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Reply to: Oakland Office

To: Member Entities

From: Matthew Giacobbe, Esq.

Re: Changes to Employee Handbook and Personnel Policies and Procedures Manual

The Municipal Excess Liability Joint Insurance Fund (“MEL”) asked our firm to develop a new Model Employee Handbook and Personnel Policies and Procedures Manual for New Jersey municipalities that are members of the MEL to follow. Below is a brief explanation of modifications.

The new version of the Model Employee Handbook attempts to streamline the previous handbook, removing policies which we deemed to be unnecessary and not required under the law. In reconciling the Table of Contents found in the prior handbook and the new handbook, the following policies from the prior handbook are no longer included:

- Contagious or Life Threatening Illnesses Policy
This policy dealt with accommodations and confidentiality for those with contagious or life threatening illnesses. This policy seemed unnecessary and redundant in light of the Americans with Disabilities Act policy. There is also a Contagious/Life Threatening Illness Policy contained in the new Personnel Policies and Procedures Manual.
- Safety Policy
This policy dealt with workplace safety/PEOSHA, and did not seem necessary for the Employee Handbook. There is a Safety Policy still found in the new Personnel Policies and Procedures Manual.
- Transitional Duty Policy
This policy discussed bringing employees with temporary disabilities back to work before they were cleared for full duty. While no longer in the Employee Handbook, there is now a more expansive Transitional Duty Policy found in the new Personnel Policies and Procedures Manual.

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- Workplace Violence Policy
This policy did not seem necessary to include in the Employee Handbook, and there is an extensive Policy Prohibiting Workplace Violence found in the new Personnel Policies and Procedures Manual.
- Anti-Sexual Harassment Policy
This policy is essentially incorporated within the Anti-Harassment Policy.
- Employee Complaint Policy
This policy discussed employee complaints of wrongdoing, such as harassment. It is essentially incorporated within the Anti-Harassment Policy. This policy and the Employee Complaint Investigation Procedure Policy are also no longer found in the Personnel Policies and Procedures Manual for the same reason.
- Grievance Policy
This policy is essentially incorporated into the Complaint Procedure policy.
- Conflict of Interest Policy
This policy is essentially incorporated into the Ethical Conduct policy. There is also no longer a Conflict of Interest Policy in the Personnel Policies and Procedures Manual.
- Workforce Reduction Policy
This policy briefly discussed layoffs. This policy did not seem necessary for the Employee Handbook, and a layoff section can still be found in the new Personnel Policies and Procedures Manual.
- Driver's License Policy
This policy is essentially incorporated into Vehicle Use Policy in the new handbook and the Policy for Use of Employer Vehicles Policy in the Personnel Policies and Procedures Manual.
- Attendance Policy
This policy is now essentially incorporated into the Hours of Work policy in the Employee Handbook and the Absenteeism and Tardiness Policy in the Personnel Policies and Procedures Manual.
- Early Closing and Delayed Opening Policy
This policy is now essentially incorporated into the Hours of Work policy in the Employee Handbook and no longer included in the Personnel Policies and Procedures Manual.
- Breaks
This policy did not seem necessary for the Employee Handbook and is also no longer included in the Personnel Policies and Procedures Manual.

- Dress Code Policy
This policy is essentially incorporated into the Appearance Policy in the new Employee Handbook and Personnel Policies and Procedures Manual.
- No Smoking Policy
This policy did not seem necessary for the Employee Handbook and is also no longer included in the Personnel Policies and Procedures Manual.
- Telephone Usage Policy
This policy did not seem necessary for the Employee Handbook, and there is a Telephone and Personal Communication Usage Policy found in the new Personnel Policies and Procedures Manual.
- Communication Media Policy/Social Media Policy
This policy is essentially now the Social Networking Policy in the new Employee Handbook and is essentially incorporated into the Computer Use, Electronic Mail and Internet Policy in the new Personnel Policies and Procedures Manual.
- Use of Internet Policy
This policy is essentially incorporated into the Computer Usage policy in the Employee Handbook and the Computer Use, Electronic Mail and Internet Policy in the Personnel Policies and Procedures Manual.
- Video Surveillance Policy
This policy did not seem necessary for the Employee Handbook. Video surveillance is still mentioned in the Security Policy of the new Personnel Policies and Procedures Manual.
- Bulletin Board Policy
This policy did not seem necessary for the Employee Handbook and is also no longer included in the Personnel Policies and Procedures Manual.
- Payroll Policy
This policy did not seem necessary for the Employee Handbook. The Payroll Policy is also essentially incorporated in the Compensation Policy in the Personnel Policies and Procedures Manual.
- Overtime Compensation Policy
This policy is essentially incorporated into the Hours of Work policy in the new Employee Handbook.
- Health Insurance Policy
Benefits are now mentioned in the Compensation and Benefits policy in the new Employee Handbook. In addition, there is a Medical Benefits policy in the Personnel Policies and Procedures Manual.

- Dental Benefits, Drug Prescription Benefit, Prescription Eye Glasses, Recreational Benefit, Deferred Compensation Policies
These policies were left blank in the old Employee Handbook and just read “Insert applicable provisions, if any.” These policies did not seem necessary for the new Employee Handbook. Benefits are now mentioned in a general sense in the Compensation and Benefits policy in the new Employee Handbook. In addition, there is a Medical Benefits policy in the new Personnel Policies and Procedures Manual.
- Retirement Policy
This policy did not seem necessary for the Employee Handbook and is also no longer included in the Personnel Policies and Procedures Manual.
- Employee Assistance Policy
This policy was left blank in the old Employee Handbook and Personnel Policies and Procedures Manual and just said “Insert applicable provisions, if any.” This policy did not seem necessary for the new Employee Handbook and is also no longer included in the Personnel Policies and Procedures Manual.
- Educational Assistance and Training Policy
This policy did not seem necessary for the Employee Handbook and is also no longer included in the Personnel Policies and Procedures Manual.
- Conference and Seminar Policy
This policy did not seem necessary for the Employee Handbook and is also no longer included in the Personnel Policies and Procedures Manual.

In addition to the above, the following policies are no longer included in the Personnel Policies and Procedures Manual: Resignation Policy, Job Description Policy, Leave of Absence Policy, Employment Procedure Policy, Open Public Meetings Act Procedure, Processing and Orientation of New Employees Procedure, Employee Handbook Procedure, and Continuing Education Procedure.

In addition, the Background Check Policy is no longer included in the Personnel Policies and Procedures Manual but is essentially incorporated into the Protection and Safe Treatment of Minors Policy. The Initial Employment Procedure Policy is also no longer included in the Personnel Policies and Procedures manual, but the Civil Service version of the manual does discuss the probationary/working test period in the Classification and Promotion Policy.

We also added a New Jersey Civil Service Commission section to the Civil Service Employee Handbook, as well as a Classification and Promotion Policy to the Personnel Policies and Procedures Manual. Further, a Domestic Violence Policy was added in accordance with recent legislation requiring public employers to designate a Human Resources Officer to assist employees who are victims of domestic violence. The full Domestic Violence Policy is included in the Personnel Policies and Procedures Manual, which essentially incorporates the former Domestic Violence Leave Policy. A Protection and Safe Treatment of Minors Policy was also

added to the Employee Handbook, with an expansive version of such policy included in the Personnel Policies and Procedures Manual.

The following policies were also added to the Personnel Policies and Procedures Manual: HIPAA Compliance, Donated Leave Program, Changing Vital Information, Employee Dating, Security and State Residency Requirement. We also added an expansive Drug and Alcohol Free Workplace Policy and CDL Drug and Alcohol Testing Policy to the Personnel Policies and Procedures Manual.

In addition, the following are some of the policies that have had substantive changes being made in accordance with recent legislation:

- Sick Leave Policy
This policy was drafted to be in accordance with the New Jersey Earned Sick Leave Law, which was passed in 2018.
- Family and Medical Leave Policy
Changes were made to this policy in accordance with legislative updates to include leave to care for a child newly placed into foster care with an employee, and to include that Family Leave Insurance (“FLI”) from the State is available for up to 12 weeks beginning in July 2020 (raised from the previous cap of 6 weeks). In addition, we removed the provision that intermittent leave is not available for the care of a newborn or adopted child under the NJFLA, as per new legislation.
- Domestic Violence Leave
Changes were made to this policy to acknowledge that employees taking such leave may be eligible for FLI benefits through the State, as per new legislation.
- Equal Opportunity Policy
In accordance with the Equal Pay Act, “compensation” was added as a specific term and condition of employment that the employer will not discriminate based upon.