



UNION COUNTY UTILITIES AUTHORITY

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RESOLUTION NO.: 53-2018

DATE: September 19, 2018

RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY APPROVING UPDATES TO THE AUTHORITY'S EMPLOYEE HANDBOOK AND THE PERSONNEL POLICIES AND PROCEDURES MANUAL

APPROVED AS TO FORM:
Joseph C. Bodek, RMC
Clerk of the Authority

APPROVED AS TO SUFFICIENCY OF FUNDS
 YES NO NONE REQUIRED
UNION COUNTY UTILITIES AUTHORITY

By: Joseph C. Bodek

By: [Signature]

	PRESENT	ABSENT	AYE	NAY	ABSTAIN	MOTION	SECOND
<i>Criscione</i>		✓					
<i>Eastman, Treasurer</i>	✓		✓				
<i>Jackus</i>	✓		✓				
<i>Kahn, Secretary</i>	✓		✓				
<i>Lombardo</i>	✓		✓				✓
<i>Rachlin</i>		✓					
<i>Szpond</i>	✓		✓				
<i>Scutari, Vice Chairwoman</i>		✓				✓	
<i>People, Chairman</i>	✓		✓				
<i>McManus, Alternate No. 1</i>	✓		✓				
<i>Alma, Alternate No. 2</i>		✓					

**RESOLUTION OF THE UNION COUNTY UTILITIES AUTHORITY
APPROVING UPDATES TO THE AUTHORITY'S EMPLOYEE HANDBOOK
AND THE PERSONNEL POLICIES AND PROCEDURES MANUAL**

WHEREAS, the Authority participates in the Municipal Excess Liability/Joint Insurance Fund ("MEL/JIF"); and

WHEREAS, the MEL/JIF offers an Incentive Program ("Program") participation in which enables the Authority to significantly reduce certain premiums and deductible payments in the event of its participation in a lawsuit; and

WHEREAS, participation in the Program requires periodic updates to both the Authority's Employee Handbook ("Handbook") and Personnel Policies and Procedures Manual "Manual"); and

WHEREAS, the Authority's general counsel shall, with the assistance Authority's special labor and personnel counsel, prepare certain revisions to the currently existing Handbook and the existing Manual, with the assistance of the Administration, which satisfy the requirements of the Program; and

WHEREAS, PPI Committee, following a review of the proposed updates to the Handbook and Manual recommends that the revisions in the attached summary be approved and incorporated into the Handbook and Manual so that the Authority may continue to participate and enjoy the benefits of remaining in the Program; and

WHEREAS, the Board of Commissioners, following receipt of advice of its counsel, accepts the recommendation of the PPI Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Union County Utilities Authority, as follows:

Section 1. The revisions to the Employee Handbook and Personnel Policies and Procedures Manual in substantially the same form as is attached to this Resolution are hereby approved, effective immediately.

Section 2. The Authority directs the Executive Director to notify all Employees of this action and to provide all employees with a copy of the revised Employee Handbook and provide all applicable employee's with a copy of the revised Personnel Policies and Procedures Manual as soon as practicable.

Section 3. The Authority further authorizes the Executive Director, with the assistance of counsel as deemed necessary, to provide all required documentation to the MEL/JIF and take all other steps necessary to ensure continued participation in the Program.

Section 4. This resolution shall take effect immediately.

**SUMMARY OF 2018 CHANGES TO THE UCUA
POLICIES AND PROCEDURES MANUAL
AND
EMPLOYEE HANDBOOK**

RECRUITMENT, SELECTION AND HIRING EMPLOYMENT POLICY AND PROCEDURE

Recruitment: The Executive Director will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, and ~~equal~~ Equal Employment Opportunity Commission ("EEOC") requirements.

OPEN PUBLIC MEETINGS ACT PROCEDURE CONCERNING PERSONNEL MATTERS

A. All formal proceedings of the Commissioners of the UCUA shall be held in compliance with the openness, notice, and other requirements of the Senator Byron M. Baer Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., as amended, consistent with the UCUA's status as a "Public Body" under the Act.

B. **Personnel Matters:** ~~Discussions by the governing body or any body of the (local unit type) concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session unless the individual requests in writing that the discussion be held in open session. Such request must be granted. Prior to the discussion by the governing body or any body of the (local unit type) concerning such matters, the Clerk shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed and the person's right to request that the discussion occur in open session. In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session. If the individual(s) does not request that the discussion be held in open session, the governing body or other body of the (local unit type) may at its sole discretion invite the affected individual(s) to attend the applicable portion of the closed session.~~ Discussions by the UCUA Board of Commissioners concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee may be held in closed session. Ultimately, the guidance as to notification of employees and the right to have the discussion in executive or the open session should be discussed with and be based upon the guidance and advice of the legal counsel for the public entity and recent court decisions.

EMAIL, SOCIAL MEDIA AND INTERNET USE

Use of all UCUA electronic, computing, and communications systems and devices (also referred to as "Communications Media") are subject to the guidelines and limitations set forth below.

The UCUA operates in an environment where the use of computers, e-mail, and the Internet are essential tools for certain employees. Those employees are encouraged to use computers, e-mail and the Internet. However, UCUA e-mail, voicemail, computer systems, and Internet service are for official UCUA business and use for all other purposes is prohibited except as set forth in this policy. This prohibition includes,

but is not limited to, the use of computers or UCUA-issued mobile devices for personal business, social networking, gaming, or viewing, broadcasting, or “sharing” television programs, videos, or photographs.

Correspondence via e-mail, instant messaging, and other forms of on-line communication on UCUA systems and devices is *not* guaranteed to be private. Confidential e-mails, instant messaging, and any other forms of on-line communication should not be sent without encryption or password protection of attached information. UCUA supplied e-mail accounts, as well as network and Internet IDs and passwords, should not be used for anything other than UCUA-sanctioned activities, and may only be used by the individual to whom each such account, login ID, and password has been assigned.

Public Records

Equipment provided by the UCUA and all information created or stored on or transmitted via such devices, or gathered via on-line resources are the property of the UCUA, and such information may be deemed public records.

Employees should be aware that all e-mail, voice mail, and internet messages in UCUA computers, devices, and electronic storage, including those you may consider to be “personal,” are official documents subject to the provisions of the Open Public Records Act (“OPRA”), N.J.S.A. 47:1A1 *et seq.* Employees should have no expectation that any information stored in or accessed via a UCUA computer or other UCUA-issued device is private. All UCUA devices, and the Authority’s email and Internet systems, as well as the messages thereon, are the property of the UCUA. Employees are hereby advised that if they conduct work-related business on their personal emails, cell phones, or other personal Communication Media, it is also subject to the provisions of the Open Public Records Act. However, nothing in this social media policy prevents employees from using his/her own personal Communication Media during the employee’s non-working hours to engage or participate in protected concerted activities pursuant to the National Labor Relations Act. Protected concerted activities include when an employee addresses group concerns with the employer; forms, joins or helps a labor organization; initiates, induces or prepares for group action; or speaks on behalf of or represents other employees. Nevertheless, employees are encouraged to resolve workplace grievances internally by discussing issues with their supervisor and/or the Administration, and are asked to refrain from posting comments or materials on Communication Media that can be viewed as malicious, obscene, threatening, intimidating, or that could create a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law if the employee chooses to address their grievances using Communication Media.

Care and Conduct

Because e-mail messages are business documents, the UCUA expects employees to compose e-mails with the same care as a business letter or internal memo. Employees must be aware that the mere deletion of a file or message may not fully eliminate that file or message from the system.

Your use of UCUA’s e-mail and Internet systems may not violate any other applicable UCUA policy, including, but not limited to, the UCUA’s Anti-Harassment and Discrimination Policy and the UCUA’s code of conduct, ethics and conflict of interest policy. Discriminatory remarks, harassment, bullying, threats of violence and similar behavior that is not tolerated in the workplace are also not acceptable through Communication Media, whether same is performed on the UCUA’s equipment or on the employee’s own personal Communication Media.

Network Security

Employees shall not share personal access codes or passwords, provide access to an unauthorized user, or access another's e-mail or Internet account without authorization. Information security is necessary to protect the UCUA's information (data and software) from accidental or intentional unauthorized disclosure, modification, or loss. Information security is managed under guidelines dealing with identification, authentication, authorization, production environment, and ability to audit. All employees should be familiar with such security measures adopted by the UCUA.

Downloading, installing, modifying, removing or using any software available through the Internet or hardware is prohibited without the approval of the UCUA's network administrator. This rule is to protect you and UCUA from violating copyright or other intellectual property laws and to protect UCUA's computers and devices from viruses, malware, and other electronic security risks. All files downloaded from the Internet, e-mail attachments, or the like should be checked for possible viruses. If uncertain whether your virus-checking software is current, you must check with the UCUA's Network Administrator before downloading. Workstation settings and configurations and network settings must not be modified by unauthorized employees. Internet security settings (where applicable) must not be changed. The foregoing includes but is not limited to the systems Network ID (or Computer Name), IP Address, Gateway and DNS addresses

Any messages or transmissions sent outside of the organization via e-mail or the Internet will pass through a number of different computer systems, all with different levels of security. Accordingly, employees must not send privileged and/or confidential communications via e-mail or the Internet unless the message is properly encrypted, and should consider a more secure method of communication for such data.

The UCUA reserves its right to monitor its computer systems, including but not limited to, e-mail messages, computer files and Internet usage, with or without notice, at any time, at the UCUA's sole discretion. The UCUA also reserves the right to access and disclose such communications and recordings to third parties in certain circumstances. The existence of personal access codes, passwords and/or "message delete functions," whether provided by the UCUA or generated by the employee, do not restrict or eliminate the UCUA's access to any of its electronic systems. However, pursuant to New Jersey law the UCUA cannot require the employee to provide the password(s) to his/her personal account(s).

Personal Use

If authorized by the Executive Director or his designee and if a terminal is available, you may use the on-line services if necessary on your personal time subject to the rules and restrictions contained in this policy. If permission is granted, an employee's personal use of the UCUA's computer, e-mail, and connection to the Internet shall not interfere with the employee's duties and shall comply with UCUA policies and all applicable laws. Subscriptions to news groups, RSS feeds, mailings lists and other news and information aggregating services are permitted only when the subscription is for a work-related purpose and authorized by your supervisor. Any other subscriptions are prohibited. The UCUA reserves all right to control employees' use of UCUA computers and devices.

The UCUA retains the right to monitor all computer activity at any time and for any reason. Monitoring includes, but is not limited to, reviewing e-mail content and attachments (incoming and outgoing), e-mail addresses, tracking Internet sites visited, "chat rooms," instant messaging, "blogging" and newsgroup activity, as well as the frequency and time spent on-line by each user. In addition, the UCUA, in its discretion, may limit or prevent access to certain types of sites and online activity to ensure compliance with this Policy. The

UCUA may also block or cancel an employee's access to Internet sites, or the Internet as a whole, while using UCUA computers or other devices.

UCUA is aware that its employees have personal lives, and may engage in personal activities on-line outside of work and on their personal time, including by participating in social media platforms such as Facebook, Twitter, Instagram, and others. Because postings placed on the Internet may display the UCUA's address or other UCUA related information, including metadata and internet protocol data, these postings could reflect upon the UCUA. With that in mind, make certain before posting any information that it exhibits the high standards and policies of the UCUA. If you identify yourself as a UCUA employee in any manner on any Internet posting, blog, comment, etc., or if you post a link to the UCUA or make any reference or comment on any aspect of the UCUA's business, you must include the following disclaimer in an openly visible location: "the views expressed on this post are mine and do not necessarily reflect the views of the UCUA or anyone associated/affiliated with the UCUA." Under no circumstances shall data of a confidential, sensitive or otherwise proprietary nature be posted on the Internet, and no such data or UCUA documents be posted to social media sites, including, but not limited to, screenshots of computer stations, pictures of monitors and/or actual documents themselves, without the prior approval of the UCUA's Executive Director.

No media advertisement, electronic bulletin board posting, or any other communication accessible via the Internet about the UCUA or on behalf of the UCUA, through the use of the UCUA's Communication Media may be issued unless it has first been approved by the UCUA's Administration. Specifically, employees are forbidden from using the UCUA's Communication Media to impersonate the employer; to make statements on behalf of the employer without authorization; and/or to make statements that can be construed as establishing what the employer's official position or policy is on any particular issue. In addition, employees are prohibited from placing or posting on the Internet through the employer's Communication Media or the employee's own personal media, either during working or non-working hours, any employer-related confidential, sensitive or other employer information of a proprietary nature, including but not limited to employer records or documents, trade secrets, internal reports, tips based on inside information that may be considered insider trading, screenshots of computer stations, pictures of monitors and/or actual documents of the employer, any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incidents or occurrences.

If employees choose to identify themselves as a UCUA employee on their personal social media accounts and even those that do not should be aware that he or she may be viewed as acting on behalf of the UCUA, as such no employee shall knowingly represent themselves as a spokesperson of the UCUA, post any comment, text, photo, audio, video or other multimedia file that negatively reflects upon the UCUA expresses views that are detrimental to the UCUA's mission or undermine the public trust or is insulting or offensive to other individuals or to the public in regard to religion, sex, race or national origin. UCUA employees are encouraged to exercise extreme caution posting photographs of themselves in uniform or in situations where they can be readily identified as Township employees.

To the extent that employees use social media outside their employment while engaging in protected concerted activities as defined above, employees will not be subject to discipline or retaliation for expressing views, opinions, and/or facts surrounding the UCUA's employment policies. For all other communications by employees on personal social media sites in which matters related to the UCUA are discussed, employees must add a disclaimer on the front page stating that the posting does not express the views of the UCUA, and that the employees are expressing their own personal views. For example: "The views expressed on this website/web log are mine alone and do not necessarily reflect the views of my employer." The disclaimer must be placed in a prominent position and repeated for each posting that is expressing an opinion related to the UCUA or the UCUA's business, with the exception of postings and social media communications by employees engaging in protected concerted activities. Employees are advised that if they post information on social media that is in violation of either the terms and conditions of the within social media policy, or in

violation of federal, state, or local laws, the disclaimer will not shield them from disciplinary action. However, no retaliation or discipline will result if and when employees are engaging in protected concerted activity, and/or choose to report inappropriate social media activities to the UCUA Administration

Nothing in these policies is designed to interfere with, restrain, or prevent social media communications by employees engaging in protected concerted activities regarding wages, hours, or other terms and conditions of employment pursuant to the National Labor Relations Act. All UCUA employees have the right to engage in or refrain from such activities.

Unauthorized Activities

Employees must comply with all policies adopted by the UCUA, including but not limited to policies regarding prohibition of discrimination and harassment and all applicable federal, state and local laws, including laws governing the transmission and dissemination of information while accessing the Internet. The following activities constitute unauthorized use of e-mail and the Internet, and are strictly prohibited while at work or while using the UCUA's email system, or any UCUA computer or device: connecting to, posting, sharing, uploading, or downloading obscene, pornographic, sexual or other inappropriate material; attempting to disable or compromise the security of information contained on the UCUA's computer systems; using UCUA equipment or systems for non-UCUA business for personal gain or profit; using UCUA equipment or systems for any illegal purpose; or sending or receiving obscene, indecent, defamatory, offensive, disruptive, harassing, sexual, or other inappropriate messages; use the network to make unauthorized entry into other computational, informational or communication services or resources; distribute unsolicited advertising; invade the privacy of others; make any attempt to damage computer equipment or software; engage in any activity that is harassing or defamatory; use the internet for any illegal activity, including violation of copyright or other rights of third parties, or in a manner inconsistent with the township's tax-exempt status or its proper operation; and/or download unauthorized software, fonts, templates or scripts.

—If an employee receives a message that is representative of an “unauthorized use” of the UCUA's electronic media from someone outside of the UCUA, it is the employee's duty to immediately inform the sender of such materials that he or she must refrain from sending such materials.

Employees may not intentionally interfere with the normal operation of any UCUA device or system.

As stated in the policies above the UCUA reserves the right to monitor the employee's Internet usage. In addition the UCUA has the right to restrict access to specific types of prohibited content through the use of a content filtering system. Any employee who violates any provision of UCUA's e-mail and Internet usage policy shall be subject to disciplinary action, up to and including termination.

PREGNANCY ACCOMMODATION

The UCUA will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment based on pregnancy, childbirth, breastfeeding or pregnancy related medical condition. The UCUA will also make reasonable accommodations for the known limitations or needs of an otherwise qualified pregnant applicant or employee unless undue hardship would result.

An applicant or employee who requires an accommodation for needs related to pregnancy, childbirth, breastfeeding or pregnancy related medical condition, should follow the instructions set forth in the preceding

section, regarding disability accommodations. Accommodations will be granted on a case-by-case basis, in the sole discretion of the Authority, subject to the same standards and procedures set forth above.

LACTATION BREAKS

All nonexempt employees who are nursing mothers are eligible to take reasonable breaks under this policy to express breast milk, for up to one year after the birth of the employee's child. The UCUA encourages all eligible employees who intend to take breaks under this policy to notify Department of Personnel of their intent—for example, when they are discussing their return to work following leave relating to childbirth.

Eligible employees may take a reasonable amount of break time to accommodate the employee's need to express breast milk for the employee's nursing child. Eligible employees should notify their supervisor of the frequency, timing and duration of lactation breaks they need to take. Please contact the Executive Director or the Executive Director's designee for information about the designated location for lactation breaks ~~closest to your work area~~ which shall be a suitable room or other location with privacy, other than a toilet stall, in close proximity to the work area for the employee to express breast milk for the child.

Lactation breaks under this policy are unpaid. However, employees who use meal or lunch or other break time to express breast milk should inform their supervisors that they are doing so, and will be compensated in accordance with the Authority's policy on meal or rest breaks. Employees who are required to record their work time must accurately record the start and end of lactation breaks in accordance with the applicable time recording/management system. Uninterrupted lactation breaks do not count as hours worked. Employees may begin work before the regularly scheduled start of their shift or continue working past the regularly scheduled end of their shift to make up any time used for lactation breaks. Employees who choose to do this should speak with their supervisor in advance to make appropriate arrangements.

Exempt employees may be provided break time in accordance with the procedures of this policy with pay when necessary to comply with state and federal wage and hour laws.

If you have any questions regarding this policy or if you have questions about lactation breaks that are not addressed in this policy, please contact the Department of Personnel.

If you are subjected to any conduct that you believe violates this policy, you should promptly speak to, write or otherwise contact Department of Personnel, who will ensure that a prompt investigation is conducted and take prompt corrective action, if appropriate. Although not mandatory, a Complaint Form is available from the Department of Personnel to make your complaint if you wish to use it.

The UCUA expressly prohibits any form of discipline, reprisal, intimidation, retaliation or discrimination against any individual for requesting or taking lactation breaks, or for filing a complaint for violations of this policy, the Fair Labor Standards Act, or applicable state or local law. The Authority is committed to enforcing this policy and prohibiting retaliation against employees who request or take break time under this policy, or who file a related complaint.