###### **Synopsis of Changes to**

###### **Municipal Excess Liability Joint Insurance Fund**

##### MODEL PERSONNEL POLICIES AND PROCEDURES MANUAL

The Municipal Excess Liability Fund Personnel Policy Committee (“Committee”) convened to consider changes to the Model Personnel Policies and Procedures (“Manual”) for the 2019 Policy Year. In order to be eligible to maintain current deductibles and co-pay, members must be in compliance with the Employment Practices Liability Program. Members must adopt the recommended changes by October 1, 2018.

This memorandum is intended to provide an overview of the changes to the Manual and accompanying documents. Members should amend their personnel manual accordingly.

**Discussion of Adopted Changes:**

Change 1: Protections Against Discrimination and Accommodation for Breastfeeding Employees (Located in Section One)

The Manual was modified to amend the Anti-Discrimination Policy and the Americans with Disabilities Act Policy/ New Jersey Pregnant Worker’s Fairness Act contained in Section One to include protections for breastfeeding to comply with recent changes in New Jersey law. The Manual now expressly protects individuals who are breastfeeding from discrimination and requires the Local Unit to provide to employees who are breastfeeding a reasonable break time each day and a suitable room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child.

Change 2: Modification to Communication Media Policy (Located in Section Two)

The Communication Media Policy was amended to be a “Communication Media/ Social Media Policy” with relevant changes contained within to be in compliance with recent cases.

Change 3: Section Five

There are some revisions to this Section in accordance with the Fair Credit Reporting Act. Change 4: Modification to Open Public Records Meetings Act Section (Located in Section Five)

Three changes have been made to the policy's Open Public Meetings Act (OPMA) section. First, the policy has been amended to reflect the holding of Keane Federation of Teacher v. Ada  Morell. 448 N.J. Super. 520 (App. Div. 2017).  In Keane Federation, the Appellate Division held that Rice notices are not only required when there is *discussion* regarding the appointment, termination, terms and conditions of employment, performance evaluation or discipline of any current or prospective officer of employee in closed session but also when the local unit intends to *act* on these enumerated matters. Additional language has been added to clarify this expansion of when Rice notices are required to be issued.  Second, the policy has been amended to clarify that only the municipal governing body or a "public body" of the local unit (as that term is defined by OPMA) are required to provide Rice notices.

Third, changes have been made to update the criminal background checks in accordance with State legislative amendments.

Change 5: Overtime Compensation

Overtime Compensation Policy in Section 4 of the Manual was modified slightly to clarify the rate of overtime pay. This is not a substantive change.

**Other Items of Note:**

The Committee also discussed the following items, which did not necessitate any changes to the

Manual but should be considered by the Members:

1. Attached please find a notice from the Department of Community Affairs regarding the certifications required by the P.L. 2017, c. 183. and referenced sample certifications.
2. In January,2 018 the DOT published a Notice of Proposed Rulemaking in the Federal Register that announced that proposes some amendments to the current DOT-regulated drug and alcohol testing requirements to broaden the testing of opiates to include synthetic opioids.
3. In January 2018, New Jersey enacted P.L. 2017, c.272, which requires the Civil Service Commission to develop a uniform domestic violence policy that all public employers, regardless if they are Civil Service, must adopt and distribute to their employees. To date, the Civil Service Commission has not adopted such a policy.

Please consider these changes and consult with your general counsel prior to adopting same.