of the Township will avail themselves in order to complete the goals and objectives of the Township. Employees are only permitted to use the video surveillance camera systems for a legitimate purpose and with proper authorization. The Manager's 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 Township's 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 a specific legitimate purpose and (2) permission from the Township Manager.

The Manager 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 the Township Manager is immediately informed of such breach.

The bulletin boards located in the Township administrative building and other facilities are intended for official notices regarding policies, procedures, meetings and special events. Only personnel authorized by the Manager may post, remove, or alter any notice.

EMPLOYMENT APPLICATION FORM POLICY

The Township will provide a standardize employment application to be utilized for all job applicants. The Township considers applicants for all positions without regard to race, color, religion, creed, gender national origin, age, disability, marital or veteran status, sexual orientation, or any other legally protected status.

The Township relies upon the accuracy of information contained in the employment application. A Background check is mandatory upon offer of employment for all positions. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

TRAINING/EDUCATION/TRAVEL REIMBURSEMENT

The Township will provide training to all employees in the proper use and safety of any equipment required in the performance of job duties. The Township encourages employees to attend seminars, conferences and courses providing information and instruction relative to the performance of duties including administrative and statutory requirements. The employee must receive approval from the department head prior to submitting an application to attend any aforementioned program. The "Seminar/Conference Request" form

must be submitted prior to commitment. Said form must be approved by the Department Head and the Township Manager

The Township will pay for the cost of approved program fees subject to available budget appropriations. Use of a Township vehicle for transportation to an approved program is allowed, with prior approval. Reimbursement for travel expense is available for the following:

- Mileage - when personal vehicle is used, at the current IRS rate, with mileage worksheet
- Tolls - amount paid, with receipt
- Parking - amount paid, with receipt
- Meals - up to the following amounts:
 - \$ 7.00 breakfast, with detailed receipt -for classes which require overnight accommodations only
 - \$ 10.00 lunch, with detailed receipt -
 - \$ 17.00 dinner, with detailed receipt - when class is scheduled for 8 hours or more out of County for classes which require overnight accommodations only

Overnight accommodations may be reimbursed in certain circumstances, with prior approval from the Township Manager. All reimbursements are subject to available budget appropriations and prior approval from the department head.

Payment to eligible employees for approved college credits is covered in the collective bargaining agreement(s), if applicable.

Township sponsored and required training shall generally be arranged during regularly scheduled work hours. A department head may change the standard work hours to accommodate or require attendance at such training activities.

Such required training shall be recorded as "training" time worked.

When Training for a certification or other training in addition to required training, at a college or certified training facility that requires payment for said training, it shall be the responsibility of the Township Employee receiving the training to complete the course with a passing grade. If the employee does not receive a passing grade, it is the responsibility of the employee to reimburse the Township for all costs associated with the training unless their direct Supervisor and the Township Manager have agreed to an exception. (10/01/2007)

For training/educational programs that are sponsored by someone other than the Township, an application is submitted to the department head for approval. It is the responsibility of the department head to determine adequate budget appropriations, personnel scheduling and appropriateness of program content when authorizing application. If application is approved, a requisition is submitted by the department head to appropriate the funds necessary to pay program fees. The purchase order is signed by the Treasurer and the Township Manager and returned to the department. The application may then be sent to the appropriate vendor.

The Township will permit employees attending authorized training/educational programs to count those hours as "training" time worked.

If overtime is earned due to training, the employee should notify the department head as soon as possible. Every effort should be made to use the time earned prior to the end of that pay period.

For reimbursement of travel expenses, submit a completed reimbursement worksheet signed by the department head along with receipts and a completed requisition.

RESIGNATION POLICY

An employee who intends to resign must notify the Department Head in writing at least two weeks in advance. After giving notice of resignation, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. During the last two weeks, the employee may not use paid time off except paid holidays. The payroll department will prepare an Employee Action form showing any pay or other money owed the employee. The Manager or his/her designee will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return the Employee Identification Card, all keys and equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

RETIREMENT POLICY

Under State law, all employees must enroll in the New Jersey Public Retirement System, DCRP or the Police and Fire Fighters Retirement System as applicable. The employee's contribution to the Plan will be deducted from the employee's pay. An employee who has completed the required number of years and who has reached the required age under the Plan may retire by notifying the Department Head in writing. The State retirement plans request six months advance notice to process the application. After giving notice of retirement, employees are expected to assist their supervisor and co-employees by providing information concerning their current projects and help in the training of a replacement. The Payroll Department will prepare an Employee Action form showing any pay or other money owed the employee. The Township Manager, or his designee, will conduct a confidential exit interview to discuss benefits including COBRA options, appropriate retirement issues and pay due. A COBRA notification letter will be sent to the employee's home address. The exit interview will also include an open discussion with the employee. On the last day of work, and prior to receiving the final paycheck, the employee must return the Employee Identification Card, all keys and equipment. At this time, the employee will sign the termination memo designating all money owed and this memo will be retained in the official personnel file.

OPEN PUBLIC MEETINGS ACT PROCEDURE CONCERNING PERSONNEL MATTERS (RICE NOTICE)

Discussions by the governing body of the Township of Lower 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 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 of the Township of Lower concerning such matters, the Clerk 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. If the individual(s) does not request that the discussion be held in open session, the governing body of the Township of Lower may at its sole discretion invite the affected individual(s) to attend the applicable portion of the closed session.

TOWNSHIP OF LOWER
NOTICE OF PERSONNEL DISCUSSION

RICE NOTICE

To:

Address:

This is to notify you, pursuant to the Open Public Meeting Act, that the (body name) plans to discuss the subject matter(s) checked below relating to your employment.

- Application for Employment
- Promotion or Transfer
- Compensation
- Performance Evaluation
- Special Leave Request
- Grievance
- Discipline
- Possible Termination
- Other(Specify): _____

The discussion will take place at the following meeting(s):

Date of Meeting(s): _____

Time: _____

Location: _____

The discussion will be in closed session, not open to the public, unless before the meeting the Township, the Township Clerk receives a request, in writing, in which you ask that the discussion be held in public. If the discussion will affect other employees or potential employees, it may be closed to the public unless all such affected persons submit such signed requests. You are not required to attend this meeting.

Notice Date: _____

Signed: _____

Date: _____

INITIAL EMPLOYMENT PERIOD PROCEDURE

Except where State Requirements direct otherwise, new employees (or present employees transferring to new positions) will be hired subject to a three month working (provisional) test period specified in the Employee Evaluation Policy. The working test period shall begin on the date of regular employment. During the working test period, an employee shall perform the duties of the title for which appointment was made with training and guidance from the supervisor. At the end of the working test period, the supervisor will conduct an employee evaluation. New employees may be discharged at any time during this period if the Township Manager concludes that the employee is not progressing or performing satisfactorily.

SECTION FIVE: FORMS AND NOTIFICATIONS

LEAVE REQUEST

LOWER TOWNSHIP LEAVE REQUEST/REPORT

NAME														
DATE:					TYPE OF REQUEST/REPORT VACATION LEAVE REQUEST <input type="checkbox"/>					SICK LEAVE REPORT <input type="checkbox"/>				
TOTAL TIME:					SPECIAL LEAVE REQUEST <input type="checkbox"/>					LINE OF DUTY INJURY <input type="checkbox"/>				
START:			END:			RETURN TO WORK DATE:			SHIFT:					
MONTH	S	M	T	W	T	F	S	S	M	T	W	T	F	S
HOURS														
HOURS														
HOURS														
REASON FOR SPECIAL LEAVE:							PERSONAL DAY <input type="checkbox"/>				OTHER <input type="checkbox"/>			
EXPLANATION:														
EMPLOYEE SIGNATURE:							RECOMMEND APPROVAL/DISAPPROVAL					APPROVAL DISAPPROVAL		
COMMENTS:														

Added to Employee's Record

D/1. Leave Request

TOWNSHIP OF LOWER SEMINAR/CONFERENCE REQUEST

Name: _____

Date of Request: _____

Department: _____

SEMINAR/CONFERENCE INFORMATION

Seminar/Conference Name: _____

Dates: From _____ to _____

Location: _____

Number of Work Days out of the Office _____

My attendance at this seminar/conference will benefit the Township in the following manner:

Seminar/Conference Cost: _____

Budget Appropriation: _____

Township Vehicle Requested: Yes _____ No _____

ANY ADDITIONAL COSTS MUST BE APPROVED BY TOWNSHIP MANAGER PRIOR TO COMMITMENT

**** Training Request:** Name of Class _____ Date: _____

Location of Class: _____

** Training will be covered per the Personnel Policy

I acknowledge that I am voluntarily attending this seminar for information gathering and educational training. I will not receive any overtime compensation or additional days off for my attendance. I also acknowledge that any Training Request will be covered per the Personnel Policy

Employee Signature: _____

Department Head Signature _____ Approved _____ Not Approved _____

Manager Signature: _____ Approved _____ Not Approved _____

Conscientious Employee Protection Act
"Whistleblower Act"



Employer retaliatory action; protected employee actions; employee responsibilities

1. New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:
 - a. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
 - b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
 - c. Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - d. Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - e. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
 - (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
 - (2) is fraudulent or criminal; or
 - (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. N.J.S.A. 34:19-3.
2. The protection against retaliation, when a disclosure is made to a public body, does not apply unless the employee has brought the activity, policy or practice to the attention of a supervisor of the employee by written notice and given the employer a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where the employee reasonably believes that the activity, policy or practice is known to one or more supervisors of the employer or where the employee fears physical harm as a result of the disclosure, provided that the situation is emergency in nature.

CONTACT INFORMATION

Your employer has designated the following contact person to receive written notifications, pursuant to paragraph 2 above (N.J.S.A. 34:19-4):

Name: Michael Laffey
Address: 2600 Bayshore Rd.
Villas, NJ 08251
Telephone Number: 609-886-2005 ext. 133

This notice must be conspicuously displayed.

Once each year, employers with 10 or more employees must distribute notice of this law to their employees. If you need this document in a language other than English or Spanish, please call 609-292-7832.

FAMILY LEAVE INSURANCE

New Jersey Department of Labor and Workforce Development

Your employer is subject to the **Family Leave Insurance** provisions of the New Jersey Temporary Disability Benefits Law

New Jersey law provides up to 6 weeks of family leave insurance benefits. Beginning July 1, 2020, the law will allow up to 12 weeks of continuous family leave or 56 days of intermittent leave. Employees who are covered by family leave insurance can apply for benefits to:

- bond with a child within 12 months of the child's birth or placement by adoption or foster care. The applicant, or the applicant's spouse or domestic or civil union partner, must be the child's biological, adoptive or foster parent, unless a surrogate carried the child.
- care for a family member with a serious health condition. Supporting documentation from a health care provider is mandatory.
- care for a victim of domestic violence or a sexually violent offense or for a victim's family member.

"Family member" means a child, parent, parent-in-law, sibling, grandparent, grandchild, spouse, domestic partner, civil union partner, and any other person related by blood to the employee or with whom the employee has a close association that is the equivalent of a family relationship.

"Child" means a biological, adopted, or foster child, stepchild or legal ward of a parent. A child gained by way of a valid written contract between the parent and a surrogate (gestational carrier) is included in this definition.

State Family Leave Insurance Plan ("state plan")

You can get program information and an application for family leave benefits (form FL-1) online at myleavebenefits.nj.gov, by phone at 609-292-7060, or by mail: Division of Family Leave Insurance, P.O. Box 387, Trenton, NJ 08625-0387.

New mothers who receive temporary disability benefits through the state plan for their pregnancy will get instructions on how to file for family leave benefits after the child is born.

Private Family Leave Insurance Plan ("private plan")

An employer may provide family leave insurance through a private insurance carrier, if this Division approves the plan. If your employer has an approved private plan, your employer must provide information about coverage and provide the forms to apply for benefits.

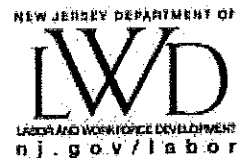
Who pays for Family Leave Insurance?

Payroll contributions from employees finance this program. Family leave insurance coverage under the state plan will require contributions to be deducted from employee wages. The deductions must be noted on the employee's pay envelope, paycheck, or on some other form of notice. In 2018, the taxable wage base for family leave insurance benefits is the same as the taxable wage base for unemployment and temporary disability insurance.

Enforced by: NJ Department of Labor and Workforce Development
Division of Temporary Disability Insurance, PO Box 387, Trenton, NJ 08625-0387

This and other required employer posters are available free online at nj.gov/labor, or from the Office of Constituent Relations, PO Box 110, Trenton, NJ 08625-0110 • 609-777-3200.

The New Jersey Department of Labor and Workforce Development is an equal opportunity employer with equal opportunity programs. Auxiliary aids and services are available upon request to individuals with disabilities.



Display this poster in a conspicuous place

PR-2 (4/18)

Right to be Free of Gender Inequity or Bias in Pay, Compensation, Benefits or Other Terms and Conditions of Employment

New Jersey and federal laws prohibit employers from discriminating against an individual with respect to his/her pay, compensation, benefits, or terms, conditions or privileges of employment because of the individual's sex.

FEDERAL LAW

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on, among other things, an individual's sex. Title VII claims must be filed with the United States Equal Employment Opportunity Commission (EEOC) before they can be brought in court. Remedies under Title VII may include an order restraining unlawful discrimination, back pay, and compensatory and punitive damages.

The Equal Pay Act of 1963 (EPA) prohibits discrimination in compensation based on sex. EPA claims can be filed either with the EEOC or directly with the court. Remedies under the EPA may include the amount of the salary or wages due from the employer, plus an additional equal amount as liquidated damages.

Please be mindful that in order for a disparity in compensation based on sex to be actionable under the EPA, it must be for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.

There are strict time limits for filing charges of employment discrimination. For further information, contact the EEOC at 800-669-4000 or at www.eeoc.gov.

NEW JERSEY LAW

The New Jersey Law Against Discrimination (LAD) prohibits employment discrimination based on, among other things, an individual's sex. LAD claims can be filed with the New Jersey Division on Civil Rights (NJDCR) or directly in court. Remedies under the LAD may include an order restraining unlawful discrimination, back pay, and compensatory and punitive damages.

Another State law, N.J.S.A. 34:11-56.1 et seq., prohibits discrimination in the rate or method of payment of wages to an employee because of his or her sex. Claims under this wage discrimination law may be filed with the New Jersey Department of Labor and Workforce Development (NJDLWD) or directly in court. Remedies under this law may include the full amount of the salary or wages owed, plus an additional equal amount as liquidated damages.

Please be mindful that under the State wage discrimination law a differential in pay between employees based on a reasonable factor or factors other than sex shall not constitute discrimination.

There are strict time limits for filing charges of employment discrimination. For more information regarding LAD claims, contact the NJDCR at 609-292-4605 or at www.njcivilrights.gov. For information concerning N.J.S.A. 34:11-56.1 et seq., contact the Division of Wage and Hour Compliance within the NJDLWD at 609-292-2305 or at <http://lwd.state.nj.us>.

This notice must be conspicuously displayed.



AD-290 (1/14)

EMPLOYER OBLIGATION TO MAINTAIN AND REPORT RECORDS

New Jersey Department of Labor and Workforce Development

Chapter 194, Laws of New Jersey, 2009, Relating to

Employer Obligation to Maintain and Report Records

Wage Payment Law (N.J.S.A. 34:11--4.1 et seq.) and Wage
and Hour Law (N.J.S.A. 34:11--56a et seq.)

Each employer must keep a record of each employee which contains the following information:

1. The name of the employee;
2. The address of the employee;
3. The birth date of the employee if the employee is under the age of 18;
4. The total hours worked by the employee each day and each workweek;
5. The earnings of each employee, including the regular hourly wage, gross to net amounts with itemized deductions, and the basis on which wages are paid;
6. Regarding each employee who receives gratuities, the total gratuities received by the employee during the payroll week;
7. Regarding each employee who receives gratuities, daily or weekly reports completed by the employee containing the following information: (a) the employee's name, (b) the employee's address, (c) the employee's social security number, (d) the name and address of the employer,
8. The calendar day or week covered by the report, and (f) the total amount of gratuities received; and
9. Regarding each employee for whom the employer claims credit for food or lodging as a cash substitute for the employee who receives food or lodging supplied by the employer, information substantiating the cost of furnishing such food or lodgings, including but not limited to the nature and amount of any expenditures entering into the computation of the fair value of the food or lodging and the date required to compute the amount of the depreciated investment in any assets allocable to the furnishing of the lodgings, including the date of acquisition or construction, the original cost, the rate of depreciation and the total amount of accumulated depreciation on such assets.

The employer may use any system of time keeping provided that it is a complete, true and accurate record.

The employer must keep the wage and hour records described above for a period of six years.

The employer must keep the wage and hour records described above at the place of employment or in a central office in New Jersey.

Prevailing Wage Act (N.J.S.A. 34:11--56.25 et seq.)

The Prevailing Wage Act applies to employers only under certain circumstances.

Specifically, it applies only when an employer enters into a contract in excess of the prevailing wage contract threshold amount for any public work (as the term "public work" is defined at N.J.S.A. 34:11--56.26) to which any

public body is a party or for public work to be done on a property or premises owned by a public body or leased or to be leased by a public body.

Each public works contractor must submit to the public body or lessor which contracted for the public works project a certified payroll record containing the following employee information:

1. Name;
2. Address;
3. Social security number;
4. Craft or trade;
5. Actual hourly rate of pay;
6. Actual daily, overtime and weekly hours worked in each craft or trade;
7. Gross pay;
8. Itemized deductions;
9. Net pay paid to the employee;
10. Any fringe benefits paid to approved plans, funds or programs on behalf of the employee; and
11. Fringe benefits paid in cash to the employee.

Each public works contractor must, within 10 days of payment of wages, submit the certified payroll record to the public body or the lessor which contracted for the public works project.

Each public works contractor which employs one or more apprentices on a public works project must maintain with its records written evidence that the apprentice or apprentices are registered in an approved apprenticeship program while performing work on the project.

Unemployment Compensation Law (N.J.S.A. 43:21---1 et seq.),
Temporary Disability Benefits Law (N.J.S.A. 43:21---25 et seq.) and
Family Leave Insurance Benefits Law, P.L. 2008, c. 17.

Payroll records: Each employing unit must maintain a record for each worker engaged in employment, which record must contain the following information about the worker:

1. Full name, address and social security number;
2. Total remuneration paid in each pay period showing separately cash, including commissions and bonuses; the cash value of all compensation in any medium other than cash; gratuities received regularly in the course of employment if reported by the employee, or if not so reported, the minimum wage rate prescribed under applicable laws of this State or of the United States, or the amount of remuneration actually received by the employee, whichever is higher, and service charges collected by the employer and distributed to workers in lieu of gratuities and tips;
3. An entry under the heading "special payments" of the amount of any special payments, such as bonuses and gifts, which have been paid during the pay period but which relate to employment in a prior period. The following shall be shown separately under this heading: cash payments, cash value of other remuneration, the nature of such payments, the period during which the services were performed for which special payments were payable;
4. The date hired, rehired and returned to work after temporary layoff;
5. The date separated from employment and the reason for separation;
6. Such information as may be necessary to determine remuneration on a calendar week basis; and
7. The number of base weeks (as the term "base week" is defined in N.J.S.A. 43:21--19(t)) and wages.

All records referred to in 1. through 7. above must be kept safe and readily accessible at the New Jersey place of business of the employing unit.

All records referred to in 1. through 7. above must be retained for the current calendar year and for the four preceding calendar years.

Once an employer becomes inactive, the employer must keep all records referred to in 1. through 7. above for the subsequent six quarters.

Wage reporting: Each employer (other than employers of domestic service workers) must electronically file a WR---30, "Employer Report of Wages Paid," with the Division of Revenue, within the Department of the Treasury, within 30 days after the end of each quarter. The WR---30 lists the name, social security number and wages paid to each employee and the number of base weeks worked by the employee during the calendar quarter.

Each employer of domestic service workers (as the term "domestic service worker" is defined at N.J.A.C. 12:16---13.7(b)) must file an annual, rather than quarterly, WR---30 with the Division of Revenue, within the Department of the Treasury.

Contribution reporting: Each employer (other than employers of domestic service workers) must electronically file an NJ---927, "Employer's Quarterly Report," with the Division of Revenue, within the Department of the Treasury, and remit the corresponding unemployment insurance, supplemental workforce fund, workforce development partnership fund, temporary disability insurance and family leave insurance contribution payments, within 30 days after the end of each quarter. The NJ---927 lists the total of all wages paid, the wages paid in excess of the taxable maximum, the taxable wages on which contributions are due, the number of workers employed during the pay period, the number of workers insured under a "private plan" for temporary disability insurance and the number of workers insured under a "private plan" for family leave insurance.

Each employer of domestic service workers (as the term "domestic service worker" is defined in N.J.A.C. 12:16---13.11(c)) must file an annual, rather than quarterly, NJ---927H, "Domestic Employer's Annual Report," with the Division of Revenue, within the Department of the Treasury.

Temporary Disability Insurance and Family Leave Insurance information: Each employer must retain all records pertaining to any election to discontinue a private plan for temporary disability insurance and/or family leave insurance benefits and must make such records available for inspection by the Division of Temporary Disability Insurance for a one---year period from the date that the private plan is terminated.

Each employer having a private plan for temporary disability insurance and/or family leave insurance must, within 10 days after the Division of Temporary Disability Insurance has mailed the employer a request for information with respect to a period of disability, furnish the Division with any information requested or known to the employer which may bear upon the eligibility of the claimant.

Each employer having two or more approved private plans in effect during a calendar half---year or any portion thereof must, on or before the 30th day following the close of the calendar half---year, file a report showing the amount of taxable wages paid during such calendar half---year to employees while covered under each such private plan.

Each employer who provides temporary disability insurance to its employees through a self---insured private plan must, for the six---month periods ending June 30 and December 31 of each calendar year during which the self---insured private plan is in effect, file a statement with the Division of Temporary Disability Insurance, on or before the 30th day following the end of the respective six---month period showing:

1. The number of claims received during the six---month period,

2. The number of claims accepted during the six--month period,
3. The amount of benefits paid during the six--month period, and
4. Such other information as the Division of Temporary Disability Insurance may require with respect to the financial ability of the self--insurer to meet the self--insured's obligations under the plan.

On or before the 30th day following the close of each calendar year during which a self--insured private plan for temporary disability insurance is in effect, the employer must file a report with the Division of Temporary Disability Insurance showing:

12. The amount of funds available at the beginning of that year for payment of disability benefits,
13. The amount contributed by workers during that year,
14. The amount contributed by the employer during that year,
15. The amount of disability benefits paid during that year,
16. Direct cost of administration of the plan during that year, and
17. The number of employees covered by the plan as of December 31.

Each employer who provides family leave insurance to its employees through a self--insured private plan must for the one--year period ending December 31 of each calendar year during which a self--insured private plan is in effect file a statement with the Division of Temporary Disability Insurance, on or before the 30th day following the end of the one--year period showing the following information with regard to each of the following types of claims: care of a sick child, care of a sick spouse, care of a sick domestic partner, care of a sick civil union partner, care of a sick parent, bonding by biological parent with a newborn child, bonding by domestic partner or civil union partner of biological parent with a newborn child, bonding by individual with newly adopted child:

1. The number of claims for family leave insurance benefits received during the one--year period,
2. The number of claims for family leave insurance benefits accepted during the one--year period,
3. The number of workers who received family leave insurance benefits during the one--year period,
4. The amount of family leave insurance benefits paid during the one--year period,
5. The average weekly family leave insurance benefit during the one--year period,
6. The amount of sick leave, vacation leave or other fully paid time, which resulted in reduced benefit duration during the one--year period,
7. With regard solely to family leave insurance benefit claims to care for sick family members, the amount of intermittent family leave insurance benefits paid during the one--year period, and
8. The average duration of family leave insurance benefits, in days, during the one--year period.

The information reported in 1. through 8. above must be broken down by sex and by age group, beginning at 25 years and under and increasing in increments of 10.

On or before the 30th day following the close of each calendar year during which a self--insured private plan for family leave insurance is in effect, the employer must file a report with the Division of Temporary Disability Insurance showing:

1. The amount of funds available at the beginning of that year for payment of family leave insurance benefits,
2. The amount contributed by workers during that year,
3. The direct cost of administration of the plan during that year,
4. The number of employees covered by the plan as of December 31, and
5. Such other information as the Division of Temporary Disability Insurance may require with respect to the financial ability of the self--insurer to meet the self--insured's obligation under the plan.

Workers' Compensation Law (N.J.S.A. 34:15---1 et seq.)

Upon the happening of an accident or the occurrence of any occupational disease, an employer who has insurance coverage or utilizes a third---party administrator shall promptly furnish the insurance carrier or the third---party administrator with accident or occupational disease information.

Within three weeks after an accident or upon knowledge of the occurrence of an occupational disease, every insurance carrier, third---party administrator, statutory non---insured employer, including the State, counties, municipalities and school districts, and duly authorized self---insured employer not utilizing a third---party administrator must file a report designated as "first notice of accident" in electronic data interchange media with the Division of Workers' Compensation through the Compensation Rating and Inspection Bureau in a format prescribed by the Compensation Rating and Inspection Bureau. When filed by an insurance carrier or third---party administrator, the report must also be sent to the employer. If the employer disagrees with the report, the employer may prepare and sign an amended report and file the amended report with the insurance carrier or third---party administrator. The amended report must then be filed electronically with the Division through the Compensation Rating and Inspection Bureau.

Every insurance carrier providing workers' compensation insurance and every workers' compensation self---insured employer shall designate a contact person who is responsible for responding to issues concerning medical and temporary disability benefits where no claim petition has been filed or where a claim petition has not been answered. The full name, telephone number, mailing address, email address and fax number of the contact person must be submitted to the Division of Workers' Compensation utilizing the Division's contact person form in the manner instructed on the form.

Each employer, when directed to do so by the Division of Workers' Compensation, must submit to the Division of Workers' Compensation copies of such medical certificates and reports as it may have on file.

Gross Income Tax Act (N.J.S.A. 54A:1---1 et seq.)

Employer's Quarterly Report: The Employer's Quarterly Report, NJ---927, reports New Jersey Gross Income Tax withheld, unemployment insurance, supplemental workforce fund, workforce development partnership fund, family leave insurance and temporary disability insurance wage and withholding information.

Each employer is required to electronically file an Employer's Quarterly Report, NJ---927, for each calendar quarter, regardless of the amount of tax actually due for a particular quarter. Quarterly reports are due on the 30th day of the month following the end of each quarter.

Employers of "domestic service workers" may report and pay New Jersey Gross Income Tax withheld on an annual, rather than quarterly, basis on an NJ---927H.

Records to be kept: Every employer is required to keep all pertinent records available for inspection by authorized representatives of the New Jersey Division of Taxation. Such records must include the following:

1. The amounts and dates of all wage payments subject to New Jersey Gross Income Tax;
2. The names, addresses and occupations of employees receiving such payments; *
3. The periods of their employment;
4. Their social security numbers;
5. Their withholding exemption certificates;
6. The employer's New Jersey Taxpayer Identification Number;
7. Record of weekly, monthly, quarterly remittances and/or returns and annual returns filed;

8. The dates and amounts of payments made; and
9. Days worked inside and outside of New Jersey for all nonresident employees.

Contact Information

If an employee or an employee's authorized representative wishes to contact a State representative in order to provide information to or file a complaint with the representative regarding an employer's possible failure to meet any of the requirements set forth above, he or she may use the following contact information:

For possible failure to meet the record keeping or reporting requirements of the Wage Payment Law, Wage and Hour Law or Prevailing Wage Act:

Phone: 609--292--2305
E-mail: wagehour@dol.nj.gov
Mail: New Jersey Department of Labor and Workforce Development Division
of Wage and Hour Compliance
P.O. Box 389
Trenton, NJ 08625--0389

For possible failure to meet the record keeping or reporting requirements of the Unemployment Compensation Law, Temporary Disability Benefits Law or Family Leave Insurance Benefits Law:

Phone: 609--292--2810
E-mail: emplacct@dol.nj.gov
Mail: New Jersey Department of Labor and Workforce Development Division
of Employer Accounts
P.O. Box 947
Trenton, NJ 08625--0947

For possible failure to meet the record keeping or reporting requirements of the Workers' Compensation Law: Phone:

609--292--2515
E-mail: dwc@dol.nj.gov
Mail: New Jersey Department of Labor and Workforce Development Division
of Workers' Compensation
P.O. Box 381
Trenton, NJ 08625--0381

For possible failure to meet the record keeping or reporting requirements of the Gross Income Tax Act: Phone:

609--292--6400
E-mail: nj.taxation@treas.state.nj.us
Mail: New Jersey Department of the Treasury
Division of Taxation • Information and Publications Branch
P.O. Box 281
Trenton, NJ 08625--0281



This notice must be conspicuously posted. Not later than December 7, 2011, each employee must also be provided a written copy of the notice or, for employees hired after November 7, 2011, a written copy of the notice must be provided at the time of the employee's hiring. See N.J.A.C. 12:2--1.3 for alternate methods of posting and distribution by electronic means.

NEW JERSEY EARNED SICK LEAVE

New Jersey Department of Labor and Workforce Development

Notice of Employee Rights

Under New Jersey's Earned Sick Leave Law, most employees have a right to accrue up to 40 hours of earned sick leave per year. Go to <https://nj.gov/labor/> to learn which employees are covered by the law.

New employees must receive this written notice from their employer when they begin employment, and existing employees must receive it by November 29, 2018. Employers must also post this notice in a conspicuous and accessible place at all work sites, and provide copies to employees upon request.

YOU HAVE A RIGHT TO EARNED SICK LEAVE.

Amount of Earned Sick Leave

Your employer must provide up to a total of 40 hours of earned sick leave every benefit year. Your employer's benefit year is January 1 through December 31.

Rate of Accrual

You accrue earned sick leave at the rate of 1 hour for every 30 hours worked, up to a maximum of 40 hours of leave per benefit year. Alternatively, your employer can provide you with 40 hours of earned sick leave up front.

Date Accrual Begins

You begin to accrue earned sick leave on October 29, 2018, or on your first day of employment, whichever is later.

Exception: If you are covered by a collective bargaining agreement that was in effect on October 29, 2018, you begin to accrue earned sick leave under this law beginning on the date that the agreement expires.

Date Earned Sick Leave is Available for Use

You can begin using earned sick leave accrued under this law on February 26, 2019, or the 120th calendar day after you begin employment, whichever is later. However, your employer can provide benefits that are more generous than those required under the law, and can permit you to use sick leave at an earlier date.

Acceptable Reasons to Use Earned Sick Leave

- You can use earned sick leave to take time off from work when:
 - You need diagnosis, care, treatment, or recovery for a mental or physical illness, injury, or health condition; or you need preventive medical care.
 - You need to care for a family member during diagnosis, care, treatment, or recovery for a mental or physical illness, injury, or health condition; or your family member needs preventive medical care.
 - You or a family member have been the victim of domestic violence or sexual violence and need time for treatment, counseling, or to prepare for legal proceedings.
 - You need to attend school-related conferences, meetings, or events regarding your child's education; or to attend a school-related meeting regarding your child's health.
 - Your employer's business closes due to a public health emergency or you need to care for a child whose school or child care provider closed due to a public health emergency.

Family Members

The law recognizes the following individuals as "family members:"

- Child (biological, adopted, or foster child; stepchild; legal ward; child of a domestic partner or civil union partner)
- Grandchild
- Sibling
- Spouse
- Domestic partner or civil union partner
- Parent
- Grandparent
- Spouse, domestic partner, or civil union partner of an employee's parent or grandparent
- Sibling of an employee's spouse, domestic partner, or civil union partner
- Any other individual related by blood to the employee
- Any individual whose close association with the employee is the equivalent of family

Advance Notice

If your need for earned sick leave is foreseeable (can be planned in advance), your employer can require up to 7 days' advance notice of your intention to use earned sick leave. If your need for earned sick leave is unforeseeable (cannot be planned in advance), your employer may require you to give notice as soon as it is practical.

Documentation

Your employer can require reasonable documentation if you use earned sick leave on 3 or more consecutive work days, or on certain dates specified by the employer. The law prohibits employers from requiring your health care provider to specify the medical reason for your leave.

Unused Sick Leave

Up to 40 hours of unused earned sick leave can be carried over into the next benefit year. However, your employer is only required to let you use up to 40 hours of leave per benefit year. Alternatively, your employer can offer to purchase your unused earned sick leave at the end of the benefit year.

You Have a Right to be Free from Retaliation for Using Earned Sick Leave

Your employer cannot retaliate against you for:

- Requesting and using earned sick leave
- Filing a complaint for alleged violations of the law
- Communicating with any person, including co-workers, about any violation of the law
- Participating in an investigation regarding an alleged violation of the law, and
- Informing another person of that person's potential rights under the law.

Retaliation includes any threat, discipline, discharge, demotion, suspension, or reduction in hours, or any other adverse employment action against you for exercising or attempting to exercise any right guaranteed under the law.

You Have a Right to File a Complaint

You can file a complaint with the New Jersey Department of Labor and Workforce Development online at nj.gov/labor/wagehour/complnt/filing_wage_claim.html

or by calling 609-292-2305 between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

Keep a copy of this notice and all documents that show your amount of sick leave accrual and usage.

You have a right to be given this notice in English and, if available, your primary language.

For more information visit the website of the Department of Labor and Workforce Development: nj.gov/labor.

Enforced by: NJ Department of Labor and Workforce Development

Division of Wage and Hour Compliance, PO Box 389, Trenton, NJ 08625-0389 • 609-292-2305

This and other required employer posters are available free online at nj.gov/labor, or from the Office of Constituent Relations, PO Box 110, Trenton, NJ 08625-0110 • 609-777-3200.

If you need this document in Braille or large print, call 609-292-2305. TTY users can contact this department through the New Jersey Relay: 7-1-1.

WORKER'S COMPENSATION

What is Workers' Compensation?

Workers' Compensation is a system created by the New Jersey Legislature that provides benefits to workers who are injured or who contract an occupational disease while working. The benefits include medical care, temporary disability payments, and compensation for a resulting permanent disability. In the event of the death of an injured worker, benefits are payable to the family of the worker. Benefits may be paid voluntarily or it may be necessary to apply to the Workers' Compensation Court for relief.

Who is covered?

Virtually every worker who performs services for wages is covered by the law, regardless of the number of workers employed by the employer.

Under New Jersey law, domestic and farm workers are covered. However, workers considered to be independent contractors, rather than employees, are not covered.

Seamen, maritime workers, railroad workers, and federal employees are covered under federal workers' compensation law.

What must a worker do if injured?

The worker should notify the employer as soon as possible, but not later than 90 days from the date of the accident. The notice may be given to the supervisor, personnel office, or anyone in authority at the employer's place of business. Notice need not be in writing. If the worker needs medical treatment, a request should be made to the employer as soon as possible.

What if an employer refuses to provide medical services and/or temporary disability benefits?

The injured worker should seek the services of an attorney who will file a formal claim petition and a motion for medical and temporary benefits with the Division of Workers' Compensation. Attorneys are prohibited by law from charging a fee in advance for such services. Fees will be fixed by the court only if a compensation award is made.

Important: There is a two-year statute of limitations. A formal Claim Petition must be filed within two years of the date of the injury or the last payment of compensation, whichever is later. Medical treatment authorized by the employer is considered a payment of compensation.

In cases of occupational illness, the Claim Petition must be filed within two years from the date the worker first became aware of the condition and its relationship to employment. The statute of limitations applies to minors also.

An injured worker may also file an application for an informal hearing before a Judge of Compensation. At the informal hearing a representative of the employer or the employer's insurance carrier is usually present. The suggestions made by the judge at an informal hearing are, however, not binding on either party. The filing of an application for an informal hearing does not stop the two-year statute of limitations from running.

What happens after a claim is reported?

The employer or the employer's insurance carrier will investigate the claim. If the claim is found compensable, they will pay for necessary and reasonable medical treatment, loss of wages during the period of rehabilitation, and, when documented, benefits for permanent disability.

Within 21 days of receiving notice of the accident, the insurance carrier should file a First Report of Injury form with the Division. This form gives the Division initial information about the accident and injuries. Another form, called the Subsequent Report of Injury, must be filed with the Division within 26 weeks after the worker returns to work or has reached maximum medical improvement. At that time, the worker should receive a letter from the insurance carrier explaining the benefits paid to date on their claim. The information from these forms helps the Division ensure that workers receive fair and timely benefits for work-related injuries.

Can an employer take action against a worker for filing a claim?

The Workers' Compensation Statute prohibits the employer from discharging or discriminating in any manner against an employee because the employee has claimed or attempted to claim workers' compensation benefits, or has testified, or is about to testify, in a workers' compensation case.

Does the Workers' Compensation Law give special consideration to minors?

Yes. If a minor, employed in violation of the Child Labor Law, suffers a disability because of a job-related injury or illness, benefits will be double the amount ordinarily awarded.

Benefits Available Through Workers' Compensation

Medical Benefits

All necessary medical treatment and hospitalization services should be provided by the employer or the employer's insurance carrier.

The employer has the right to choose the treating physician. If the employer refuses to provide medical treatment, the injured worker is free to choose the treating physician. However, in the case of an emergency, an injured worker may obtain medical or hospital treatment without specific authorization from the employer, but the employer should be notified as soon as possible concerning the treatment being received.

Temporary Disability Benefits

If there is lost time which extends beyond seven calendar days due to the injury, temporary disability benefits become payable starting with the first day lost. The benefit amount is 70 percent of gross weekly wages received at the time of the injury, up to a maximum established annually by the Commissioner of Labor and Workforce Development.*

Permanent Partial Benefits

When a job-related injury or illness results in a permanent partial disability, benefits are based upon a percentage of certain "scheduled" or "nonscheduled" losses. A "scheduled" loss is one involving arms, hands, fingers, legs, feet, toes, eyes, ears, or teeth. A "nonscheduled" loss is one involving the back, heart, lungs, etc.

Permanent Total Benefits

When a job-related injury results in permanent total disability, the injured worker is entitled to payments for 450 weeks which will be continued thereafter for as long as the total disability exists. However, after the 450 weeks, these payments are subject to reduction for wages earned from employment.

Weekly payments for permanent total disability are 70 percent of the gross weekly wage at the time of the injury up to a maximum established annually by the Commissioner of Labor and Workforce Development.*

Permanent total disability is presumed when the worker has lost two major members or a combination of members of the body such as eyes, arms, hands, legs or feet. However, permanent total disability can result from other injuries that render the worker unemployable.

Death Benefits

When a job-related accident or illness results in the worker's death, benefits are payable to the dependents of the worker as defined by the law. The weekly benefit payment is 70 percent of wages, but the maximum total benefit payable to all of the worker's dependents cannot exceed the maximum established annually by the Commissioner of Labor and Workforce Development.*

A surviving spouse or civil union partner and natural children who were a part of decedent's household at the time of death are conclusively presumed to be dependents.

A surviving spouse or civil union partner and natural children who were not a part of decedent's household at the time of death and all other alleged dependents (parents, grandparents, grandchildren, brothers, sisters, etc.) must prove actual dependency.

Children who are deemed to be dependents remain so until the age of 18 years or, if a full-time student, until the age of 23 years. If a child is physically or mentally disabled he/she may be eligible for further benefits.

The employer or the employer's insurance carrier is responsible to pay up to \$3,500 in funeral expenses for a job-related death. These funds are payable to whomever is liable for the funeral bill, be it the estate or an individual.

* Maximum weekly rates for the past eight years are shown on the reverse. >

District Office Directory

Atlantic City	133 Adams Avenue 4th Fl. Atlantic City, NJ 08401 (Atlantic and Cape May counties)	(609) 443-3140
Bridgeton	50 East Broad Street Suite 203 Bridgeton, NJ 08302-2030 (Camdenland & Salem counties)	(856) 453-3339
Camden	2 Riverside Dr., 2nd Fl. Camden, NJ 08103 (Camden & Gloucester counties)	(856) 414-2150
Elizabeth	200 North Broad St., 2nd Fl. Elizabeth, NJ 07208-2702 (Union county)	(908) 639-5941
Freehold	1 Ferguson Way Freehold, NJ 07728 (Monmouth county)	(732) 463-4111
Hackensack	60 State Street Hackensack, NJ 07601-5127 (Bergen county)	(201) 894-8930
Jersey City	436 Summit Ave., 2nd Fl. Jersey City, NJ 07310-5053 (Hudson county)	(201) 731-7383
Lebanon	Flintstone Hills Plaza 1300 Rt. 22 W. Lebanon, NJ 08833 (Hudsonland, lower Warren, Somerset counties)	(908) 234-8216
Mt. Arlington	100 Valley Rd., Suite 102 Mt. Arlington, NJ 07830 (Gloucester, Sussex and upper Warren counties)	(973) 778-4180
Mt. Holly	320 High Street Fairground Plaza Mt. Holly, NJ 08060 (Burlington county)	(609) 914-1790
Newark	126 Maloy Street, 2nd Floor Newark, NJ 07102-0226 (Essex county)	(973) 448-2643
New Brunswick	330 Jersey Avenue New Brunswick, NJ 08901-1302 (Middlesex county)	(732) 957-4333

Paterson	450 Franklin Place 4th Floor Clark Street Paterson, NJ 07650-2109 (Passaic county)	(973) 977-6524
Toms River	614 Route 160 Toms River, NJ 08723-7341 (Ocean county)	(732) 348-9591
Trenton	Swanton Plaza 4 PO Box 604 Trenton, NJ 08625-0604 (Mercer county)	(609) 330-2500

For more information about Workers' Comp,
visit us online at nj.gov/labor,
then click on Workers' Compensation.

New Jersey Department of Labor and Workforce Development is an equal opportunity employer with equal opportunity programs. Auxiliary aids and services are available upon request to individuals with disabilities.

This pamphlet is published for general information only and does not have the status of law or regulation. For specific wording of the law see the New Jersey Workers' Compensation Act (NJSA 34:13-1 et seq.) or consult your attorney.

Benefits

Rate in effect on the date of accident or exposure/manifestation in cases of occupational disease.

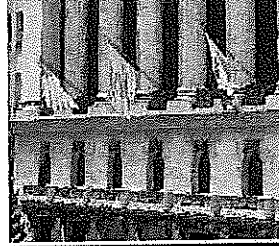
Effective Date		Temporary & Permanent	
		Benefit	Benefit
01/01/2009	70% of wages to minimum of	\$773	\$773
	minimum of	\$206	\$33
01/01/2010	70% of wages to maximum of	\$794	\$794
	minimum of	\$212	\$33
01/01/2011	70% of wages to maximum of	\$792	\$792
	minimum of	\$211	\$33
01/01/2012	70% of wages to maximum of	\$810	\$810
	minimum of	\$216	\$33
01/01/2013	70% of wages to maximum of	\$826	\$826
	minimum of	\$220	\$33
01/01/2014	70% of wages to maximum of	\$843	\$843
	minimum of	\$225	\$33
01/01/2015	70% of wages to maximum of	\$853	\$853
	minimum of	\$228	\$33
01/01/2016	70% of wages to maximum of	\$871	\$871
	minimum of	\$232	\$33

WC2-16 6/14

STATE OF NEW JERSEY
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
NEW JERSEY WORKERS' COMPENSATION
P.O. BOX 604
TRENTON, NEW JERSEY 08625-0604

Division of Workers' Compensation

**A Worker's
Guide
to
Workers'
Compensation
in
New Jersey**
*Working. Helping.
To Keep New Jersey
Working.*



NEW JERSEY DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
IWD
INFORMATION WORKERS' DEVELOPMENT
1000 EASTERN AVENUE
TRENTON, NJ 08646-3000
TEL: 609-981-6000
WWW.NJWORKERSCOMP.COM

RECEIPT FOR EMPLOYEE HANDBOOK

I acknowledge that I have received a copy of the Township of Lower's Employee Handbook. I agree to read it thoroughly. I agree that if there is any policy or provision in the Handbook that I do not understand, I will seek clarification from my supervisor, Department Head or Township Manager. I understand that this Handbook states Lower Township's personnel policies in effect on the date of publication. I understand that nothing contained in the Handbook may be construed as creating a promise of future benefits or a binding contract with Lower Township for benefits or for any other purpose. I also understand that these policies are continually evaluated and may be amended, modified or terminated at any time.

Please sign and date this receipt and return it to the Manager.

Signature: _____

Print Name: _____

Department: _____

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION #2022-131

Title: **AUTHORIZATION FOR REFUND OF TAXES**

WHEREAS, the Township Tax Collector has certified an overpayment due to the reasons listed below; and

WHEREAS, a refund is due.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that the CFO/Treasurer is authorized and directed to refund the overpayments according to the Tax Collector's certification on file with the CFO/Treasurer.

<u>Block</u>	<u>Lot</u>	<u>Refund To</u>	<u>Reason</u>	<u>Tax</u>
499.15	8	Dennis & Nancy Reed 115 Old Mill Drive	Refund Homestead Credit	\$ 367.55
496.21	1	Robert & Margaret Williams 1 Cape Woods Rd	Refund Homestead Credit	\$ 252.48
496.29	36	Charles McBrearty 1 Grebe Court	Refund Homestead Credit	\$ 498.39
507.02	9	Donald & Evelyn Munno 981 Tecumseh Rd	Refund Homestead Credit	\$ 615.48
762	34	Edward Melega 1099 Seashore Rd	Refund Homestead Credit	\$ 271.87
717	18C-005	Kathleen Zirolli 126 E Austin Ave	Refund Homestead Credit	\$ 522.31
510	24.22	Claudia Weber 1 Eagle Court	Refund Homestead Credit	\$ 1,000.00
508.01	12.03	Mary Lou & Jared Jordon 813B Weeks Landing Road	Refund Homestead Credit	\$ 525.84
512.27	6	Anthony & Lis DeAngelis 3008 Bybrook Drive	Refund Homestead Credit	\$ 451.36

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
COOMBS							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on April 4, 2022.

Julie A Picard, Township Clerk

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION #2022-132

Title: **A RESOLUTION OPPOSING THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION'S PROPOSED COASTAL REGULATIONS**

WHEREAS, the Township of Lower recognizes that climate change and sea level rise are a documented threat to New Jersey and its barrier island communities requiring a thoughtful and well-reasoned response from all levels of government; and

WHEREAS, on January 27, 2020, New Jersey Governor Philip Murphy issued Executive Order 100 which directed the New Jersey Department of Environmental Protection (hereinafter "NJDEP") to research and develop regulations to address the threats associated with climate change and sea level rise; and

WHEREAS, NJDEP is planning to adopt new regulations commonly known Protecting Against Climate Threats regulations (hereinafter "PACT") that will, if implemented, significantly devalue land and stymie construction in the Township of Lower; and

WHEREAS, the PACT rules and regulations will necessitate existing homes which are substantially improved and new construction within identified flood zones be elevated five (5) feet above the base flood elevation; and

WHEREAS, the costs associated with elevating new and substantially improved homes an additional five feet above the base flood elevation will be prohibitively expensive for our residents and presents practical difficulties for many sites located throughout the Township; and

WHEREAS, historically, when NJDEP has proposed and/or issued new rules and regulations they have been promulgated in accordance with enacted legislation; and

WHEREAS, in this case there is no adopted legislation which has authorized the NJDEP to impose and/or enact more stringent requirements than the federal regulations that are currently in place; and

WHEREAS, in accordance with scientific studies commissioned by NJDEP, the prospective five-foot freeboard requirement is based on sea level rise projections for the year 2100 that have a probability of only 17% of coming to fruition; and

WHEREAS, pursuant to the New Jersey Municipal Land Use Law, Municipalities are required to prepare Master Plans utilizing a 20- or 30-year planning horizon, and, consequently, the Township of Lower strongly suggests that the State of New Jersey utilize the same timeframe in connection with proposed PACT regulations; and

WHEREAS, there has been absolutely no public discussion concerning the magnitude of the economic impact of these proposed regulations or how to assist residents and property owners who will be negatively impacted and NJDEP must engage in a meaningful, holistic economic impact analysis, and not simply rely on a one-sided analysis of potential economic impacts from future, projected climate change related threats; and

WHEREAS, NJDEP has directed and is requiring Municipalities to adopt a new model Flood Damage Protection Ordinance that appears to require that municipalities automatically impose the NJ PACT regulations prior to their legislative adoption through the State rule making process; and

WHEREAS, among other proposed regulations, the new model Flood Damage Protection Ordinance also requires that road and parking areas proposed in the flood hazard be constructed at least one foot above the Flood Hazard Area Design elevation, that flood permits be required for ordinary maintenance and minor work that does not require a building permit under the Uniform Construction Code, that seasonally occupied structures be built on a foundation even though no such requirement exists in the Uniform Construction Code.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Lower opposes the adoption of the PACT Regulations and the State's proposed Flood Damage Protection Ordinance as currently presented;

BE IT FURTHER RESOLVED, that NJDEP's decision to use sea level rise projections with only a 17% confidence level should be subject to a scholarly peer review prior to commencing the rule making process.

BE IT FURTHER RESOLVED, that the PACT regulations should be based on a 20- or 30-year timeframe and adjusted over time to address then current science and resiliency measures, rather than be based on an 80-year projection.

BE IT FURTHER RESOLVED, that NJDEP seek the counsel from an independent economist to considering potential economic impacts prior to release of the NJ PACT proposals, so as to better understand the economic impact to coastal communities.

BE IT FURTHER RESOLVED, that NJDEP adhere to the same practice as FEMA and provide detailed maps so that communities and residents can clearly understand how these regulations will impact specific properties.

BE IT FURTHER RESOLVED, that the Legislature be encouraged to exercise its legislative oversight authority to review and approve the PACT Regulations prior to their adoption so as to ensure the fairness and the public acceptance of those regulations.

BE IT FURTHER RESOLVED, NJDEP must take seriously its obligation to accept public comments on the proposed rule changes and carefully consider the opinions and views of the individuals, business interests, and municipal and County governments who will be affected by these regulations.

BE IT FURTHER RESOLVED, that the NJDEP abandon all efforts to require the adoption of the current proposed local Flood Damage Protection Ordinance until such time as the PACT regulations are approved by the State Legislature.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Governor Philip Murphy, Lt. Governor Sheila Oliver, New Jersey Department of Environmental Protection Commissioner Shawn LaTourette, Senate President Nicholas Scutari, Assembly Speaker Craig Coughlin, Senator Michael Testa, Senator Vince Polistina, Assemblyman Don Guardian, Assemblywomen Clair Swift, Assemblyman Eric Simonsen, and Assemblyman Antwan McClellan.

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
COOMBS							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on April 4, 2022.

Julie A Picard, Township Clerk

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION #2022-133

Title: AUTHORIZING THE SALE OF TOWNSHIP OF LOWER SURPLUS NO LONGER NEEDED FOR PUBLIC USE ON GOVDEALS ONLINE AUCTION WEBSITE

WHEREAS, the Township of Lower has determined that the property described on Schedule A attached hereto is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Township of Lower intends to utilize the online auction services of GovDeals located at www.govdeals.com; and sell the Township surplus property.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that the Township of Lower is hereby authorized to utilize the online auction services of GovDeals located at www.govdeals.com; and sell the surplus property as indicated on Schedule A on an online auction website.

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
COOMBS							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on April 4, 2022.

Julie A Picard, Township Clerk

4/4/2022

GOV DEALS RES 2022- 133

DEPARTMENT -LOCATION	DESCRIPTION /VEHICLE / VIN#	FA#
PLANNING	IBM TYPEWRITER	4462

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

RESOLUTION #2022-134

Title: **RESOLUTION FOR SELF-EXAMINATION OF BUDGET**

WHEREAS, N.J.S.A. 40A: 4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, N.J.A.C. 5:30-7.2 through 7.5 the Township of Lower has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2022 budget year.

NOW THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Lower, County of Cape May, State of New Jersey that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officers certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A: 4-45.2 and appropriations for exceptions to limits on appropriations found at 40A: 4-45.3 et seq. are fully met (Complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A: 4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled

BE IT FURTHER RESOVED that a copy of this resolution is forwarded to the Director of the Division of Local Government Services upon adoption.

	MOTION	SECOND	AYE	NAY	RECUSE	ABSTAIN	ABSENT
CONRAD							
COOMBS							
ROY							
PERRY							
SIPPEL							

I, Julie A. Picard, Township Clerk of the Township of Lower, County of Cape May, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Council at a meeting held on April 4, 2022.

Julie A Picard, Township Clerk

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE # 2022-03

Title: AN ORDINANCE OF THE TOWNSHIP OF LOWER AMENDING CHAPTER 157, ALCOHOLIC BEVERAGES, SUBSECTION 157-7(B), OF THE CODE OF THE TOWNSHIP OF LOWER.

WHEREAS, Chapter 157, Alcoholic Beverages, of the Code of the Township of Lower sets forth and memorializes regulations and restrictions associated with the consumption and licensing of Alcoholic Beverages within the Township of Lower; and

WHEREAS, section 157-7(B) of the Code of the Township of Lower restricts the sale and consumption of alcohol on a licensed premises on Sundays between the hours of 3:00 a.m. and 10:00 a.m.; and

WHEREAS, pursuant to the provisions of the New Jersey Alcohol Beverage Control Act, N.J.S.A. 33:1-1 et seq., a municipality is permitted to regulate the hours during which alcoholic beverages may be sold at a licensed premises; and

WHEREAS, over the course of the past several years the popularity of Sunday "Brunch" has significantly increased and the Township of Lower has received several requests from licensed establishments to expand the hours during which alcohol may be sold and consumed on Sundays.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, that Chapter 157, Alcoholic Beverages, of the Code of the Township of Lower, shall be amended as follows:

Section 1. Chapter 157 Alcoholic Beverages, Subsections 157-7(B) of the Code of the Township of Lower is hereby repealed and replaced as follows:

B. Sundays. No licensee shall sell, serve, deliver, allow, permit or suffer the sale or delivery of any alcoholic beverages or allow the consumption of any alcoholic beverages on a licensed premises on Sundays between the hours of 3:00 a.m. and 9:00 a.m. prevailing time; except as provided by § 157-8.

Section 2. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

Section 4. This Ordinance shall become effective 20 days after final passage and publication according to law.

Thomas Conrad, Councilmember

Kevin Coombs, Councilmember

Roland Roy, Jr., Councilmember

Dave Perry, Deputy Mayor

Frank Sippel, Mayor

First Reading: April 4, 2022

Adopted:

Attest: _____
Julie A Picard, Township Clerk

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2022-02

Title: AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN FOR THE FULLING MILL ROAD PROJECT AS AN AREA IN NEED OF REDEVELOPMENT IDENTIFIED AS BLOCK 410.01, LOTS 82,83,84 & 87.01 IN THE TOWNSHIP OF LOWER, NEW JERSEY AND AMENDING THE ZONING MAP ACCORDINGLY

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a redevelopment project must be undertaken pursuant to a "Redevelopment Plan" adopted by Township Ordinance, and said Redevelopment Plan must provide a framework for the planning, development, redevelopment or rehabilitation of the area in question; and

WHEREAS, on April 15, 2019, the Township Council of the Township of Lower adopted Resolution #2019-150 authorizing and directing the Lower Township Planning Board to conduct a preliminary investigation and to prepare a map of the area to determine whether the property located at Block: 410.01, Lots 82, 83, 84 & 87.01 met the criteria in order to be designated as an Area in Need of Rehabilitation; and

WHEREAS, on May 16, 2019, the Lower Township Planning Board held a public hearing and determined that the area in question satisfied the criteria outlined within the LRHL and should be designated as an Area in Need of Rehabilitation; and

WHEREAS, on May 20, 2019, the Township Council of the Township of Lower adopted Resolution #2019-190, accepting and adopting the findings and recommendations of the Lower Township Planning Board and formally designated the area in question as an Area in Need of Redevelopment; and

WHEREAS, on January 3, 2022, the Township Council of the Township of Lower adopted Resolution #2022-31 authorizing and directing the Lower Township Planning Board to Review and Report on the Fulling Mill Road Redevelopment Plan (Block 410.01, Lots 82, 83, 84 & 87.01) pursuant to the Local Redevelopment and Housing Law; and

WHEREAS, on February 17, 2022, the Lower Township Planning Board held a public hearing to review and consider the Fulling Mill Road Redevelopment Plan (Block 410.01, Lots 82, 83, 84 & 87.01) (hereinafter the "Redevelopment Plan") prepared by Tiffany A. Morrissey, PP, AICP, which is attached hereto as **EXHIBIT A**, and the Board found the Redevelopment Plan to be consistent with the Township of Lower's Master Plan, and recommended to the Township Council of the Township of Lower, via Resolution #22-14, that the Township adopt the proposed Redevelopment Plan for the Property with minor revisions; and

WHEREAS, the Township Council of the Township of Lower specifically finds that the Redevelopment Plan and the Property itself meet the requirements of N.J.S.A. 40:12A-1, et seq., and are consistent with the Township of Lower's Master Plan.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey as follows:

Section 1. The recitals set forth above are incorporated herein and made a part hereof as if set forth at length.

Section 2. The Township Council of the Township of Lower hereby approves and adopts the Redevelopment Plan, attached hereto as **Exhibit A**, for the property located at Block 410.01, Lots 82, 83, 84 & 87.01.

In accordance with the provisions of the Redevelopment Plan, Cape Atlantic Energy, LLC is hereby designed as the Redevelopment Entity, subject to the execution of a future Redevelopment Agreement pursuant to N.J.S.A. 40A:12A-9.

Section 3. The zoning standards set forth in the Redevelopment Plan shall supersede and replace all underlying zoning standards for the properties identified as Block 410.01, Lots 82, 83, 84 & 87.01 pursuant to N.J.S.A. 40A:12A-7, and the Township of Lower's zoning map is hereby amended accordingly.

Section 4. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 5. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

Section 6. This Ordinance shall become effective 20 days after final passage and publication according to law.

Thomas Conrad, Councilmember

Kevin Coombs, Councilmember

Roland Roy, Jr., Councilmember

David Perry, Deputy Mayor

Frank Sippel, Mayor

First Reading: March 7, 2022

Adopted:

Attest: _____
Julie A Picard, Township Clerk

**FULLING MILL ROAD
REDEVELOPMENT PLAN
BLOCK 410.01, LOTS 82, 83, 84 & 87.01**

**LOWER TOWNSHIP
CAPE MAY COUNTY, NEW JERSEY**

**Prepared for:
Lower Township**

As recommended by the Planning Board by Resolution # 22-14 on February 18, 2022;
Adopted by the Governing Body by Ordinance # _____ on _____;

**FULLING MILL ROAD
REDEVELOPMENT PLAN
BLOCK 410.01, LOTS 82, 83, 84 & 87.01**

**LOWER TOWNSHIP
CAPE MAY COUNTY, NEW JERSEY**

MAYOR

Frank Sippel

COUNCIL MEMBERS

David Perry, Deputy Mayor
Thomas Conrad
Kevin Coombs
Roland Roy, Jr.

PLANNING BOARD

Robert Crompton, Chairman
Andy Bulakowski, Vice-Chairman
Frank Sippel, Mayor
James Hemmingway
Chris McDuell
Michael Rosenberg, Mayor's Designee
Roland Roy, Jr., Councilman
Daniel J. Senico
Scott Supplee
Christopher Vassar
Jeffrey Lindsay

REPAIRED BY:

Tiffany A. Morrissey, AICP, PP#5533

The original of this document was signed and sealed in accordance with N.J.A.C. 13:41-1.3.b

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INTRODUCTION

By statutory authorization, this Redevelopment Plan, consistent with the New Jersey Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.) ("LRHL"), is being implemented to enable a more focused approach for the redevelopment and rehabilitation of a designated rehabilitation area within the Township of Lower (the "Township"). The Township is committed to eliminating conditions that have a detrimental effect on the community and fostering an environment which promotes the public health, safety and welfare of the community

The project area encompasses Block 410.01, Lots 82, 83, 84, & 87.01 in the Township of Lower (the "Project Area"). In order to address the conditions in the Project Area and stimulate private investment, the Mayor and Council of the Township of Lower have determined that the appropriate course of action to prevent underutilization and further deterioration of the Project Area is to redevelop and rehabilitate the Area in accordance with the LRHL.

Redevelopment plans are necessary in order to improve the conditions that have resulted in this Redevelopment Area determination; therefore, the Township Planning Board was referred this Redevelopment Plan for consideration by the Lower Township Governing Body.

DESIGNATION OF AREA AND PLAN DEVELOPMENT

On April 15, 2019 the Township Mayor and Council, pursuant to Resolution #2019-150, directed the Planning Board to investigate the Project Area to determine if it was in Need of Rehabilitation in accordance with the New Jersey Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et seq. ("LRHL"). On May 16, 2019, the Planning Board determined that the Project Area satisfied the criteria under the LRHL as an area in need of rehabilitation. On May 20, 2019, the Lower Township Mayor and Council adopted Resolution #2019-190 designating the Project Area as an Area in Need of Rehabilitation.

Pursuant to N.J.S.A. 40A:12A-7(f), this Redevelopment Plan has been prepared specifically to support the overall rehabilitation and redevelopment of the Project Area. A redevelopment plan must be prepared and adopted by ordinance prior to undertaking any rehabilitation or redevelopment in all or a portion of the area in need of rehabilitation. This process, which is consistent with applicable state statutes, was followed by the Township in the preparation of this Redevelopment Plan.

STATUTORY REQUIREMENTS OF REDEVELOPMENT PLAN

Pursuant to the LRHL, a redevelopment plan shall include an outline for the planning, development, rehabilitation or redevelopment of the area sufficient to indicate:

1. Its relationship to definitive local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements.
2. Proposed land uses and building requirements in the Project Area.
3. Adequate provision for the temporary and permanent relocation, as necessary, of residents in the Project Area, including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market.
4. An identification of any property within the Project Area which is proposed to be acquired in accordance with the Redevelopment Plan.
5. Any significant relationship of the Redevelopment Plan to:
 - the municipality's Master Plan;
 - the Master Plans of contiguous municipalities;
 - the Master Plan of the County in which the municipality is located;
 - the State Development and Redevelopment Plan adopted pursuant to the "State Planning Act" PL 1985, C398 (C52:18A-196 et al.); and
 - the local ordinances and master plan.
6. A housing inventory of all affordable housing units to be removed; and
7. A plan for replacement of any affordable housing removed pursuant to the Redevelopment Plan.

DESCRIPTION OF REDEVELOPMENT AREA

The Redevelopment Area includes vacant parcels along Fulling Mill Road on the border of Middle Township. The property is within an Industrial zoning district and consists of just over 53 acres as depicted on the Plan included as Exhibit I. The Redevelopment Area is bound by Middle Township to the north and residential development along Centennial Drive, The Cape May Par 3 Golf and Driving Range is located across Fulling Mill Road to the east, to the west is undeveloped land on Lot 87.02 in Block 410.01, and a self-storage facility to the south on lot 85 in Block 410.01.

The Redevelopment Area is located in the Industrial zoning district. The surrounding neighborhood contains residential development bordering the site in Middle Township, and the Cape May Airport is located to the south of the site. The properties are outside of the Airport Hazard Zone.

GOALS AND OBJECTIVES

The Township seeks to alleviate the conditions found in this Project Area and to redevelop the Area in a manner which will serve the public health, safety and welfare of the community and the region by eliminating those conditions that cause the area to be considered "in need of rehabilitation". To achieve this overall goal, the following goals and objectives have been established:

1. The primary goal of this Redevelopment Plan is to eliminate those conditions that caused the area to be considered an "area in need of rehabilitation", and to facilitate and encourage the development of the subject property.
2. The stimulation of private investment in the Project Area by assisting as necessary and appropriate to support such rehabilitation and redevelopment.
3. To foster public-private partnerships to accomplish revitalization of the Project Area in a manner that best serves the needs of the community, strengthens the local economy and attracts residents to the area and contributes to the continuing vitality of the Township of Lower.

PLAN PROPOSALS

This Redevelopment Plan is designed to address the redevelopment in Block 410.01 Lots 82, 83, 84 & 87.01, and shall be referred to as the "Fulling Mill Road Redevelopment Plan." As required by N.J.S.A. 40A:12A-7c, the zoning map will be amended to include the Fulling Mill Road Redevelopment Plan for the referenced property.

The intent of the goals and objectives of the Redevelopment Plan are to ensure the future development of the subject property is compatible with the surrounding area. The site is bounded by a mid-high density residential neighborhood to the north in Middle Township. The current industrial zoning is not compatible with the surrounding residential development. The development to the south is a self-storage facility, a low intensity industrial development.

The existing industrial zoning is not as suitable to the surrounding area therefore, the Redevelopment Plan proposes to create a new Fulling Mill Road Redevelopment Area. The use, bulk, design and performance standards, and all other standards, set forth in the City Zoning and Land Development Ordinances shall be superseded by the Redevelopment Area Standards.

It is intended and expressly understood that with respect to any issue of relevant land use and building requirements not specifically addressed in this Redevelopment Plan, those issues are subject to the Zoning and Land Development Ordinances and all other ordinances and regulations of the Township of Lower not contravened in this Redevelopment Plan as permitted by N.J.S.A. 40A:12A-7(a)(2).

Definitions

The definitions provided in N.J.S.A. 40A:12A-3 are incorporated into this plan by reference.

Intent and Purpose

- A. The Zoning Map shall be amended to include a new Fulling Mill Road Redevelopment District (FMRR) zoning district on the Redevelopment Properties (Block 410.01 Lots 82, 83, 84 & 87.01). The FMRR zone shall supersede the local zoning ordinance as provided for in the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-7c.)
- B. The FMRR district will effectuate the goals and objectives of the Redevelopment Plan. The FMRR district creates the design and bulk standards for the Redevelopment Area.
- C. The Planning Board is authorized to grant reasonable exceptions for minor deviations from the Redevelopment Plan Standards. For purposes of this Redevelopment Plan, an exception for a minor deviation is akin to an approval which could be granted pursuant to N.J.S.A. 40:55D-70(c) or N.J.S.A. 40:55D-51(a) or (b).

Land Use and Building Requirements

- 1) Permitted Uses consisting of any combination of the following:
 - a) Single-Family Detached Residential – Age-Restricted
 - b) Townhomes/Stacked Townhomes – Age Restricted

- 2) Accessory Uses

- a) Private Residential Swimming Pools and other usual recreational facility customarily associated with residential dwelling units.
- b) Private Residential Sheds for storage (other than vehicles) and other customary residential accessory structures.
- c) Fences and Walls

3) Bulk Standards

a) Townhouses

- i) Minimum Lot Area – 1,920 square feet
- ii) Minimum Lot Width for individual unit – 20 feet
- iii) Minimum Lot Frontage – 20 feet
- iv) Minimum Lot Depth – 80 feet
- v) Minimum Front yard setback - 20 feet
- vi) Minimum Rear yard Setback – 10 feet
- vii) Minimum Side Yard Setback – 5 feet (0-feet for attached units)
- viii) Maximum Lot Coverage – 90%
- ix) Maximum Building Height – 35 feet

b) Single-Family units age-restricted units.

- i) Minimum Lot Area – 5,000 square feet
- ii) Minimum Lot Width – 50 feet
- iii) Minimum Lot Depth – 100 feet
- iv) Minimum Front yard setback –
 - (1) Front Yard (Traditional Lot) - 20 feet
 - (2) Front Yard (Corner Lot) – 20 feet
- v) Minimum Rear yard Setback – 20 feet
- vi) Minimum Side Yard Setback – 6 feet and 10 feet
- vii) Maximum building coverage – 50%
- viii) Accessory structures – Minimum setback of 4-feet from property lines and 6-feet from any other structures. No accessory structure shall be permitted in a front yard.
- ix) Maximum Building Height – 35 feet

4) Design Standards and Guidelines.

- a) There shall be a minimum total open space of 25% for the entire Redevelopment Area. Open Space can include stormwater management areas, landscape buffers, steep slopes, flood hazard areas, riparian zone buffers, wetlands and wetland buffers.

- b) There shall be a minimum 25ft. buffer, with staggered fencing, berms, and landscaping along the perimeter of the property.
- c) The plan shall provide for walkways and pedestrian connections where appropriate. These can include sidewalks along the street line and passive trails throughout the open space areas.
- d) Parking will be provided in accordance with the Residential Site Improvement Standards "RSIS" (Sections 400-34, 400-49, 400-52 & 400-61C are superseded by RSIS requirements).

General Provisions

The continued revitalization of this area is important to the Township. In order to facilitate the revitalization of the Redevelopment Area, the Township shall have all of the powers granted to a municipality or redevelopment entity to carry out this Redevelopment Plan as set forth in the Local Redevelopment and Housing Law at N.J.S.A. 40A:12A-8.

Any development that occurs within the Redevelopment Area shall comply with the following as required by N.J.S.A. 40A:12A-1 et seq.:

1. The Township and any redeveloper shall comply with all statutes of the State of New Jersey governing development and redevelopment including but not limited to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. and the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.
2. The Township Planning Board shall review and approve all plans and specifications for development with respect to conformance with this Redevelopment Plan and the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.
3. The redeveloper shall be required to furnish escrows and performance guarantees as required by the Township. N.J.S.A. 40:55D-53.

Relocation

The property in the Project Area is vacant, therefore, there is no need to make accommodations for the temporary or permanent relocation of residents. N.J.S.A. 40A:12A-7(a)(3).

Acquisition

The Project Area is a rehabilitation area and therefore, pursuant to the LRHL, property acquisition by eminent domain is not authorized.

Affordable Housing

The Project Area is undeveloped. Therefore, there is no removal of any affordable housing units as a result of the implementation of this Redevelopment Plan. Because no affordable housing units are to be removed as a result of the implementation of this Redevelopment Plan, no affordable housing units are anticipated to be replaced. N.J.S.A. 40A:12A-7(a)(7).

RELATIONSHIP TO OTHER PLANS

An important requirement of a Redevelopment Plan is consistency with the goals and objectives of already adopted plans for the area. This Redevelopment Plan is specifically designed to promote the improvement of the subject property. N.J.S.A. 40A:12A-7(a)(1).

Municipal Plans – (N.J.S.A. 40A:12A-7(d))

The Master Plan for the Township was reexamined in 2014. This Redevelopment Plan helps to achieve the following Master Plan Objectives as updated in the 2014 Reexamination Report:

OBJECTIVE: The desire to integrate and organize new residential development into cohesive neighborhoods using development techniques and densities compatible with established residential development, roads, not only for vehicular traffic, but for access for emergency vehicles, fire safety, traffic patterns, and maximum use of utility capabilities.

OBJECTIVE: The desire to consider the physical limitations of the land and the infrastructure e.g. water, sewer, streets and roads, most appropriate locations for various kinds of intensities of land use and the Environmental Constraints of the area.

Not only is this Redevelopment Plan consistent with the Master Plan's objectives identified above, it is also designed to effectuate the Master Plan. This development of this site as residential is more consistent and compatible with the surrounding land uses in the area. The development of this property as residential allows for the protection of the environmental constraints to the rear of the site. The property is outside of the

Airport Hazard Zone and borders medium to high density residential development in Middle Township. The development of the site as residential is not inconsistent with the Master Plan objectives and the surrounding land uses.

Plans of Surrounding Municipalities - (N.J.S.A. 40A:12A-7(a)(5)(a))

The Redevelopment Area immediately borders Middle Township. The site to the northeast in Middle Township is zoned Residential. The area immediately northwest is zoned Rural Conservation. The zoning and land use in Middle Township is inconsistent with the Industrial zoning in Lower Township. The proposed residential development would be more consistent with the surrounding area.

County Plans - (N.J.S.A. 40A:12A-7(a)(5)(b))

The Cape May County Comprehensive Plan was adopted in 2005, it is currently being updated. The County Plan includes several Land Use Policies in the current plan. These are as follows:

Policy 2. Where appropriate, development shall maintain its original character, with wooded areas, water features, and vistas providing buffer strips between any natural feature considered a prime resource to be preserved. Site design, with open space, controlled density, and proper public facilities as an integral part of any development, should be required.

Policy 3. Industrial areas should be limited and be required to conform to proper performance standards in keeping with the County's resort economy.

Additionally, Policy 4 under growth and management are also relevant to the proposed redevelopment:

Policy 4. To provide for limited, balanced and planned growth. Promoting limited growth and balancing such growth against our natural resources and sensitive areas is part and parcel of maintaining the resort economy and preserving the quality of life.

This policy shall be pursued as follows:

- A. Channel population growth and economic expansion away from areas with significant environmental or ecological vulnerability or which are otherwise unsuitable for development or hazardous to potential occupants.

- B. Channel growth to areas with greater capacity for development. This includes the adoption of suitable public policies reinforced by capital investment in infrastructure. Land use planning should be coordinated with available wastewater treatment capacity. Similarly, municipal zoning ordinances should not authorize development densities which exceed available water supply or wastewater treatment capacities.
- C. Providing for the wise use and conservation of air, land, water, and energy resources with special consideration for those which are non-renewable.
- D. Providing for the wise management of pollutants and waste in ways that will avoid or minimize environmental impacts and promote the reuse and conservation of material resources.

The proposed Redevelopment Plan which encourages the residential improvement of an undeveloped site, a site which is zoned for an industrial land use which is inconsistent with the surrounding land uses, is therefore consistent with the Policies if the current Comprehensive Management Plan of Cape May County.

State Development and Redevelopment Plan - (N.J.S.A. 40A:12A-7(a)(5)(c))

The State Development and Redevelopment Plan ("SDRP") was adopted in 2001. The Redevelopment Area is located in a Fringe Planning Area (PA3) abutting the Designated Regional Center of Rio Grande. The following are Policy Objectives of the PA3 Planning Area which are furthered through the use of this Redevelopment Plan:

Land Use: Focus development and redevelopment in appropriately located and designed Centers to accommodate growth that would otherwise occur in the Environs. Protect the Environs primarily as open lands. Development and redevelopment in the Environs should not exceed the carrying capacity of the area and should maintain or enhance the character of the Environs.

Housing: Provide for a full range of housing choices primarily in Centers at appropriate densities to accommodate projected growth. Ensure that housing in general—and in particular affordable, senior citizen, special needs and family housing—is developed with maximum access to a full range of commercial, educational, recreational, health and transportation services and facilities in Centers. Focus multi-family and higher-density single-family housing in Centers. Any housing in the Environs should be planned and located to maintain or enhance the character of the Environs.

Redevelopment: Encourage appropriate redevelopment in existing Centers and existing developed areas that have the potential to become Centers, or in ways that support Center-based development, to accommodate growth that would otherwise occur in the Environs. Redevelop with intensities sufficient to support transit, a broad range of uses, efficient use of infrastructure, and physical design features that enhance public safety, encourage pedestrian activity and reduce dependency on the automobile.

This Redevelopment Plan furthers these Policies by encouraging housing choices and proposing development in an area that is a natural extension of the abutting Regional Center. The proposed redevelopment clusters the housing options to the front of the site and protects the natural environs to the rear of the site. The redevelopment of the site allows for appropriate housing development that would otherwise be proposed in areas that are not as suited to the natural environs and to the transportation systems. This Redevelopment Plan furthers the State Development and Redevelopment Plan.

ADMINISTRATION

General Provisions

The definitions provided in N.J.S.A. 40A:12A-3 are incorporated into this plan by reference.

Redevelopment Entity

As permitted under N.J.S.A. 40A:12A-4, subject to the execution of a Redevelopment Agreement, Cape Atlantic Energy, LLC is hereby designated the entity to implement this Redevelopment Plan. When necessary for the implementation of this Plan, the Township may enter into an agreement with a redeveloper for any construction or other work forming a part of this Redevelopment Plan. N.J.S.A. 40A:12A-4(c).

Agreements with Redevelopers

Any redevelopment agreement entered into pursuant to this Redevelopment Plan shall comply with the requirements of the Local Redevelopment and Housing Law. N.J.S.A. 40A:12A-1, et. seq.

Pursuant to N.J.S.A. 40A:12A-8 and upon adoption of this Redevelopment Plan, the Township may select one (1) or more redevelopers for the construction of a development project on the Redevelopment Area. Once a redeveloper has been

selected, the Township shall enter into a Redevelopment Agreement with the redeveloper which comports with the requirements of N.J.S.A. 40A:12A-9 and any such development or construction within the Project Area shall be undertaken in accordance with the Redevelopment Agreement between the Township and a redeveloper designated by the Township.

Any redeveloper who wishes to avail itself of this Redevelopment Plan must first have been named as a redeveloper and entered into a redevelopment agreement with the Township. Execution of a redevelopment agreement with the Township shall be a pre-requisite to the filing of any application with the Planning Board and any such application shall not be deemed complete pursuant to N.J.S.A. 40:55D-10.3 until proof of an executed redevelopment agreement has been submitted as part of the application.

Time Limits

The redeveloper of a specific project within the Redevelopment Area shall begin the development of land and construction of improvements within a reasonable period of time to be determined in a redevelopment agreement between the Township and a duly designated redeveloper. N.J.S.A. 40A:12A-8(f).

Discrimination Ban

No covenant, lease conveyance or other instrument shall be executed by the redevelopment entity or the redeveloper whereby land or structures with this redevelopment is restricted upon the basis of race, creed, color, gender, marital status, age, disability, familial status or national origin.

The termination of this plan shall in no way permit the land or structures of the redevelopment area to be restricted on the basis of race, creed, color, gender, marital status, age, disability, familial status or national origin.

Deviations from Provisions of Approved Redevelopment Plan

The Planning Board may review and retain jurisdiction over applications requiring relief for deviations from this Redevelopment Plan or other Township development ordinances, except as set forth below. All requests for such relief shall be made to the Planning Board accompanied by a complete application for development as otherwise required by Township ordinance.

No deviations shall be granted that result in any of the following effects or conditions:

1. To allow a use not specifically permitted within the Redevelopment Area;
2. Any deviation sought which would necessitate the granting of a variance under N.J.S.A. 40:55D-70(d), as the same shall require an amendment of this Redevelopment Plan.

Duration of Redevelopment Plan Restrictions

This Redevelopment Plan and any modification thereof shall be in full force and effect for a period of thirty (30) years from the date the Township Council first approves this Redevelopment Plan.

Amendments to Approved Redevelopment Plan

This Redevelopment Plan may be amended from time to time in accordance with the provisions of the Local Redevelopment and Housing Law of 1992, as may be amended.

Repeal and Severability Statements

All ordinances or parts of ordinances inconsistent with this Redevelopment Plan are repealed to the extent of such inconsistency only. If any provision or regulation of this Redevelopment Plan should be judged invalid by a court of competent jurisdiction, such order or plan shall not affect the remaining portions of this plan which shall remain in full force and effect.

CONCLUSION

This Redevelopment Plan is designed to improve the conditions of an existing property which has been undeveloped and underinvested. The property is within an industrial zoning district which abuts an established well-maintained neighborhood. The industrial development is inappropriate on this site and the investment to redevelop the site with new housing stock, that provides a variety of housing types in the community, will provide a better neighbor to the residential area in Middle Township.