
BURLINGTON COUNTY BRIDGE COMMISSION

EMPLOYEE POLICY MANUAL

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2016

**Burlington County Bridge
Commission**

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READ THIS

The Employee Policy Manual is an effort by the Burlington County Bridge Commission to inform employees of what is expected of them and to explain how the Bridge Commission would like to handle certain employment issues if they arise. Employment situations by their very nature are unpredictable, and the Bridge Commission does not intend by this Manual to bind its hands in dealing with any future situation.

The provisions set forth in this policy manual are not intended to be all-inclusive. Each of the provisions in this Manual is subject to change with or without notice to the employees, and the Bridge Commission may, if it considers it necessary, decline to follow any provision in this Policy Manual. Employees should not rely on any provisions of this Manual for a guarantee of employment rights or for any procedural protections against suspension or termination of employment. Absent any applicable collective bargaining agreement, this policy manual is not intended to constitute a contract of employment, a promise of employment for any length of time, or a guarantee of the benefits or policies stated in it.

Employees not covered by a collective bargaining agreement are employed at-will. This means that either the employee or the Bridge Commission may terminate the employment relationship at any time, for any reason, with or without notice. In other words, the Bridge Commission has the right to terminate employment whenever it so desires for any reason not unlawful or contrary to a collective bargaining agreement.

1. CODE OF ETHICS

Applies to: All Employees

A. Preface/Basic Policy

The Burlington County Bridge Commission ("the Commission") owes a responsibility to the general public to conduct its business responsibly and professionally. When persons are employed by the Commission, they are expected to conduct themselves in a manner that will always reflect favorably on themselves and the Commission. In all their activities, personal and professional, they should always be aware of the high standards of behavior expected of them.

No employee of the Commission should pursue any personal interests which might conflict or appear to conflict with the interests of the Commission, or which might influence or appear to influence the employee's judgment. They are also expected to show the proper consideration for the rights and responsibilities of fellow employees.

Bearing this in mind, the Commission sets forth the following "Code of Ethics" to guide the daily activities of its employees.

B. Conflicts of Interest

1. Employees must at all times refrain from any conflict of interest with the Commission. Although it is impractical to describe all circumstances in which a conflict of interest may arise, a conflict of interest exists whenever the performance of an employee's official duties has or appears to have a direct and predictable effect upon the personal affairs of the employee, the employee's immediate family, or any other entity with which the employee is associated.
2. It should be understood that the appearance of a conflict of interest may be just as damaging as an actual conflict. The Commission expects its employees to exercise good judgment.

C. Gifts, Entertainment and Favors

1. No employee, member of his or her immediate family, or business organization in which he or she has an interest, shall solicit or accept any gifts, favor, loan, political contribution, services, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him or her, directly or

indirectly, in the discharge of his or her official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office, if the employee has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the employee in the discharge of his or her official duties.

2. Employees are not prohibited from accepting an unsolicited non-cash gift or gratuity, provided that its value is nominal in relation to the circumstances in which it is offered and accepted, including such items as:
 - a. Anything of monetary value from a friend or family member when the circumstances make it clear that the motivation for the action is a personal or family relationship;
 - b. Food and refreshments in the ordinary course of business, provided that Police are prohibited from receiving free food and drink from merchants or retail establishments during working hours or on account of their official position;
 - c. Unsolicited advertising or promotional material such as pens, pencils, note pads and calendars.

3. Employees generally may not accept reimbursement for travel or expenses related to Commission business from any source other than the Commission. Employees may accept reimbursement for travel or expenses related to non-Commission business, provided that the circumstances are such that acceptance of the reimbursement does not appear to be a conflict of interest. Whether an employee's travel is related to Commission business is a question to be resolved by the employee's department head or the Executive Director. The following factors should be considered:
 - a. The relationship of the purpose of the trip to the employee's duties;
 - b. The Commission's interest in the employee's participation in the matter;
 - c. The employee's independent interest in the subject matter, or the employee's relationship to the sponsors of the event.

D. Misuse of Bridge Property

It is inappropriate for an employee to use bridge property, including equipment and supplies, for personal or non-job related purposes, and no employee may use bridge property for anything other than approved activities. Every employee is responsible for protecting and conserving bridge property.

E. Gambling, Betting and Lotteries

No employee shall participate, while on bridge property or while on duty for the bridge in operating gambling devices; in conducting an organized lottery or pool; in participating in games for money or property; or in selling or purchasing numbers tickets.

F. Employee Safety and the Environment

The State of New Jersey and the federal government have established various laws and regulations designed to ensure employee safety and to protect the environment. Since employees of the Commission act on behalf of the Commission, they are expected to comply with all applicable employee safety and environmental laws. Employees are encouraged to seek guidance from their supervisors if they have any questions concerning these laws, and they are expected to report any violations of the law to their supervisors, the Police Department management, and the Executive Director.

G. Discovery of Policy Violations

An employee who discovers a violation of the Commission's Code of Ethics has a duty to report the violation to the employee's direct supervisor immediately, or to the Executive Director if the employee's direct supervisor is involved in the violation. An employee who fails to report such a violation is subject to Disciplinary Rule Part 14, which is set forth in this Manual. If the employee is not fully satisfied with the supervisor's response, or is unable to contact the supervisor, the employee should then report the violation directly to any Management official and the Executive Director, if necessary.

2. ORGANIZATIONAL CHART

3. POLICY ON EQUAL EMPLOYMENT OPPORTUNITY

Applies To: All Employees

The Burlington County Bridge Commission is committed to the principles of equal employment opportunities for all qualified persons. It is the policy of the Burlington County Bridge Commission to comply with applicable federal and state laws in order to afford equal opportunities for employment.

The Bridge Commission hires, promotes, transfers, compensates, retains and administers all other personnel actions without regard to race, color, creed, national origin, ancestry, religion, sex, affectional or sexual orientation, marital status, age, disability, veteran status, political affiliation, or any other category protected by law.

It is the goal of the Bridge Commission to provide a workplace free from discrimination and harassment. The Bridge Commission expects its employees to conduct themselves in accordance with Bridge Commission's equal opportunity policy. Acts of discrimination, including unlawful harassment, are not appropriate and will not be tolerated.

4. POLICY ON SEXUAL AND OTHER UNLAWFUL HARASSMENT

Applies To: All Employees

A. Sexual And Other Unlawful Harassment Prohibited

Sexual and other types of unlawful harassment are serious offenses; the Bridge Commission considers such behavior unacceptable and will not tolerate this behavior in any way. All employees, regardless of position, are responsible for ensuring that our workplace is free from any form of harassment. Sexual and other unlawful harassment are also forms of employment discrimination and are prohibited by law. Violation of this policy will be cause for appropriate disciplinary action, up to and including termination.

B. Sexual And Other Unlawful Harassment Defined

1. Definition of Sexual Harassment: Sexual harassment means any unwelcome sexual attention, sexual advances, requests for sexual favors, and any other verbal, visual, or physical conduct of a sexual nature whenever:
 - (a) submission to such conduct is made to either explicitly or implicitly a term or condition of an individual's continued employment; or
 - (b) submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual; or
 - (c) such conduct is intended to, or has the effect of unreasonably interfering with an individual's work performance; or
 - (d) such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.
2. Examples of Sexual Harassment: Examples of sexual harassment include but are not limited to such things as: threatening adverse employment action if sexual favors are not granted; promising preferential treatment in return for sexual favors; unwanted physical contact, including pinching or touching; sexually offensive remarks, including inappropriate comments about appearance, leering, whistling, obscene jokes or other inappropriate use of sexually explicit or offensive language; the display in the workplace of inappropriate or sexually suggestive objects or pictures.

3. Definition of Other Unlawful Harassment: Other unlawful harassment includes harassment due to race, color, creed, national origin, ancestry, religion, sex, affectional or sexual orientation, marital status, familial status, age, disability, veteran status, political affiliation, or any other category protected by law.
4. Examples of Unlawful Harassment: Harassment may include, but is not limited to, verbal or physical attacks, written threats or slurs that relate to a person's membership in a protected class, unwelcome banter, teasing, or jokes that are derogatory, or depict members of a protected class in a stereotypical and demeaning manner, or any other conduct which has the purpose or effect of interfering unreasonably with an individual's work or academic performance or creates an offensive, hostile, or intimidating working or learning environment.

C. Persons Covered

This policy prohibits sexual and other unlawful harassment of *all* employees and applicants for employment, as well as the general public.

D. Enforcement

1. The Bridge Commission strives to provide a workplace that is free from all forms of harassment, including discrimination. Anyone who believes that they have been or are being subject to discrimination, sexual harassment, or any other unlawful harassment in the workplace should promptly take the following actions:
 - (a) Politely, but firmly, tell the harasser that his/her conduct is not welcome and must stop. However, if the harassed individual does not feel comfortable confronting the harasser, immediately proceed to step (b).
 - (b) If the conduct persists, if the harassed person is afraid for any reason to confront the harasser, or if the harassed person believes that he/she has been retaliated against by the harasser for invoking step (a), the individual should bring the problem to the attention of the Department Head or Director of Human Resources, without fear of any retaliation, humiliation, or recrimination.
 - (c) If the Department Head or Director of Human Resources is involved in the alleged harassment, the complaint may be made to the Executive Director, Director of Operations and Administration, or

Deputy Executive Director. If the Executive Director is involved, the complaint should be made to the Department Head, Director of Human Resources, Director of Operations and Administration, or Deputy Executive Director.

2. The Bridge Commission will promptly investigate all allegations of unlawful harassment or discrimination in as confidential a manner as is reasonably possible.
3. If the investigation concludes that a violation of this policy has occurred, then appropriate remedial action will be taken promptly, which may include discipline or discharge of the harasser.
4. Retaliation in any form against a complainant who has exercised his or her right to make a complaint under this policy is strictly prohibited, even if the investigation concludes that no unlawful harassment or discrimination has occurred. Retaliation will be cause for appropriate disciplinary action, up to and including discharge.

5. WAGE AND HOUR POLICIES

Applies To: Bargaining Unit And Non-Bargaining Unit Employees As Set Forth Below

The Commission retains complete discretion to regulate the hours of work, the type of shifts, the classification of employees, and the number of employees assigned to various shifts.

The Commission reserves the right to use its discretion to fill a vacancy occurring because of employee sickness, vacation or other absence.

A. Work Weeks

Sunday will be the first day of the workweek for pay purposes. All employees will be paid on a bi-weekly basis every Wednesday following the completion of a pay period.

B. Hours of Work

1. Executive employees do not have a specific work schedule. Their schedules are determined based on need and at the discretion of the Executive Director. The executive employees of the Commission are as follows: Executive Director; Deputy Executive Director; Director, Bridge Operations and Administration; Contracting Officer; Chief Financial Officer; Director, Human Resources; Maintenance Superintendent; Toll Administrator; Office Manager; Burlington-Bristol Bridge Manager; Director, Improvement Authority; Director, Palmyra Cove Nature Park; Director, Public Safety; Maintenance Supervisor; and NJ OPRA Custodian of Records.
2. Employees covered by a collective bargaining agreement should consult the agreement to determine their hours of work.
3. Administration – Administrative employees are scheduled for eight hours work per day, subject to the discretion of the Executive Director, who may require additional work as necessary.

C. Overtime Policies

1. The Commission is solely responsible for determining the need for employee overtime.
2. Employees not covered by a collective bargaining agreement are not eligible to receive overtime pay, except as otherwise provided by law.
3. Employees covered by a collective bargaining agreement should consult the agreement to determine their eligibility for overtime pay, and the method in which it is to be calculated.
4. Employees should refer to the current collective bargaining agreement for information regarding the distribution of overtime hours.

D. Absences

1. An employee who will be absent from work must notify a supervisor from his/her department. Only the employee's Department Head or the Executive Director has the authority to grant final approval for an absence. A Department Head outside of the employee's department is not authorized to excuse an employee's absence.
2. A supervisor or management member who receives notification of absence from an employee must then notify the Accounting Department of the employee's absence with a payroll authorization form. A management member must notify the employee's supervisor as well.
3. Employees should consult their collective bargaining agreements and other sections of this manual for additional information concerning sick days and other absences.

6. HOLIDAYS AND HOLIDAY PAY

Applies To: All Employees Not Covered By A Collective Bargaining Agreement

The Commission shall pay employees for the following Holidays:

New Year's Day	Columbus Day
Martin Luther King Day	Veteran's Day
President's Day	General Election Day
Good Friday	Thanksgiving Day
Memorial Day	Friday After Thanksgiving
Independence Day	Christmas Day
Labor Day	

7. VACATION TIME

Applies To: All Employees Not Covered By A Collective Bargaining Agreement

The highly specialized nature of Bridge operations requires that vacations be granted to meet departmental needs. No arrangements or commitments of any kind should be made by the requesting parties until they have received written permission granting their vacation request.

- A. Vacation periods shall coincide with the calendar year, January 1 through December 31.
- B. When a full-time employee completes the specified number of years of service, he or she will be granted the number of vacation days listed in the following schedule:

Date of Hire until first January 1st: 8 hours Vacation Time per calendar month up to 96 hours
January 1st following the employee's Date of Hire: 104 hours Vacation Time
January 1st following the employee's 4th Calendar Anniversary Date: 136 hours Vacation Time
January 1st following the employee's 9th Calendar Anniversary Date: 168 hours Vacation Time
January 1st following the employee's 14th Calendar Anniversary Date: 184 hours Vacation Time
January 1st following the employee's 19th Calendar Anniversary Date: 208 hours Vacation Time

- C. The initial date for determining vacation time will be the first day of the calendar month following the date of employment.
- D. Vacations will be scheduled as requested, providing they can be arranged without jeopardizing operations.
- E. An employee may carry over unused vacation for one calendar year.
- F. If, upon separation from the Commission, an employee has authorized accrued vacation time earned in a previous year, he or she will receive vacation pay at his or her present rate for such accrued vacation time.
- G. Terminal Leave - The Commission prohibits employees from remaining on the payroll at full salary and benefits preceding retirement except upon valid, confirmed, and approved use of vacation time.

7A. PERSONAL TIME

Effective January 1, 2017, Personal Sick Time will be substituted with Personal Time. The initial date for determining Personal Time will be the first day of the calendar month following the Date of Hire with 8 hours of Personal Time for every 4 months worked. Thereafter, three days of Personal Time (24 hours) per year may be used by Employees; Personal Time can be used in conjunction with or in addition to Holidays and/or Vacation Time provided at least 24 hours advance notice is given to management. Personal Time shall coincide with the calendar year (January 1 to December 31).

- A. Personal Time must be used in 4 hour increments. Violations of the use of Personal Time may lead to disciplinary action and may constitute justifiable cause for dismissal.
- B. If, upon separation from the Commission, an employee has authorized Personal Time, he/she will receive personal time pay at the then present rate for such Personal Time. When, in any calendar year, Personal Time, or any part thereof, is not taken by December 31st, such time shall be lost.
- C. Personal Time shall not be accrued during periods of unpaid leave or suspensions of more than thirty (30) days.

8. SICK TIME

Applies To: All Employees Not Covered By A Collective Bargaining Agreement

- A. In order to insure that employees are protected during periods of sickness, the Commission has provided that the pay of employees will be continued during periods in which they are incapacitated from work because of personal illness for allocated periods called "sick time."
- B. Sick time covers the individual employee, only, and not members of his or her family.
- C. All employees are cautioned against using sick time during periods when they are not sick. Violations of the sick time policy will lead to disciplinary action and persistent violation may result in dismissal.
- D. Sick Time shall be granted in accordance with the following schedule:

Date of Hire until first January 1st: 8 hours Sick Time per calendar month up to 96 hours.

Thereafter, Employees shall receive ten (10) hours of Sick Time per month (120 hours per year) which shall be posted each year on January 1st to the employee's benefit time account.
- E. Sick time will be cumulative and will continue to accrue during paid sick time and vacation. Employees on voluntary leave of absence status will not accumulate sick and vacation time. If an employee is sick six (6) or more consecutive work days, a doctor's note may be required by the Commission.
- F. In all cases of absenteeism, the Commission shall have the right to investigate reasons for absences or require substantiation of the absence. Prescribed forms and other reasonable proofs of the causes for the use of sick leave may be required by the Commission when it considers such proofs to be necessary.

- G. In cases of chronic absenteeism or when certain patterns of absenteeism are developed by an employee, the Commission may require a doctor's note or other justification relating to these patterns of chronic absences.
- H. In the event of illness or absence, the employee shall call in before his or her regular reporting time. If the duration of the illness is not known, daily call-in for illness will be required.
- I. Upon retirement, for those employees who were hired prior to May 1, 2005, the maximum hours of sick time to be paid upon retirement cannot exceed the number of hours accrued as of April 15, 2010 at their current rate. Sick time may be accrued above these hours, but only the hours accrued as of April 15, 2010 can be compensated upon retirement.
- J. Upon the death of an employee, an employee's immediate family will receive, as a death benefit, compensation for the employee's accumulated sick leave calculated at the rate of one hundred (100%) percent of the *per diem* rate of pay at the time of death. Anyone hired after May 1, 2005, will be paid up to a maximum of \$15,000.
- K. Terminal Leave – The Commission prohibits employees from remaining on the payroll at full salary and benefits preceding retirement except upon valid, confirmed, and approved use of sick time.
- L. An employee with at least 23 years of service with the Commission, who files and receives approval of his/her request to retire with not less than twenty-five years of service, may convert one-third of his/her accumulated unused sick leave to cash in each of his/her last three years of his service. In lieu of receiving cash payments, the employee may request the payments be transferred to his/her deferred compensation plan provided that this request is approved by the deferred compensation plan and other regulatory agencies including but not limited to the IRS. In either case, employees are still bound by the requirements stated in Section 8.

9. JURY DUTY

Applies To: All Employees

- A. When an employee receives an official notification to report for jury duty, the employee should immediately contact the Accounting Department through the employee's Supervisor. The Accounting Department will provide the employee with the proper form that must be processed in order to receive approval for jury duty service and adjustment reimbursement. The Accounting Department will forward a copy of the Official Jury Duty Notification to the Human Resources Department.
- B. When jury duty has been approved, the employee will receive the employee's regular pay check on the regular pay day, with the understanding that when the employee receives the "Jury Duty Hours and Mileage Check," it will be assigned to the Commission (Accounting Department) for the proper *per diem* deductions owed to the Commission. The Accounting Department will then issue to the employee an "Adjustment Check" for any balances due including the mileage that was shown on the "Jury Duty Hours and Mileage Check."
- C. No *per diem* deduction will be made from the "Jury Duty Check" for days that the employee serves on the Jury that were scheduled days off.
- D. Failure of an employee to report immediately to the employee's department head when not actually on jury duty will result in a loss of Bridge pay.
- E. The form supplied for authorized jury duty shall be signed every week by the court stipulating the dates of jury duty and the number of days served that week.

10. DEATH BENEFIT

Applies To: All Employees Not Covered By A Collective Bargaining Agreement

- A.** In the event of a death in the immediate family of a regular full-time employee of the Commission, as many as five (5) bereavement days, with pay, with up to two (2) of those days being able to be used by the employee non-consecutively so long as the use of the non-consecutive bereavement days are taken within six months of the date of death. Extensions will be considered on an as-needed basis, not to be unreasonably withheld. By immediate family is meant spouse, mother, father, children, step-children, step-parent, siblings, step-sibling, and domestic and civil union partner as defined by New Jersey law.
- B.** Three (3) bereavement days off with pay from time of death to the time of the funeral, will be allowed if the full-time employee is attending the funeral of a mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandchild, grandparent, or relative having domiciled in the employee's residence (with proof).
- C.** One (1) bereavement day with pay, will be allowed if the full-time employee is attending the funeral of an aunt, uncle, niece, or nephew.
- D.** No employee shall receive a paid bereavement day for a day on which he or she was not scheduled to work.
- E.** Full-time probationary Employees are eligible to receive Death in Family benefits.

11. MILITARY LEAVE

Applies To: All Employees Not Covered By A Collective Bargaining Agreement

- A. An employee (other than a temporary employee) who leaves a position with the Commission in order to be inducted in the armed forces of the United States, who completes a term of service satisfactorily and who applies for reemployment within 90 days of the date of discharge will, if still qualified to do the job, be reinstated in employment in accordance with the reemployment rights provisions of Chapter 43 of Title 38, United States Code (pertaining to veterans' reemployment rights).
- B. An employee who is called to extended field training as a member of the National Guard or a reserve component of the Army, Navy, Marine Corps, Air Force or Coast Guard may be granted up to a 2-week leave of absence from his or her position without loss of pay, provided he or she makes a written request for such leave and provides to the Commission a copy of his or her military orders.
- C. An employee who is called into period of service in the National Guard or a reserve component of the Army, Navy, Marine Corps, Air Force or Coast Guard for longer than two weeks will be placed on leave without pay, provided the employee makes a written request for leave without pay and provides to the Commission a copy of his or her military orders. This requirement may be satisfied by providing the Commission with a copy of the employee's Annual Drill Schedule. Upon completion of his or her period of service, the employee will be reinstated in accordance with the veterans' reemployment rights laws.

12. PERSONAL LEAVE

Applies To: All Employees Not Covered By A Collective Bargaining Agreement

Commission employees are expected to make a commitment to employment with the Commission. The Commission requires that employees be available for work on a regular basis. Although the Commission recognizes that events beyond an employee's control may sometimes require an extended absence from work, employees who are absent from work, for whatever cause, for a period of more than 24 work weeks in any twelve (12) month period will be separated from employment and will lose all rights of employment including, but not limited to, seniority, recall, health insurance coverage (except as provided for by law) and other benefits. In extraordinary circumstances, upon written approval from the Executive Director, the Commission may waive this policy. No modifications or waiver of this policy for a single employee shall be deemed to forfeit or waive the future application of this policy to other situations or other employees.

13. FAMILY AND MEDICAL LEAVE

Applies To: All Employees

This policy outlines the Burlington County Bridge Commission's expectations and your obligations when exercising Family and Medical Leave. It is the Commission's desire to comply with applicable law and to assist employees in times when personal obligations require an extended absence from work.

This policy summarizes the interaction between the Commission's policies, the Federal Family and Medical Leave Act ("FMLA") and the New Jersey Family Leave Act ("NJFLA"). If a leave qualifies under both the FMLA and NJFLA, the protections of both laws apply and the leave will run concurrently under each statute. The primary differences between the two statutes are that, under the NJFLA, employees cannot take leave for their own serious illness, because of a qualifying exigency related to a family member's call to active duty in the Armed Services, or to care for a family member in the Armed Services who suffered a serious injury or illness in the line of duty. Additionally, under the NJFLA employees may take leave to care for a seriously ill civil union partner, but the FMLA has no such provision. If an employee has any questions regarding eligibility or the amount of leave available, he or she may contact Human Resources.

A. EMPLOYEES ELIGIBLE FOR FMLA LEAVE

Employees who have been employed for at least 12 months by the Commission and have worked at least 1,250 hours for the Commission over the 12-month period prior to the leave request may be eligible for up to 12 weeks of FMLA leave in a 12-month period under Sections C(1), C(2), C(3), C(4), and C(6), or up to 26 weeks of FMLA leave in a 12-month period under Section C(7).

The 26-week period available for leave under Section C(7) includes all other leave taken under Sections C(1), C(2), C(3), C(4), and C(6) during the 12-month FMLA period.

Only actual hours worked, excluding paid and unpaid leave hours, but including overtime hours worked, are considered hours worked for FMLA eligibility.

B. EMPLOYEES ELIGIBLE FOR NJFLA LEAVE

Employees who have been employed for at least 12 months by the Commission and have worked at least 1,000 hours for the Commission over the 12-month period prior

to the leave request may be eligible for up to 12 weeks of NJFLA leave in a 24-month period under Sections C(1), C(2), C(3), and C(5).

Only "base hours," or regularly scheduled hours of work, excluding overtime, are considered hours worked for purposes of determining NJFLA eligibility. "Base hours" includes hours an employee would have worked but for an absence from work for a period of time due to military service.

C. WHEN LEAVE IS AVAILABLE

Eligible employees will be entitled to an unpaid leave of absence for one or more of the following reasons:

1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter;
2. Because of the placement of a son or daughter with the employee for adoption or foster care;
3. In order to care for the employee's spouse, civil union partner (under the NJFLA only), son, daughter or parent with a serious health condition. A son or daughter is defined as a child under 18 years of age, or those over 18 years of age and incapable of self-care because of a physical or mental disability;
4. Because of a serious health condition that makes the employee unable to perform the essential functions of his/her position;
5. In order to care for the employee's spouse's parent or civil union partner's parent (under the NJFLA only) with a serious health condition;
6. Because of any qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on active duty or has been notified of a pending call to active duty as a member of the National Guard, Reserves, or certain retired military in support of a contingency operation; and
7. In order to care for the employee's spouse, child, parent, or next of kin who is a current member of the Regular Armed Forces, the National Guard, or the Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty that may render him or her medically unfit to perform his or her military duties.

D. DEFINITION OF TERMS

A serious health condition is an illness, injury, impairment or physical or mental condition that involves:

1. Inpatient care in a hospital, hospice or residential medical care facility; or
2. Continuing treatment by a health care provider resulting in incapacity of more than three days; or
3. Other qualifying chronic conditions, periods of incapacity, or absences.

A qualifying exigency may include deployment on seven or less days of notice, military events and related activities, certain childcare and related activities, making and updating financial and legal arrangements, attending counseling, spending up to five days with a covered military member on rest and recuperation leave, or certain post-deployment activities.

Contingency operation means a military operation that (A) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or (B) results in the call to active duty of members of the uniformed services pursuant to statute or during a war or national emergency.

Next of kin, used with respect to an individual, means the nearest blood relative of that individual.

E. LIMITATION ON ELIGIBILITY FOR MATERNITY AND PATERNITY LEAVE

Maternity or Paternity Leave under Sections C(1) and C(2) must commence within 12 months of the date of the birth or placement of a child under the NJFLA and must conclude within 12 months of the birth or placement of a child under the FMLA.

F. PROCEDURE FOR REQUESTING LEAVE AND DESIGNATING LEAVE

1. At least 30 days advance notice of the need for leave is required for all foreseeable leaves of absence granted under Sections C(1), C(2), C(3), C(4), C(5), and C(7). Failure to provide the required advance notice may result in the denial of the leave until expiration of the required notice period. If such advance notice is not possible, an employee must provide

as much notice as is practicable under the circumstances. This generally means within one or two business days of when the need for leave becomes known to the employee.

2. For leaves of absence under Section C(6), notice of the need for leave must be provided as soon as reasonable and practicable.
3. The Commission may designate an absence from work as a leave under the FMLA and/or NJFLA when appropriate. Notice of such designation will be given to the employee, or if personal notification is not practicable, notice will be sent to the employee's home address on file. An employee is responsible for ensuring that his or her home address information is accurate and current.

G. CALCULATION OF LEAVE ENTITLEMENT PERIOD

The twelve month period used to calculate an employee's FMLA leave entitlement is calculated on a rolling basis by counting backwards from the date of the employee's requested leave. The twenty-four month period used to calculate an employee's NJFLA leave is also calculated on a rolling basis by counting backwards from the date of the employee's requested leave.

H. SCHEDULING OF PLANNED MEDICAL TREATMENTS

An employee must make an effort to schedule required medical treatments so as not to unduly disrupt the operations of the Commission.

I. CERTIFICATIONS

1. The Commission will require an initial medical certification from the treating health care provider of a serious health condition or an illness or injury incurred by a member of the Armed Forces in the line of duty that necessitates an employee's leave of absence. No leave will be approved until the initial medical certification is submitted, except in emergency situations.
2. The Commission will also require recertification of the need for leave every 30 days or upon the expiration of the period of incapacity as indicated in any prior certification form. The Commission may also require recertifications upon receipt of a request for additional leave or upon a change in circumstances.

3. Failure to submit the proper certification within 15 calendar days will revoke an employee's entitlement to continued leave. Certification forms can be obtained from the Commission. Certification forms must be fully completed. Incomplete forms may result in the denial or revocation of leave.
4. If an employee is requesting leave to care for his/her child, parent, spouse, civil union partner, spouse's parent, or civil union partner's parent under Sections C(3) or C(5), the employee is required to produce a written certification from the family member's treating health care provider certifying that the employee is needed to care for that family member, and an estimate of the time the employee is needed to provide such care. Copies of the certification are available from Human Resources.
5. If an employee is requesting a leave for his/her own serious health condition under the FMLA under Section C(4), the employee must provide a written certification from his/her treating health care provider that the employee is unable to perform the functions of his/her job. Copies of the certification are available from Human Resources.
6. If an employee is requesting leave because of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on active duty or has been notified of a pending call to active duty under Section C(6), the employee must provide written certification, such as a copy of the covered military member's active duty orders. Copies of the certification are available from Human Resources.
7. If an employee is requesting leave to care for his or her spouse, child, parent, or next of kin who is a covered service member with a serious injury or illness incurred in the line of duty on active duty under Section C(7), the employee must provide a written certification from the family member's treating health care provider stating the date on which the illness or injury commenced, the probable duration of the illness or injury, and the appropriate medical facts within the knowledge of the health care provider regarding the illness or injury. Copies of the certification are available from Human Resources.
8. If an employee is unable to return to work at the conclusion of his/her leave entitlement due to the continuance, recurrence or onset of a serious health condition, he/she must provide medical certification of that condition.
9. The Commission reserves the right to require a medical certification from a second health care provider. If the second certification differs from the

employee's original certification, the Commission reserves the right to require a third certification from a health care provider approved jointly by the Commission and the employee. The third medical certification will be deemed final and binding on both the Commission and the employee. The Commission will pay for the cost of second and third medical certifications, if any.

J. INTERMITTENT OR REDUCED LEAVE

1. Intermittent or reduced leave is available under Sections C(1) and C(2) only with express written approval from the Commission.
2. Leave under Sections C(3), C(4), C(5), and C(7) may be taken intermittently or on a reduced leave schedule (a decrease in the number of hours per work week or hours per work day of an employee) only when medically necessary. If an employee exercises intermittent or reduced leave for planned medical treatment, the Commission reserves the right to transfer that employee temporarily to an alternative position, with equivalent pay and benefits, that better accommodates the recurring periods of leave than does that employee's regular position.
3. Leave under Section C(6) may be taken intermittently or on a reduced leave schedule (a decrease in the number of hours per work week or hours per work day of an employee).
4. Intermittent leave for a serious health condition which qualifies only under the NJFLA is limited to intervals of at least one week and must be taken within a twelve month period, calculated from the commencement of the leave period.
5. The Commission requires medical certification of the need for any intermittent or reduced schedule leave under the FMLA and/or NJFLA.
6. The Commission may require an employee returning from intermittent leave to submit a certification from his/her health care provider certifying that the health care provider has reviewed the essential functions of the employee's job and that the employee is able to resume his/her position. A current job description must be obtained by the employee from the Commission and provided to the health care provider.

K. PERIODIC REPORTS

The Commission requires an employee on any type of leave to report on a periodic basis his/her status and intention of returning to work, when requested by the Commission. An employee who notifies the Commission that he or she will not return from leave will be separated from employment with the Commission as a voluntary resignation.

L. SUBSTITUTION OF PAID LEAVE

Employees must substitute any accrued paid vacation, personal, or sick leave for any part of the unpaid leave period under the FMLA and/or NJFLA, except as set forth below and in Section M. Any use of paid leave will count as part of an employee's total leave entitlement.

Sick leave may only be utilized for purposes that qualify under the Commission's sick leave policy. Vacation leave is not required to be utilized if an employee is taking leave because of his or own serious health condition under Section C.4.

The Commission reserves the right to retroactively designate paid or unpaid leave which has been used by an employee as FMLA and/or NJFLA leave, as permitted by law.

M. WORKERS' COMPENSATION

Leave taken for a serious health condition pursuant to workers' compensation will be counted against an employee's FMLA leave entitlement. No form of paid leave may be substituted while such benefits or any other form of wage loss or wage replacement benefits are being received.

N. AGGREGATE OR COMBINED LEAVE BY EMPLOYEES' SPOUSES

If husband and wife or two civil union partners are both employed by the Commission, their leave entitlements shall be calculated as allowed by law.

O. CONTINUATION OF BENEFITS DURING LEAVE

1. Except for an employee who is on leave for a work-related injury (Workers' Compensation), there is no accrual of seniority, length of service or any other employment benefits during an employee's leave, including but not limited to life insurance, disability insurance, sick leave, personal leave, annual or vacation leave, retirement or pension benefits, stock ownership or educational reimbursement benefits. With respect to pension or other

retirement plans, if any, any period of leave will be treated as continuing service for the purposes of vesting and eligibility.

2. The Commission will continue to pay its then current portion of premiums for health care coverage for an employee on FMLA or NJFLA leave at the same level and conditions as if the employee was actively employed. Employees who usually make co-payments for health care coverage must continue to do so during the leave period. Co-payments or premiums must be timely delivered to the Commission. If any co-payment or premium is more than 30 days past due, an employee's health insurance may be terminated after 15 days' written notice, for the duration of the leave period.

P. RETURN FROM LEAVE

Upon timely return from Family and Medical Leave, an employee will be returned to his/her prior position or an equivalent position with equivalent benefits, pay and other benefits, terms and conditions of employment, subject to the conditions below:

1. Before returning to work, an employee who has taken leave for his/her own serious health condition is required to submit a certification from his/her health care provider certifying that the health care provider has reviewed the essential functions of the employee's job and that the employee is able to resume his/her position. A current job description must be obtained by the employee from the Commission and provided to the health care provider. In addition, the employee must undergo a fitness-for-duty physical by the Commission health care provider before returning to work.
2. The Commission is not obligated to reinstate to employment any employee whose job position is eliminated for any reason during his/her leave of absence.
3. Certain employees may be denied leave and/or restoration to employment pursuant to applicable law if:
 - a. The employee is a "Key" employee, as defined by law, and
 - b. The denial is necessary to prevent substantial and grievous economic injury to the operations of the Commission.

An employee will be notified at the beginning of leave or when leave is requested if he or she is considered a "Key" employee.

Q. FAILURE TO RETURN FROM LEAVE

1. If an employee's leave entitlement expires and the employee does not return to work, the Commission has no obligation to continue paying health insurance premiums on behalf of the employee and has no obligation to restore him/her to employment.
2. The Commission will consider failure to return from a Family and Medical leave as a resignation from employment.
3. The Commission reserves the right to recover health insurance premiums that it paid on an employee's behalf while the employee is on FMLA leave, if the employee fails to return from leave for any reason except where the employee is unable to return to work for reasons beyond his/her control, such as the continuation, recurrence or onset of a serious health condition.

R. ADDITIONAL EMPLOYEE RESPONSIBILITIES

It is an employee's sole responsibility to ensure that all requests for leave, certifications and other required forms or documents are submitted to the appropriate person in a timely manner. Failure to do so can result in the denial or revocation of leave and disciplinary action, up to and including discharge. Falsification of any request, certification, or other form or document will be punishable by termination. Requesting leave fraudulently or remaining on leave and engaging in activities that are inconsistent with an employee's reasons for taking leave are punishable by termination. Working for any other employer during a Family and Medical Leave without advance written approval will be punishable by termination, subject to the provisions of N.J.A.C. 13:14-1.8, as applicable.

S. INTERPRETATION OF POLICY

This policy is intended to provide a summary of the provisions of the Federal Family and Medical Leave Act of 1993, the NJFLA and the Commission's policies and procedures. This policy is not intended to and does not create any rights, obligations, privileges or duties above those created by law. This policy is not a contract or promise and does not provide or promise any leave or benefit not required by law to be provided. This policy is informational only and cannot address every possible circumstance. An employee's leave entitlements and eligibility are governed strictly by applicable law and are not created, diminished, increased or otherwise modified by the terms of this policy.

T. LEAVE EXTENSION

1. An employee who has exhausted his or her available FMLA and NJFLA Leave may request an additional unpaid leave of absence not to exceed twelve (12) weeks under the Commission's Personal Leave policy.
2. Any employee who accepts a Personal Leave cannot be guaranteed reinstatement to his or her prior job position.
3. The Commission will reinstate an employee returning from a Personal Leave consistent with its business needs, as determined in its sole discretion. An employee's job position may be permanently filled while an employee is on Personal Leave if the Commission determines that it is necessary to do so. The Commission reserves the right to deny a Personal Leave or to limit the duration of a Personal Leave or to terminate an employee's ongoing Personal Leave, in its sole discretion.
4. An employee requesting a Personal Leave must submit a written request to Human Resources *prior to* the expiration of any approved Family and Medical Leave. Failure to timely request a Personal Leave may result in the denial of the leave and separation from employment. Failure to request a Personal Leave prior to the expiration of a Family and Medical Leave will result in any failure to return to work at the expiration of the Family and Medical Leave being treated as an unexcused absence or absence without leave.
5. The Commission may require medical certification and recertifications of the need for leave for any Personal Leave occasioned by an employee's or family member's serious health condition.
6. A Personal Leave is an unpaid leave under the Commission's Personal Leave policy and is subject to the requirements and conditions of that policy. (*See Tab 12 - Personal Leave Policy*) Employees are responsible for reviewing the Commission's Personal Leave policy and complying with its requirements. A Personal Leave is available only for extraordinary circumstances.
7. The Commission will notify an employee on a Personal Leave extension prior to filling his or her position. Notification will be made by telephone or by mail addressed to the employee's last known address. An employee is responsible for ensuring that his/her mailing address on file is correct and current. If an employee is unable to immediately return to work or cannot be contacted, his or her job position may be permanently filled.

U. EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FMLA

EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

FMLA section 109 (29 U.S.C. § 2619) requires FMLA covered employers to post the text of this notice. Regulations 29 C.F.R. § 825.300(a) may require additional disclosures.



For additional information:
1-866-4US-WAGE (1-866-487-9243) TTY: 1-877-889-5627
WWW.WAGEHOUR.DOL.GOV



U.S. Wage and Hour Division

U.S. Department of Labor | Employment Standards Administration | Wage and Hour Division

WHD Publication 1410 Revised January 2009

14. SUPPLEMENTAL WORKERS COMPENSATION POLICY

Applies To: All Employees Not Covered By A Collective Bargaining Agreement

- A. If an employee of the Commission is injured within the course and scope of employment with the Burlington County Bridge Commission, the Commission shall provide supplemental payments to the employee on workers' compensation to guarantee that the employee will not take home less pay than they would have if they were working their normal pay period. Supplemental payments will not be made where an employee's workers' compensation claim is denied by the Commission or its insurance carrier.
- B. This policy shall be subject to amendment, modification, or repeal at the discretion of the Burlington County Bridge Commission and shall in no way be construed as contractual in character but as a voluntary gesture on the part of the Burlington County Bridge Commission towards its employees.
- C. In administering this policy, the Executive Director shall be permitted to apply the following rules at such time or times as in his/her judgment shall seem appropriate:
1. Payment of the benefits provided for in this policy shall be suspended by the Executive Director whenever in his/her judgment the employee unreasonably delays in initiating a claim for workers' compensation, or in bringing the same to a hearing for the determination of the question as to whether or not his or her temporary disability shall have ended.
 2. The Executive Director may at all reasonable times require any employee claiming benefits of this resolution or his or her attorney to supply evidence (a) of a continuing temporary disability; (b) of the fact of payment or non-payment by the insurance company, and if payments are being made, the date or dates or amount or amounts of each such payment; (c) that the employee is seeking and obtaining reasonable medical treatment; and (d) that the employee or the employee's attorney is pursuing the employee's claim against the insurance carrier with reasonable diligence.
- D. When the period of temporary disability has ended, no further payments will be made.

- E. This policy supersedes Bridge Commission Resolution No. 66-13 with respect to employees not covered by a collective bargaining agreement.

15. EMPLOYEE MEDICAL EMERGENCIES

Applies to: All Employees

A. Notification of Illness or Injury

An employee who is injured or becomes ill while on duty must immediately (and in no case more than 24 hours after the event) report the injury or illness to the nearest available superintendent, supervisor, or other member of management.

B. Emergency Medical Procedures During Daytime Hours

The supervisor, superintendent, or member of management notified of the injury or illness will send the employee to the appropriate doctor, facility, or hospital approved by the Commission. Minor illnesses are excluded. The supervisor, superintendent, or member of management will notify the doctor, facility, or hospital that the employee will be reporting for treatment, and will notify the Director of Human Resources of the injury or illness.

C. Emergency Medical Procedures At Other Times

If the supervisor is unable to contact the appropriate doctor, facility, or hospital, the supervisor must determine the severity of the injury or illness. If it is determined that an emergency exists, the employee should be sent or taken to the nearest available doctor, facility, or hospital. If it is determined that there is no emergency, the employee should be instructed to report to the doctor, facility, or hospital during daytime hours the following day.

D. Reporting the Injury or Illness

1. An employee reporting to a doctor, facility, or hospital must obtain an Authorization for Treatment Form from the supervisor or superintendent to whom the employee reports the injury or illness, or from any available member of management. A Fit-for-Duty status Form must be signed by the doctor treating the injury or illness, and returned to the Director, Human Resources.

2. The member of management to whom the incident was reported must also, (a) report the incident immediately to the Bridge Commission Police Department; and (b) file a written report with the Director of Human Resources within 24 hours. The Police Department has the duty to investigate all injuries immediately.

E. Necessity of Reporting Injury or Illness

It is important for every employee to report any injury or illness that occurs while the employee is on duty because the employee's eligibility for Workers' Compensation is based on an injury or illness arising out of and in the course of the worker's employment. The employee must also file an Employee's Report with the Director of Human Resources within 24 hours of the incident.

16. TRAVEL ON BRIDGE COMMISSION BUSINESS

Applies to: All employees not covered by a collective bargaining agreement

A. Procedure for Approval of Travel

Employees, in discharging their obligation of fiscal responsibility to the public, must exercise prudent judgment by attempting to reduce costs. The Commission reserves the right to decline reimbursement if it deems an employee's reimbursement request or expenditure unreasonable, wasteful, or excessive.

When an employee is required to be away from the employee's residence overnight for purposes of business, such travel must be authorized by the Commissioners at a public meeting. If an emergency arises, the Executive Director may authorize the travel, but must make a complete report to the Commissioners at the next public meeting. The Commission will provide the employee with a cash advance in an amount reasonably anticipated to cover necessary food, lodging, and other business expenses. The employee shall be responsible for such cash advance and must provide receipts for all expenditures, along with a properly filled out expense report within 30 days of the event. If the advance proves insufficient, the Commission will promptly see that the additional monies are reimbursed to the employee. If the employee spends less than the advance, then the employee shall promptly reimburse the Commission for the overage.

B. Allowable Expenses

1. **Entertainment.** Properly documented business meals will be reimbursed for actual reasonable cost when the meal is with business associates for business purposes. The documentation must prove the amount, date, name and address or location, the purpose of the meal or the business discussed, and the documentation must identify the individual(s) entertained.
2. **Travel.** While traveling on authorized Commission business, the Commission will reimburse employee expenses only.
 - a. *Meals When Traveling* – The actual reasonable cost of properly documented travel meals, including a 15-20% tip, will be reimbursed.

When attending conventions or meetings in which meals are included in the registration fee, the Commission will not reimburse any meals which duplicate those included in the registration fee.

- b. *Hotels* – Every effort should be made to obtain the most reasonable accommodations available. The Commission will reimburse employees at the standard room rate for the number of days of the meeting or convention, plus one or two if necessary to accommodate reasonable travel arrangements.
- c. *Transportation* - Every effort should be made to obtain the most reasonable transportation available. The Commission will reimburse coach air, train, or bus fare for the direct or usually traveled route, or if practical, the Commission will reimburse for mileage for use of a privately owned vehicle. However, employees electing to use their own vehicles when satisfactory public transportation is available will be reimbursed only for the lowest comparable public transportation cost.

Auto rental will be reimbursed for transportation to and from the airport or from the employee's hotel to the meeting site when other means of transportation are not practical.

The Commission will reimburse for taxi, airport limousine, or bus transportation, and tips if such expenses are reasonable and necessary.

C. Employee Expense Summary

When attending meetings or conventions, employees will submit within 30 days, a summary of expenses less advances. Employees will include a request for reimbursement for expenses in excess of advance, or indicate amount returned for an advance in excess of expenses.

The employee must provide documentation and receipts for expenses listed.

17. SMOKING POLICY

Applies To: All Employees

In order to provide a comfortable and safe work environment for all of its employees, the Burlington County Bridge Commission prohibits smoking of any kind (including cigarettes, pipes and cigars), in all building and offices of the Bridge Commission, which includes toll booths, operating towers and all Bridge Commission vehicles.

Employees shall not be permitted any special breaks or privileges in order to smoke.

No employee shall be retaliated against in any way for having reported a violation of this policy. Violations of this policy will not be permitted and may result in appropriate disciplinary action.

18. DRUG AND ALCOHOL POLICY

Applies To: All Employees

A. Statement of Drug and Alcohol Use Policy

It is hereby declared the policy of the Burlington County Bridge Commission that it will maintain a safe and drug-free workplace. All employees of the Bridge Commission are prohibited from possessing, consuming, or being under the influence of illegal drugs during working hours or on Bridge Commission property. All employees of the Bridge Commission are expected, as employees of a governmental agency, to refrain from the use of drugs that the governments of the United States and New Jersey have declared illegal. All employees of the Bridge Commission are also prohibited from possessing, consuming, or being under the influence of alcohol during working hours or on Bridge Commission property. Under the influence of alcohol is defined as a blood alcohol content ("BAC") of .04 or greater for all employees except those covered by Department of Transportation ("DOT") regulations as set forth below. Under the influence of alcohol for employees covered by DOT regulations is defined as a BAC of .02 or greater. The Bridge Commission will enforce this policy through mandatory drug and/or alcohol testing. This section of the Bridge Commission Employee Policy Manual implements the foregoing policies.

B. Coverage of the Drug and Alcohol Testing Policy

Consistent with the rights of employees and prospective employees under the United States and New Jersey Constitutions, the Bridge Commission has adopted a drug and alcohol testing policy that imposes on employees the obligation to remain drug and alcohol-free. The obligation increases with an employee's responsibility for public safety and welfare (as dictated by the employee's job classification). Those obligations, and the manner in which they will be tested, are set forth in this section.

1. **Police Officers And Dispatchers.** Bridge Commission Police Officers and Dispatchers are subject to drug and/or alcohol testing in accordance with the following policies and standards:
 - (i) All applicants for positions in the Bridge Commission Police Department will submit to a drug screening prior to appointment. Appointment is contingent on a negative result.
 - (ii) All police officers and dispatchers appointed by the Bridge Commission who are required to attend mandatory basic training run

by the State of New Jersey will be required to submit one or more urine specimens for testing while in attendance as set forth in the guidelines issued by the New Jersey Attorney General. This testing is not conducted or controlled by the Bridge Commission.

- (iii) Permanently appointed police officers and dispatchers shall undergo mandatory drug and/or alcohol screening under the following circumstances:
 - (1) during random testing imposed pursuant to an established method of random selection resulting in a minimum of 50% of officers and dispatchers being selected for testing for use of controlled substances, and a minimum of 10% of officers and dispatchers being selected for testing for alcohol use;
 - (2) during their annual physical examinations;
 - (3) during physical examinations administered upon return to work after:
 - a. absences for illness or injury (whether occurring on- or off-duty) requiring hospital treatment;
 - b. absences due to disciplinary suspension;
 - c. absences for treatment of drug and/or alcohol abuse, including treatment as a result of self-identification (*see* Section D); or
 - d. any absence not covered by (a)-(c) but which lasts more than fifteen calendar days.
 - (4) when involved in a motor vehicle accident during working hours that involves
 - a. a fatality;
 - b. the employee receiving a traffic citation arising from the accident for a violation of state or local law; or
 - c. injury to a person or damage to a vehicle;
 - (5) when involved in an accident on the job that causes bodily injury requiring medical treatment or involving property damage; and

- (6) when circumstances arising to individualized reasonable suspicion cause a trained or certified member of management or supervisor to order drug and alcohol testing. In determining whether “reasonable suspicion” exists, the Bridge Commission will rely on specific and personally-observed facts and rational inferences that can be derived from those facts. The following factors will be considered:
 - a. Behavior (*e.g.*, unusual or erratic behavior, impulsive or violent behavior, uncontrolled laughter or crying, depression, forgetfulness);
 - b. Job Performance (*e.g.*, personal and vehicle accidents wherein the employee is believed to be impaired, decline in quality or quantity of work performance, excessive absenteeism or lateness, abuse of Bridge Commission tools and equipment, poor customer relations)
 - c. Appearance (*e.g.*, red or glassy eyes, health problems that may be alcohol and/or drug-related);
 - d. Speech (*e.g.*, slurred or non-sensible speech, uncontrolled laughter or crying);
 - e. Odor (*e.g.*, unusual smelling breath or clothing); or
 - f. Other facts that give rise to reasonable suspicion.

2. **Regulated Employees.** Bridge Commission “regulated employees” are employees who perform safety-sensitive functions that impose a risk of immediate and substantial harm to others. Regulated employees include the following: tower operators, back-up tower operators, emergency personnel who might be called upon to act as tower operators, Delanco bridge tenders, back-up Delanco bridge tenders, and maintenance department employees who may perform work on the Bridge Commission’s bridges and/or the surrounding areas. Regulated employees are subject to drug and/or alcohol testing in accordance with the following Bridge Commission policies:

- (i) All regulated employees will submit to drug screening prior to appointment at the Bridge Commission or to transfer from a non-regulated position to a regulated position. Appointment is contingent on a negative result.

- (ii) All regulated employees will submit to mandatory drug and/or alcohol screening under the following circumstances:
 - (1) during random testing imposed pursuant to an established method of random selection resulting in a minimum of 50% of regulated employees being selected for testing for use of controlled substances, and a minimum of 10% of regulated employees being selected for testing for alcohol use;
 - (2) during their annual physical examinations;
 - (3) during physical examinations administered upon returning to work after:
 - a. absences for illness or injury (whether occurring on- or off-duty) requiring hospital treatment;
 - b. absences due to disciplinary suspension;
 - c. absences for treatment of drug and/or alcohol abuse, including treatment as a result of self-identification (*see* Section D); or
 - d. any absence not covered by (a)-(c) but which lasts more than fifteen calendar days.
 - (4) when involved in a motor vehicle accident during working hours involving:
 - a. a fatality;
 - b. the employee receiving a traffic citation arising from the accident for a violation of state or local law; or
 - c. injury to a person or damage to a vehicle;
 - (5) when involved in an accident on the job that causes an injury requiring medical treatment or involving property damage; and
 - (6) when other circumstances arising to individualized reasonable suspicion cause a trained or certified member of management or supervisor to order drug and alcohol testing. For factors considered in determining whether "reasonable suspicion" exists to test an employee, *see* "Police," Section B.1.(iii).(6).

3. **Other Employees.** Bridge Commission employees not covered by the policies dealing with police officers, police dispatchers, and regulated employees as set forth above (*e.g.*, toll collectors who are not authorized to operate the bridges, janitors/custodians, and administrative employees), are subject to mandatory drug and alcohol testing in accordance with the following policies:

- (i) All applicants for employment will be tested for drugs prior to appointment. Appointment is contingent on a negative result.
- (ii) All employees not covered by Sections B.1 and B.2 of this policy will submit to mandatory drug and alcohol testing when circumstances arising to individualized reasonable suspicion cause a trained or certified member of management or supervisor to order drug and alcohol testing. For factors considered when determining whether “reasonable suspicion” exists for testing an employee, *see* “Police,” Section B.1.(iii).(6).
- (iii) All employees not covered by Sections B.1 and B.2 of this policy will be subject to physical examinations, which will not include drug and alcohol testing, administered upon returning to work after:
 - (1) absences for illness or injury (whether occurring on- or off-duty) requiring hospital treatment;
 - (2) absences due to disciplinary suspension;
 - (3) absences for treatment of drug and/or alcohol abuse, including treatment as a result of self-identification (*see* Section D); or
 - (4) any absence not covered by (a)-(c) but which lasts more than fifteen calendar days.

4. **CDL Employees.**

The federal DOT has issued regulations governing drug and alcohol testing of employees in job classifications requiring a Commercial Driver’s License (“CDL”). An employee is required to have a CDL if he or she operates a vehicle with a gross, actual, or registered weight of 26,001 pounds or more, a vehicle designed to transport 16 or more passengers, or a vehicle placarded for hazardous materials. The Bridge Commission will implement the DOT regulations effective with this manual.

All employees in job classifications requiring a CDL ("CDL employees") and applicants for positions requiring a CDL are subject to drug and/or alcohol testing as follows:

- (i) All applicants for positions requiring a CDL will be tested for drugs prior to appointment. Appointment is contingent on a negative result.
- (ii) All applicants for positions requiring a CDL who have been employed in a position which required a CDL during the previous three years will be asked to verify that they have not had a positive alcohol and/or drug test or a refusal to test during that time. In addition, they will be required to sign a release of information form that will be sent to the applicant's previous employers to determine whether the applicant has a record of positive drug and/or alcohol testing results and/or refusals to test, and, if so, whether the applicant has successfully completed treatment with a substance abuse professional. If the applicant does not grant permission for the release of this background information, he/she is not eligible for employment. If the background check reveals that the applicant tested positive for drugs and/or alcohol or refused a drug and/or alcohol test within the past three years and did not successfully complete treatment with a substance abuse professional, he/she will be removed from consideration for employment.
- (iii) All CDL employees will be subject to random testing each year. The Bridge Commission will use a random process to select a minimum of 50% of the CDL employees, who will be tested for use of controlled substances. CDL employees selected on a random basis for testing will be required to provide a urine sample. Additionally, a minimum of 10% of the CDL employees will be randomly tested for alcohol use each year;
- (iv) When circumstances arising to individualized reasonable suspicion cause a member of management or supervisor to order drug and/or alcohol testing. For factors considered when determining whether "cause" exists for testing an employee, *see* "Police," Section B.1.(iii).(6);
- (v) Mandatory post-accident testing is required of all CDL employees who are involved in an accident while operating a commercial vehicle requiring a CDL. CDL employees will provide a urine specimen for drug testing as soon as possible after a motor vehicle accident, but in no case later than 32 hours after the accident.

Additionally, CDL employees will be tested for alcohol concentration as soon as possible after an accident, but in no case later than 8 hours after the accident.

- (1) A motor vehicle accident for purposes of CDL employees is defined as involving:
 - a. a fatality; or
 - b. the driver receiving a traffic citation arising from the accident for a violation of state or local law and injury to a person or damage to a vehicle.
- (2) If as a consequence of an accident a CDL employee is seriously injured and cannot provide a specimen at the time of the accident, he/she must provide the necessary authorization for obtaining hospital records and other documents that will indicate whether there were any controlled substances or alcohol in his/her system at the time of the accident.

A CDL employee who has a BAC between .02 and .039 must be removed from his/her driving duties for a minimum of 24 hours and is subject to a return to duty test. The employee must test below .02 BAC prior to being permitted to return to work. In the event a CDL employee tests above .04 BAC, the employee is immediately removed from duty and referred to a substance abuse professional for treatment.

A CDL employee who tests positive for drugs must be removed from his/her driving duties once it is determined that the positive test resulted from the unauthorized use of a controlled substance.

The Bridge Commission is not obligated to provide rehabilitation for violators of the Drug and Alcohol policy. However, if the Bridge Commission chooses to reinstate a CDL employee to his/her position, the driver must:

- (1) be evaluated by a certified substance abuse professional
- (2) comply with any recommended treatment and testing; and
- (3) take return to duty drug and/or alcohol tests and unannounced follow-up tests. At least six tests will be conducted in the first twelve months after a CDL employee returns to duty. Follow-up testing may be extended for up to sixty months following return to duty. The results of all alcohol tests must be less than .02 BAC and the results of all drug tests must be negative.

The Bridge Commission will notify CDL employees and applicants for positions requiring a CDL of the result of tests. Those who test positive will also be advised what drug or what amount of alcohol was discovered.

Note that in circumstances not addressed by DOT regulations, CDL employees are also subject to drug and/or alcohol testing based on the Bridge Commission's policy for regulated employees.

C. Testing Procedures

Drug and alcohol testing will be performed by a company unaffiliated with the Bridge Commission with which the Bridge Commission contracts for this purpose. Collection and testing procedures are designed to protect the applicant/employee and the integrity of the testing process, safeguard the validity of the test results, and ensure that test results are attributed to the correct applicant/employee.

Drug testing will be conducted through urinalysis. Testing conducted for CDL employees pursuant to DOT regulations will conduct a 5 Panel test for the presence of the following substances: Marijuana, Cocaine, Opiates, Amphetamines, and Phencyclidine (PCP). All other testing will be a 10 Panel test for the presence of the following substances: Marijuana, Cocaine, Opiates, Amphetamines, Phencyclidine (PCP), Barbiturates, Benzodiazepines, Methaqualone, Methadone, and Propoxyphene. The applicant/employee will provide personal identification and a urine sample at the assigned collection site at the appointed time. Under split specimen procedures, the donor will provide 45 milliliters in a specimen container. The collector will pour 30 milliliters into one bottle and seal it. The remaining sample of 15 milliliters will be sealed in a second bottle. Both bottles will be sent to a Substance Abuse and Mental Health Services Administration ("SAMHSA") certified laboratory for testing.

The bottle with 30 milliliters will be the primary specimen. If it tests positive, it will be reviewed by a Medical Review Officer ("MRO"), who will determine whether the positive result indicates illegal drug use or whether other medical explanations could account for the result. All positive urine screens will be confirmed through GC/MS testing. The MRO will inform the applicant/employee of a verified positive result, in which case the applicant/employee may – within 72 hours of notification – request an analysis of the second (15 milliliter) specimen by another SAMHSA certified laboratory. For CDL employees/applicants, the Bridge Commission is responsible for the payment of the split specimen testing and will seek reimbursement from the CDL employee for this test after the fact. For all other employees/applicants, this testing is done strictly at their own expense.

Alcohol testing will be conducted using a breath specimen taken by a breath alcohol technician ("BAT") using an approved breath testing device. Before being tested, the employee is required to present personal identification and execute a "Breath Alcohol

Test Form.” Prior to each alcohol breath test, the BAT will instruct the employee on how the test will be performed. The BAT will attach to the testing device an individually sealed mouthpiece. The employee will then be directed to blow forcefully into the testing device until an adequate amount of breath has been maintained.

In the event that an employee provides an adequate breath specimen and the initial test registers a BAC of .02 or greater for CDL employees or a BAC of .04 or greater for all other employees, a confirmatory test will be performed. If the same results are reached, the test result will be a confirmed positive. In the event that an employee is unable to provide an adequate amount of breath during an initial or confirmatory test, a licensed medical physical will determine whether a valid medical condition exists explaining this inability. If the physician determines that a valid medical condition does exist, the test result will be negative. If the physician determines that a valid medical condition does not exist, the test result will be a confirmed positive.

An applicant or employee has the right to request and receive a copy of the test results from any drug or alcohol test for which he/she provided a urine or breath sample.

The Bridge Commission will attempt to insure that all aspects of the testing process are kept as confidential as reasonably practical. Actual test results will be provided to supervisors and managers who have a need to know such information, to the person tested, and to any person required by law to receive such information. Except as required by law, test results will not be disclosed to co-workers, an employee’s family, uninvolved supervisors, or law enforcement authorities.

D. Self Identification

Employees may voluntarily self-identify that they may be impaired due to drug and/or alcohol use. Discipline will not be initiated against employees who self-identify. Self-identification must be totally voluntary and is not allowed after an employee has been notified to report for a test due to one of the circumstances listed in this policy.

This Section will apply to an employee who self-identifies for the first time during the course of his/her employment with the Bridge Commission. If an employee self identifies more than one time during the course of his/her employment, the Bridge Commission retains the discretion to apply this Section or discipline the employee pursuant to Section F.1.

An employee who self-identifies will be referred to a substance abuse professional for evaluation, treatment, and testing. He or she must be cleared to return to work by the substance abuse professional who must certify that he or she has complied with his or her treatment plan. In addition, he or she will be subject to return to duty testing and unannounced follow-up testing. Unannounced follow-up testing will be conducted at

least six times within the first twelve months after return to duty, and may be extended up to sixty months. The employee is responsible for the payments required for this testing.

E. Violations of the Drug and Alcohol Policy

1. All employees will be in violation of this policy if they are found, through the drug testing program implemented herein, to have used illegal drugs.
2. All employees will be in violation of this policy if they are found, through the alcohol testing program implemented herein, to have a BAC of .04 or greater.
3. CDL employees will be in violation of this policy if they are found, through the alcohol testing program implemented herein, to have a BAC of .02 or greater.

F. Penalties for Violation of the Drug and Alcohol Policy

1. If an employee is found to have violated this policy, he/she may be subject to discipline, up to and including termination. The Bridge Commission may, at its discretion, refer an employee found to have violated this policy to a substance abuse professional for treatment.
2. The provisions of this policy manual, including the disciplinary rules and regulations, apply to all situations covered by this section.
3. An employee covered by a collective bargaining agreement shall have all rights afforded him/her by that agreement in situations covered by the Bridge Commission drug and alcohol testing policies.
4. If an employee refuses to submit to a drug or alcohol test, he/she will be immediately discharged. Actions constituting refusal to submit to a test include
 - (i) failing to appear for a test within a reasonable time;
 - (ii) failing to remain at the testing site until the testing process is complete;
 - (iii) adulterating or substituting a specimen; or
 - (iv) failing to cooperate with any part of the testing process.
5. An employee who violates the policy may be referred to a substance abuse professional for evaluation, treatment and testing. He or she must be cleared to return to duty by a substance abuse professional who must certify

that he or she has complied with his or her treatment plan. In addition, he or she will be subject to return to duty testing and unannounced follow-up testing. Unannounced follow-up testing will be conducted at least six times within the first twelve months after return to duty, and may be extended up to sixty months. The employee is responsible for the payments required for this testing.

19. DISCIPLINARY ACTION PROCEDURE

Applies To: Bargaining Unit and Non-Bargaining Unit Employees As Set Forth Below

- A. See applicable Collective Bargaining Agreement for covered employees.
- B. Employees not covered by a collective bargaining agreement are employed at will. This means that either the employee or the Bridge Commission may terminate the employment relationship at any time, for any reason, with or without notice. In other words, the Bridge Commission has the right to terminate employment whenever it so desires for any reason not unlawful or contrary to a collective bargaining agreement.

Employees at-will have no right to a disciplinary hearing of any kind.

20. DISCIPLINARY RULES

Applies To: All Employees

A. Termination

The Commission considers the following acts to be serious offenses against the interests of the Commission and the public, and any employee involved in such an act is subject to immediate termination. These acts are not all-inclusive. This list is meant to guide the Executive Director in the administration of discipline.

1. Theft of Commission money or property. Money found in the toll booth lanes and related areas is considered Commission property. Taking such money is a violation of this policy.
2. Use of Commission property or equipment for private purposes without proper authorization.
3. Unauthorized disclosure of the personal employee information of Commission employees.
4. Deliberately making a false statement or false entry in any Commission record or document, including but not limited to job applications, employee timecards, invoices, vouchers, ledgers, receipts, records of payment, checks, medical records, and incident reports.
5. Punching in or out any employee timecard other than the employee's own timecard for any reason not specifically authorized by the Executive Director.
6. Violation of any provision of the Burlington County Bridge Commission Code of Ethics. (*See Part 1*)
7. Violation of any provisions of the Commission Policy on Sexual and Other Unlawful Harassment. (*See Part 4*)
8. Acts of violence, fighting, horseplay on the job, or any other violation of the Commission Policy on Workplace Violence.

9. Possession, sale, use of drugs or alcoholic beverages on Commission property.
10. Appearing at work while under the influence of alcohol or drugs or a violation of the Commission Drug and Alcohol Policy.
11. Indecent or immoral behavior while on duty.
12. Interference with a member of the Commission Police Force.
13. Insubordination.
14. Chronic absenteeism.
15. Conviction of a felony.
16. Possession of firearms or dangerous weapons on Bridge Commission property (except for police officers whose duties require use of approved weapons).
17. Gambling on Bridge Commission property.
18. Negligence, carelessness or sabotage that might result in damage to equipment or property or injury to another employee or a member of the public.
19. Leaving the job without permission from a supervisor.
20. Breach of the employee's duty of courtesy to the public.
21. Police officers sleeping on duty.
22. Refusal to cooperate in an investigation by the Commission, its Executive Director, the Executive Director's designee, or the Police Department.
23. Violation of any Commission policies.
24. Discourtesy to patrons or other employees, including but not limited to harassing others on the basis of their race, color, creed, national origin, ancestry, religion, sex, affectional or sexual orientation, marital status, familial status, age, disability, political affiliation, or any other category protected by law.

25. Repeated violations of any combination of the offenses listed under B. Progressive Discipline.

B. Progressive Discipline

The acts described below subject the employee to progressive discipline as follows:

First Offense	-	Written Warning
Second Offense	-	Three day suspension
Third Offense	-	Five day suspension
Fourth Offense	-	Discharge

When an employee's disciplinary record has been free from any disciplinary action for two years, disciplinary actions that occurred more than two years previously will be disregarded in subsequent progressive disciplinary actions, and any new progressive disciplinary action will start at the level of the first offense.

1. Habitual lateness or absenteeism.
2. Creating unsanitary conditions on Bridge Commission property.
3. Failure to punch timecard.
4. Employee other than Police Officers sleeping during work hours.
5. Failure to report injuries promptly.
6. Failure to perform duties as instructed.
7. Loafing, loitering, or otherwise wasting time during work hours.
8. Poor performance on the job.
9. Failure to wear identification badges.
10. Violation of safety rules and regulations.
11. Violation of the Bridge Commission's Smoking Policy.

The Commission always retains discretion with disciplinary violations. When the Company deems it appropriate, under certain circumstances, the penalties may differ from those listed.

21. EMPLOYEE INDEMNIFICATION

Applies To: All Employees Not Covered By A Collective Bargaining Agreement

- A. Whenever a civil, administrative, criminal or quasi-criminal action or other legal proceeding has been or shall be brought against any Burlington County Bridge Commission employee for any act or omission arising out of and in the course of the performance of his duties as an employee of the Burlington County Bridge Commission, and in the case of a criminal or quasi-criminal action such action results in final disposition in favor of such person, the Burlington County Bridge Commission shall defray all costs of defending such action, including reasonable counsel fees and expenses, together with costs of appeal, if any, and shall save harmless and protect such person from any financial loss resulting therefrom. The Commission's responsibility herein does not include the defense by the employee of disciplinary proceedings instituted against him by the Burlington County Bridge Commission or in a criminal proceeding instituted by or on complaint by or on behalf of the Burlington County Bridge Commission.

22. EMPLOYEE ASSISTANCE PROGRAM

Applies To: All Employees

A. Introduction

The Burlington County Bridge Commission is committed to helping employees when personal problems impact upon their job performance. An Employee Assistance Program (EAP) is designed to provide professional consultation, counseling, and referrals for employees and their families who are experiencing personal problems of such significance that satisfactory job performance may be impaired. A "personal problem" is any emotional or behavioral condition that may interfere with an employee's ability to satisfactorily perform his/her assigned job duties.

The Commission does not wish to intrude into the personal lives of its employees. However, should the job performance of an employee become impaired, sound business practice requires that the problem be resolved.

B. Services Provided

The EAP is a service which utilizes properly certified and licensed medical and psychiatric facilities to provide counseling for problems that affect an employee's health, personal life, or job performance. For instance, the following problems may be treated by the EAP: relationship or family difficulties; parental responsibilities; financial pressures; stress; depression; serious illness in the family; alcohol or drug abuse; and the like. The EAP offers 24 hour access to a qualified mental health professional to aid the employee.

The Commission pays for your first ~~five~~^{SIX} visits with the qualified mental health professional. Frequently, problems are cured within the five sessions, but when continued treatment is deemed necessary, referrals will be provided. The employee is responsible for the cost of continued treatment, however, the employee may be able to process claims in accord with the terms and conditions of their insurance plan.

Further details regarding the EAP benefits will be provided at the EAP orientation sessions and seminars which all employees will be required to attend during work hours.

C. Referrals

1. Self Referrals – employees who voluntarily participate in the EAP. Employees are encouraged to seek assistance on their own initiative before problems begin to affect their work. Early resolution of personal problems is in the best interest of the employee and the Commission.
2. Employer Referrals – referrals of employees to the EAP at the initiation of Management. An employee referred to an EAP by Management must utilize the EAP or such employee will be subject to discipline up to and including termination. The final determination that an employee shall be referred to the EAP must be made by the Executive Director only.
3. Confidentiality – The EAP is bound by professional ethics as to the identity of the Self Referrals participating in the program, and information derived therein. If you are a Self Referral, the EAP has no duty to (and will not) disclose to the Commission or Management any of your “protected health information” (within the meaning of the Health Insurance Portability and Accountability Act of 1996 “HIPAA”) obtained in connection with the Self Referral that is in violation of HIPAA.

However, if you are a mandatory Employer Referral, the purpose of the EAP benefits is to provide the Commission or Management with your protected health information so that the Commission or Management is advised as to whether you are participating in the EAP, working on your problem, making progress, and following the specific recommendations made by the qualified mental health professional. You will therefore be required to sign an authorization form prior to using the EAP as a mandatory Employer Referral.

The same rules for Employer Referrals apply to Self Referrals if at any time the Commission or Management determines that the Self Referred employee’s performance, attitude, or other employment factor necessitates monitoring the employee’s progress.

The EAP will inform the Commission of any behavior divulged by an employee that could constitute a clear and present danger to the safety of any person.

D. Job Performance

While the Commission encourages employees to use the services of the EAP when necessary, nothing in this policy precludes the Commission or Management from requiring satisfactory job performance at all times and conformity with Commission policies and procedures.

23. LIGHT DUTY POLICY

Applies To: All Employees

A. Purpose

The purpose of this policy is to provide temporary light duty assignments to eligible employees subject to the conditions set forth below and approved by the Burlington County Bridge Commission.

B. Eligibility

Employees who are temporarily unable to perform the essential functions of their current position due to an injury or illness may be eligible for temporary light duty assignments. If you believe you may need a temporary light duty assignment, you should contact Human Resources.

C. Assignments

The Commission may provide temporary light duty assignments to eligible employees.

1. The Executive Director will have the sole discretion to determine whether there is a need for a particular light duty job or for certain light duty tasks.
2. The Commission will not establish a light duty assignment if appropriate work is not necessary or available.
3. The Commission will obtain medical certification that the employee can perform the functions of the light duty assignment.
4. The eligible employee may remain in the light duty assignment only as long as the Executive Director determines that the need for the position exists, or until the employee is able to resume performing the essential functions of his/her regular position, whichever comes first.

24. E-MAIL AND INTERNET COMMUNICATIONS

Applies To: All Employees

All e-mail and Internet communications, including the content of an employee's computer, are the property of the Burlington County Bridge Commission. It is the policy of the Burlington County Bridge Commission that the e-mail and Internet systems be used only for legitimate business purposes unless otherwise specifically authorized by management. All e-mail and Internet communications should be professional in nature. The use of the e-mail and Internet systems for defamatory, obscene, illegal, offensive or other inappropriate communications (including personal, political or religious causes) is strictly prohibited.

The Burlington County Bridge Commission retains the right to monitor all e-mail and Internet messages during the ordinary course of its business for any legitimate business reason without notice to the sender or the recipient of the message. For example, monitoring may be necessary to protect and ensure the system's security, to electronically scan mail messages for the presence of specific content viruses or passwords, or to respond to legal processes. E-mail and Internet messages may also be subject to disclosure through legal subpoena or discovery requests. Please note that deleting e-mail and Internet messages does not guarantee that they are erased from the system.

Misuse of the e-mail and Internet system or disclosure of confidential business information through the e-mail and Internet systems is grounds for disciplinary action.

25. TUITION REFUND POLICY

Applies To: All Full-Time Employees

Beginning with the Fall 1998 semester and continuing thereafter, the Commission shall institute a Tuition Refund Program for all full-time employees.

B. Application Procedure

Eligible full-time employees must obtain a Tuition Refund Program application form from the Human Resources department or the employee's department head. This application is to be completed in full by the employee and forwarded to Human Resources at least 30 days prior to the start of the course.

The Director of Human Resources, together with the Director of Bridge Operations and Administration, will assess the merit of the requested course(s) with respect to this policy and make their recommendations to the Executive Director for final approval.

A copy of the application, after being approved or denied, will be returned to the employee, prior to the start of the course(s).

Eligible fees include lab fees, registration fees, etc. Ineligible fees include parking, student activity fees, books, equipment, supplies, materials, travel, room and board.

Applicants must disclose all other training or educational allowances they are receiving on the application for Tuition Refund. Employees who are entitled to receive training or educational allowance from other sources, including fellowships, scholarships, grants-in-aid, or benefits received by veterans and active reservists from government sponsored programs can receive financial assistance under the Tuition Refund Program only after funds from other sources are fully utilized. Under no circumstances will the Burlington County Bridge Commission duplicate any funds obtained from outside sources. If, however, the training allowances from these other sources do not fully cover tuition costs, the Commission may provide additional funding up to the eligible cost of approved courses within the limits of this policy.

Failure to comply with the above may result in repayment by the employee of all funds to which they aren't entitled through a lump sum payment and also disciplinary action.

C. Reimbursement Procedure

Upon satisfactory completion of the approved course(s), the employee must submit a complete Request for Payment of Approved Tuition Refund form to Human Resources, with tuition costs receipts and copies of the grade received attached. Human Resources will then forward this information to the accounting department which will prepare the appropriate reimbursement check.

Reimbursement shall be conditioned upon the following:

1. The employee attends 80% of the classes.
2. The employee receives at least a "C" grade average.

D. Specifics

1. The course(s) to be taken must be connected with the employee's present position or a position currently in use at the Commission.
2. All requests are subject to approval of the Commission which approval will not be unreasonably denied.
3. The Tuition Refund Program shall apply to any accredited college, university, county college, adult high school or trade school.
4. There is a \$250.00 maximum per employee per school year.

E. Tax Treatment

The employee is personally responsible for any federal, state and local taxes which may be due under current tax laws as a result of having received tuition reimbursement.

26. IDENTIFICATION BADGES

Applies To: All Employees

A. Employee Identification Badges

In order to ensure the safety and protection of Commission employees and visitors, all employees are required to wear photo identification badges while on Commission property. These identification badges will be issued by the Commission and are Commission property. They must be returned upon termination of employment.

Employees are to wear the identification badges in clear view at all times.

All lost or damaged identification badges must be replaced at the employee's expense.

B. Visitor Identification Badges

Only authorized visitors are allowed in the restricted areas of Commission property. All visitors should enter the Commission, sign in and be issued a temporary identification badge. All visitors are to be escorted to their destination, and must sign out before leaving Commission property. Employees are responsible for the conduct and safety of their visitors.

If an individual is observed in a restricted area of the Commission property, the employee should immediately notify his or her supervisor or a Commission police officer.

Failure to comply with the Commission's policy regarding identification badges is grounds for disciplinary action.

27. CELL PHONE USE

Applies To: All Employees

As a general policy, the use of personal cell phones for both incoming and outgoing personal calls while at work is permitted only during emergencies.

The use of cell phones in toll booths is strictly prohibited.

Employees whose job responsibilities include regular or occasional driving are prohibited from using cell phones while driving Bridge Commission vehicles. Employees who are charged with traffic violations resulting from the use of cell phones while driving Bridge Commission vehicles will be solely responsible for all liabilities that result from such actions.

The use of cell phones while operating heavy equipment is prohibited.

The use of any cell phone that interferes with an employee's job performance will not be tolerated.

Violations of this policy may result in appropriate disciplinary action.

28. OPEN DOOR POLICY

In any business where individuals are working together, the Bridge Commission recognizes that misunderstandings, questions or employee complaints are bound to arise. The Bridge Commission would like to address and resolve these problems in a prompt manner.

Generally, complaints or suggestions should be taken up with your supervisor or Department Head. If you have a complaint, you should notify your supervisor of your complaint promptly. Every effort will be made by your supervisor to solve your problem, answer your question, or get an answer for you.

If you are dissatisfied with your supervisor's response, you may request that the matter be discussed with the Executive Director. There will be no retaliation against or toward anyone for his or her part in presenting complaints or suggestions.

29. POLICY ON WORKPLACE VIOLENCE

Applies To: All Employees

It is the Bridge Commission's policy to promote a safe and secure working environment for all of its employees, as well as for the general public. Abusive, intimidating, threatening or violent behavior within our workplace will not be tolerated. If you observe or experience any such behavior, report it to your supervisor or the Director of Human Resources at once.

All reported incidents will be investigated and appropriate action will be taken. Employees are required to report and participate in an investigation of any suspected or actual cases of workplace violence.

Violations of this policy may result in appropriate disciplinary action, up to and including discharge.

30. ANTI-NEPOTISM POLICY

Applies To: All Employees

A. No person shall be hired by the Commission for any Full-Time position in the Toll Department, Maintenance Department or Police Department who is a relative of a Chairman, Commissioner, or Executive Employees of the Commission, or supervisory administration personnel.

It shall be the duty of the related Chairman, Commissioner, Executive Employee or supervisory administration personnel to immediately disclose any relationship which may constitute a violation of a policy. Failure to do so will result in appropriate disciplinary action, up to and including termination.

B. Definitions

1. The term "relative" shall be defined as: parent, spouse, civil union partner, child, sibling, grandparent, grandchild, aunt, uncle, niece, nephew, first or second cousin, or in-law (or relative of a civil union partner).

2. The term "Executive Employee" shall include the following positions: Executive Director; Deputy Executive Director; Director, Bridge Operations and Administration; Contracting Officer; Chief Financial Officer; Director, Human Resources; Maintenance Superintendent; Toll Administrator; Office Manager; Burlington Bridge Manager; Director, Improvement Authority; Director, Palmyra Cove Nature Park; and Director, Public Safety.

31. MILEAGE

Applies To: All Employees Not Covered By A Collective Bargaining Agreement

A. Mileage for Bridge Commission business shall be reimbursed at the maximum nontaxable rate set by Internal Revenue Service regulations and shall be adjusted within thirty (30) days of the date of any change in such rate made by the Internal Revenue Service. Mileage requests must be approved by an authorized signer submitted on the proper form.

32. PENSION AND RETIREMENT

Applies To: All Employees Not Covered By A Collective Bargaining Agreement

A. The applicable Retirement Policy adopted by the Bridge Commission is incorporated in this Agreement, subject to the laws of the State of New Jersey pertaining to the Public Employees' Retirement System.

B. Full-Time employees are entitled to the following benefits:

Below age 65 – health insurance, and Prescription Coverage, under the same terms and conditions as active Commission employees, to the extent permitted.

Age 65 and Over – Medicare Blue, if available. If not available, comparable coverage (although with Medicare as the primary coverage). In addition, the Commission will contribute one-half the cost of the Medicare Coverage Part B for the employee and the employee's spouse or civil union partner, if applicable.

C. The surviving spouse or civil union partner of a retiree who worked twenty (20) years or more with the Commission, will receive five (5) years of paid health benefits.

D. The Policy is to be read consistently with applicable law, and may not be read to require an act or omission contrary to law.

33. HEALTH COVERAGE

Applies To: All Employees Not Covered By A Collective Bargaining Agreement

All active employees, who have not withdrawn from the Commission's health insurance program shall contribute towards the cost of health insurance, on a pre-tax basis, in accordance with the requirements of P.L. 2011, Chapter 78 or other applicable law employee contributions towards health insurance shall not be less than the contributions required by P.L. 2011, Chapter 78. All retirees with less than twenty (20) years of creditable service in one or more state or locally administered retirement systems as of June 28, 2011 shall make health care contributions during retirement in accordance with any applicable requirements of P.L. 2011, Chapter 78 or other applicable law using the retiree's retirement allowance as if it was base salary for the purpose of calculating the contributions. Employees' contributions towards health insurance shall not be less than the contributions required by P.L. 2011, Chapter 78 as of the date of the execution of this contract. .

Health insurance coverage for active employees, and retirees, shall be covered through the Burlington County Insurance Commission (HIF), or an equivalent or better plan or provider.

- A. Subject to the provisions of P.L. 2011, Ch. 78, or other applicable law, the Commission agrees to provide a full-family Dental Plan with an annual maximum of \$2,000 with coverage for silver or porcelain/composite fillings, extractions, and gum disease equal to 80%, and Orthodontics coverage with a maximum of \$1,500.00. Retirees are not provided with this coverage.
- B. Subject to the provisions of P.L. 2011, Ch. 78, or other applicable law, the Commission agrees to provide a Prescription Medicine Plan., in accordance with the plan as it exists as of the signing of this contract or an equal to or better plan. Nothing in this contract prevent the Commission from changing Prescription Medicine program, plan or providers.
- C. Subject to the provisions of P.L. 2011, Ch. 78, or other applicable law The Commission shall provide a Vision Care Plan through the use of participating doctors to provide 100% of cost for examinations, lenses and frames every 12 months. Retirees are not provided with this coverage.
- D. Full-time employees will have the opportunity on an annual basis to opt out of all health plan coverages, including health, prescription, dental and vision. Employees who choose this option and can provide proof of alternative coverage shall receive \$150 per pay period for each year he/she disavows benefits. Employees who want to exercise this option must provide notice to the Commission between December 1st and December 15th

for the following calendar year. Use of this option shall be subject to the permission of the employer, which shall not be unreasonably denied.

- E. The Commission shall provide an Employee Assistance Program.
- F. Certificates of Insurance and brochures will be given to all employees. Details of policies shall be available for examination at all times in the Human Resources Department. Insurance coverage shall be contingent upon proper and timely enrollment in the program by employees and shall commence only on the date of eligibility and upon the filing of written notice with the Commission's Human Resources Department.
- G. The Commission reserves the right to change insurance carriers, products within existing carriers, or to self-insure so long as substantially similar benefits are provided and there is no loss of coverage to employees.
- H. Surviving dependents of future deceased employees shall be extended healthcare coverage after the present policy for extension of coverage has expired, based on the following service schedule:

- One (1) Year: Employees with between one and under two years of service or until remarriage of spouse or civil union partner;
- Two (2) Years: Employees with between two and under three years of service, or until remarriage of spouse or civil union partner;
- Three (3) Years: Employees with between three and under four years of service, or until remarriage of spouse or civil union partner;
- Four (4) Years: Employees with between four and under five years of service, or until remarriage of spouse or civil union partner;
- Five (5) Years: Employees with five (5) or more years of service, or until remarriage of spouse or civil union partner.

- I. The spouse/civil union partner/dependents understand that they must contribute towards this insurance based on what the employee was contributing at the time of their death.
- J. This Agreement is to be read consistently with applicable law, and may not be read to require an act or omission contrary to law.
- K. Pursuant to P.L. 2011, Chapter 78, or other applicable law the Commission shall provide a Flexible Spending Account (FSA) to permit employees to voluntarily set aside, on a

pre-tax basis, a portion of their earnings to pay for qualified medical, prescription, vision and dental expenses not otherwise covered by the Commission's Health Benefit Plans, pursuant to Section 125 of the Internal Revenue Code, 26 U.S.C. §125.

34. SICK, ACCIDENT AND LIFE INSURANCE

Applies To: All Employees Not Covered By A Collective Bargaining Agreement

A. The Commission will process the enrollment of all employees under the State Disability Fund with payments to the Fund to be made in accordance with the provisions of that Fund.

B. The Commission shall provide life insurance with a death benefit of at least \$50,000, and an accidental death benefit of at least \$50,000 at no cost to the employee.

35. POLICY FOR THE EXPENDITURE OF FUNDS FOR EMPLOYEE FLOWERS

Applies To: All Employees

The Bridge Commission wishes to support its employees in their times of grief and express sympathy for the loss of their loved ones. Accordingly, it is the Bridge Commission's policy to send flowers in the event of the death of an employee or an employee's immediate family member. Said flowers will be sent on behalf of the entire Bridge Commission by the Executive Director. If individual employees or groups of employees wish to send flowers, it will be considered a personal gesture and the Bridge Commission will neither pay for the flowers nor reimburse the employees for such flowers in this situation.

"Flowers" shall be defined as bouquets, planters, and floral arrangements, and may include balloons, cookies, stuffed animals, or similar token gifts.

"Immediate family member" shall be defined as spouse, civil union partner, parent, child, or sibling. In addition, the Executive Director retains discretion to send flowers in the event of the death of an individual who does not fall within the definition of "immediate family member."

The maximum expenditure for flowers per death will be determined at the discretion of the Executive Director. When requested by the family of the deceased, a memorial may be made to a charitable organization in lieu of flowers.

36. COMPENSATORY TIME

Applies To: All Employees Not Covered By A Collective Bargaining Agreement

- A. Executive employees are not eligible for any compensatory time (“Come Time”). Executive employees include: Executive Director, Deputy Executive Director, Chief Financial Officer, Compliance Officer, Director of Improvement Authority Operations, Director of Bridge Operations, Director of Public Safety & Security, Director of Communications, Manager of Technical Operations, Director of the PCNP, Manager of Burlington-Bristol Bridge, Maintenance Superintendent, Toll Administrator, Director of Human Resources, Director of Economic Development & Regional Planning.
- B. Management employees are scheduled for eight (8) hours work per day, subject to the discretion of the Executive Director, or designee, who may require additional work if necessary. This additional work will be pre-approved by the Executive Director, or designee, and may count as Comp Time. Management employees include: Maintenance Supervisor, Technical Operations Assistant, Assistant to the Manager of Burlington-Bristol Bridge, Captain, Lieutenant, Health & Benefits Coordinator.
- C. Administration employees are scheduled 8:30am to 4:30pm Monday-Friday, subject to the discretion of the Executive Director and/or employee’s Supervisor, who may require additional work if necessary. This additional work must be pre-approved by the Executive Director and/or Supervisor and may count as Comp Time. Administrative employees include: Chief Accountant, Purchasing Agent, Administrative Assistant, Systems Technician, Contracting Officer, Toll Systems Auditor, Cashier, Payroll, Secretary, GIS Specialist, Regional Planner.
- D. Palmyra Cove Administration employees are scheduled for eight hours work per day, subject to the discretion of the Director of the PCNP, who may require additional work if necessary. This additional work will be pre-approved by the Director of the PCNP and may count as Comp Time. These employees include: Assistant to Director of PCNP, PCNP Educator, Cove Assistant, PCNP Naturalist.
- E. The following restrictions apply to the use of Comp Time:
1. Comp Time may not be taken in more than eight (8) hour increments.
 2. All Comp Time **must** be pre-approved.