

allows a shorter period of notice. If an employee resigns without a 14-day notice or without authorization to provide a shorter period of notice, he or she will be considered as having resigned not in good standing.

#### Terminations

Termination includes voluntary or employee-initiated, and involuntary or employer-initiated. Voluntary terminations include resignations and retirements. Involuntary terminations are employer-initiated and involve the involuntary discharge or separation from employment.

#### Transfers

A transfer results when an employee is moved permanently to another department. The employee must transfer with the same title and salary and with the consent of both Department Heads.

#### *Career Service Examinations/Testing*

Pursuant to N.J.A.C. 4A:1-1 *et seq.*, a career service examination may be written, oral or an evaluation based on education, training and experience. The examination may be open, competitive or promotional. In either case, a certified list will result. If an employee served in the military, he or she may be eligible for veteran's preference consideration when taking a Civil Service examination. Check with the Personnel Division for details.

#### **JOB TRAINING PARTNERSHIP ACT EMPLOYEES**

Another category of employees is JTPA employees. A JTPA employee is a temporary employee whose salary is funded 51% or more by the Federal Job Training Partnership Act program.

JTPA employees are not subject to the Career Service regulations. Additionally, JTPA employees may not participate in the New Jersey Public Employees Retirement System ("PERS"). However, a retirement plan maintained by Mutual of America is available for JTPA employees. A JTPA employee will be included as a participant in the plan on the first day of the month after completing one year of service on July 1st and after attaining 21 years of age. A JTPA employee must complete at least 1,000 hours of service to be credited with a year of service for eligibility. For more information, please refer to the *Union County Employee Pension Benefit Manual* or contact the Division of Employment & Training at (908) 527-4880.

Additionally, a JTPA employee is eligible for a life insurance plan. A JTPA employee is eligible after working at least 20 hours per week and completing 12 months of service on July 1st. For more information, please contact the Division of Employment & Training at (908) 527-4880.

## **CONDUCT OF EMPLOYEES**

### **ETHICAL CONDUCT**

Pursuant to the provisions of the Local Government Ethics Law:

1. No employee or member of his or her immediate family will have an interest in a business organization or engage in any business, transaction or professional activity, which is in substantial conflict with the proper discharge of his or her duties in the public interest.
2. No employee should use or attempt to use his or her official position to secure unwarranted privileges or advantages for him or herself or others.
3. No employee should act in his or her official capacity in any matter wherein he or she, a member of his or her immediate family, or business organization in which he or she has an interest, has a direct or indirect personal or financial interest that might reasonably be expected to impair his or her objectivity or independence of judgment.
4. No employee should undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his or her independence of judgment in the exercise of his or her official duties.
5. No employee, member of his or her immediate family, or business organization in which he or she has an interest, should solicit or accept any gift, favor, loan, political contribution, service, 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.
6. No employee will use, or allow to be used, his or her public employment, or any information, not generally available to members of the public, which he or she receives or acquires in the course of and by reason of his or her employment, for the purpose of securing financial gain for himself or herself, any member of his or her immediate family, or any business organization with which he or she is associated.
7. No employee or business organization in which he or she has an interest will represent any person or party other than the County in connection with any cause, proceeding, application or other matter pending before any agency in the local

government in which he or she serves. An employee or members of his or her immediate family may represent himself or herself in proceedings concerning the employee's own interests.

(See N.J.S.A. 40A:9-22.5 and U.C.A.C. §1-163 *et seq.*)

#### **CONDUCT RELATED TO ELECTIONS**

Pursuant to New Jersey law governing elections, no holder of a public office or position will demand payment or contribution from another holder of a public office or position for the campaign purpose of any candidate or for the use of any political party.

(See N.J.S.A. 19:34-42).

#### **CONDUCT RELATED TO POLITICAL ACTIVITY**

No person holding a position in the Career Service will directly or indirectly use or seek to use his or her position to control or affect the political action of another person or engage in political activity during working hours.

(See N.J.A.C. 4A:10-1.2).

No employee in the Career Service or Unclassified Services whose principal employment is in connection with a program financed in whole or in part by Federal funds or loans, will engage in any of the following prohibited activities under the "Hatch Act:"

1. Using official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
2. Directly or indirectly coercing, attempting to coerce, commanding or advising an officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes; or
3. Being a candidate for public office in a partisan election.

(See 5 U.S.C. §1502).

The Hatch Act is enforced by the Special Counsel of the United States Merit System Protection Board. Department Heads or Supervisors can advise an employee if his or her position is federally funded.

#### **DISCIPLINARY ACTIONS - CAREER SERVICE EMPLOYEES**

An employee may be subject to a *major* or *minor* disciplinary action for:

1. Incompetence, inefficiency or failure to perform duties;
2. Insubordination;
3. Inability to perform duties;
4. Chronic or excessive absenteeism or lateness;
5. Conviction of a crime;
6. Conduct unbecoming a public employee;
7. Neglect of duty;
8. Misuse of public property, including motor vehicles;
9. Discrimination that affects equal employment opportunity (as defined in N.J.A.C. 4A:7-1.1), including sexual harassment;
10. Violation of Federal regulations concerning drug and alcohol use by, and testing of, an employee who perform functions related to the operation of commercial motor vehicles, and State and local policies issued there under;
11. Other sufficient cause.

*This can include, but is not limited to, items such as unhygienic personal habits; falsification of records; unauthorized use of County equipment, vehicles or facilities; failure to comply with safety requirements; fighting; loafing; idleness; theft or misappropriation; failure to report loss, theft, damage or injury; failure to abide by procedural rules which have been duly promulgated by the County; and other serious breaches of discipline which arise during the course of the employer/employee relationship.*

#### **Major Discipline**

Major discipline includes: removal; disciplinary demotion; suspension or fine for more than five (5) working days at any one time; suspension or fine for five (5) working days or less where the aggregate number of days suspended or fined in any one (1) calendar year is fifteen (15) working

days or more; or suspension or fine when an employee receives more than three (3) suspensions or fines of five (5) working days or less in a calendar year.

#### ***Hearing procedure in major disciplinary actions.***

Generally, an employee will be served with a "Preliminary Notice of Disciplinary Action" ("PNDA") setting forth the charges against the employee and affording a hearing opportunity at a specified date, time and location. The employee must respond with a request for a hearing within five (5) days of the receipt of PNDA; otherwise, the hearing is waived. After the hearing (or a waiver of a hearing), a decision is made and within 30 days, written notification to the employee is made by issuing a "Final Notice of Disciplinary Action" form.

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

1. The employee is unfit for duty or presents a hazard to any person if permitted to remain on the job or the suspension is necessary to maintain safety, health, order or effective direction of public services. However, a PNDA with opportunity for a hearing must be served in person or by certified mail within five (5) days following the immediate suspension; *or*
2. The employee has been formally charged with a crime of the First, Second or Third Degree or a crime of the Fourth Degree directly related to the employee's job.

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

#### ***Minor Discipline***

Minor discipline may include a formal written reprimand, or a suspension or fine of five (5) working days or less. Notification of the charges and discipline is given to the employee on the "Notice of Minor Disciplinary Action" form. No hearing is afforded unless expressly provided in a collective negotiations agreement.

### **GRIEVANCE PROCEDURE**

An employee, who wishes to initiate a grievance or complaint concerning wages, hours of work or other terms and conditions of employment, may do so pursuant to the terms of his or her

collective negotiations agreement. A Non-contractual employee should discuss any complaints with his or her immediate supervisor for the purpose of resolving the matter informally.

In general, the grievance process consists of four (4) steps. Step 1 involves an informal discussion with the immediate supervisor. In Step 2, a written grievance is filed with the Department Head. In Step 3, a written grievance is filed with the County Manager. Step 4 involves a written demand for arbitration to the New Jersey State Board of Mediation. Grievances may be settled at any step.

However, employees concerned about County administrative matters must proceed through appropriate supervisory channels and ultimately to the attention of the County Manager, if necessary. This procedure promotes operations efficiency while protecting the privacy interests of County employees.

## **POLICIES, PRACTICES AND PROCEDURES**

### **ABSENTEEISM & LATENESS**

Every employee is expected to report for work on time and to adhere to his or her assigned work hours for the normal working day as set by the department. The County will not tolerate unnecessary absenteeism or lateness. If extenuating circumstances arise and an employee will be late or absent for any reason, the employee **must** telephone his or her Supervisor as far in advance of the starting time as possible. It is the employee's responsibility to ensure that proper notification is provided.

Unauthorized or excessive absenteeism, lateness, extending lunch breaks, or leaving work early may be subject to disciplinary action up to or including termination of employment.

### **BACKGROUND CHECK**

The County reserves the right to conduct a criminal history background check for potential new hires. A criminal history record background check may be requested of any person for an official governmental purpose by an authorized County official. Law enforcement areas of the County conduct criminal background checks including psychological testing, fingerprinting, and checking references provided prior to hiring new employees.