

REGULAR MEETING MINUTES
CITY COMMISSION – MARGATE CITY

OCTOBER 4, 2018

MARGATE CITY, NEW JERSEY

THE PRESS AND THE DOWNBEACH CURRENT WERE NOTIFIED OF THIS MEETING AND A COPY OF THE SAME WAS POSTED ON THE BULLETIN BOARD AND THE MUNICIPAL WEBSITE.

The Regular Meeting of the Board of Commissioners was held on the above date at 5:10 p.m. at the Margate City Hall, 1 South Washington Avenue, Margate, NJ 08402. The meeting began with a flag salute and roll call: Mayor Michael Becker, Commissioner John Amodeo and Commissioner Maury Blumberg were present. Johanna Casey, Rich Deaney, Roger McLarnon, Dawn Marie Baselli, Ed Dennis and Scott Abbott were also present. The minutes from the September 20, 2018 Capital, Workshop and Regular Meetings were approved as read on motion by Commissioner Blumberg, seconded by Mayor Becker with a vote three ayes.

Public Comment:

John Sewell: 22 West Drive Speaking on the benefits of selling the Tighe School.

Art Cautilli: 114 N. Lancaster Ave. Stats reasons for needing to consolidate schools.

Seeing that there were no additional comments, a motion to close Public Comments was put forth by Commissioner Amodeo, seconded by Commissioner Blumberg with a vote of three ayes.

Public Comment Resolutions and Adoption of Ordinances:

Fred Tursi: 9400 Amherst Ave. Inquires as to commercial establishments not being required to have parking and inquires as to the design for the promenade.

Commissioner Blumberg: States the land use ordinance parking requirements.

Commissioner Amodeo: States what will be required for the design of the promenade.

Seeing that there were no comments, a motion to close Public Comments on Resolutions was put forth by Commissioner Amodeo, seconded by Commissioner Blumberg with a vote of three ayes.

ORDINANCES: Public/Adoption

A motion to adopt Ordinance #22-2018 was put forth by Mayor Becker, seconded by Commissioner Blumberg, with a vote of three ayes.

**THE CITY OF MARGATE CITY IN
THE COUNTY OF ATLANTIC, NEW JERSEY**

#22- 2018

BOND ORDINANCE APPROPRIATING TWO MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$2,450,000) AND AUTHORIZING THE ISSUANCE OF TWO MILLION THREE HUNDRED TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$2,327,500) IN BONDS AND NOTES OF THE CITY OF MARGATE CITY FOR VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE CITY OF MARGATE CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY

THE BOARD OF COMMISSIONERS OF THE CITY OF MARGATE CITY IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of the full membership thereof affirmatively concurring), DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Appropriation for Project-Down Payment

The improvements described in Section 3 of this Bond Ordinance are hereby respectfully authorized as general improvements to be made or acquired by the City of Margate City, in the County of Atlantic, New Jersey (the “City”). For said improvements or purposes stated in Section 3, there are hereby appropriated the sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to TWO MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$2,450,000), including the aggregate sum of ONE HUNDRED TWENTY-TWO THOUSAND FIVE HUNDRED DOLLARS (\$122,500) which is hereby appropriated from the Capital Improvement Fund of the City as the down payments for said improvements or purposes as required pursuant to N.J.S.A. 40A:2-11. It is hereby determined and stated that the amount of the down payment is not less than five percent (5%) of the obligations authorized by this Bond Ordinance and that the amount appropriated as a down payment has been made available prior to final adoption of this Bond Ordinance by provisions in prior or current budgets of the City for capital improvements and down payments, including also monies received from the United States of America, the State of New Jersey or the County of Atlantic, or agencies thereof, as grants in aid of financing said improvements or purposes.

Section 2. Authorization of Bonds

For the financing of said improvements or purposes and to meet the TWO MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$2,450,000) appropriation, negotiable bonds of the City are hereby authorized to be issued in the maximum principal amount of TWO MILLION THREE HUNDRED TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$2,327,500) pursuant to the Local Bond Law of New Jersey (the “Local Bond Law”) and any other law applicable thereto. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes stated in Section 3, negotiable note(s) of the City in the maximum principal amount of TWO MILLION THREE HUNDRED TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$2,327,500) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. Description of Projects

The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the appropriations made for and the estimated costs of such purposes (including all work or materials necessary therefore or incidental thereto), and the estimated maximum amount of bonds or notes to be issued for such purposes are as follows:

IMPROVEMENT OR <u>PURPOSE</u>	APPROPRIATION AND ESTIMATED <u>COST</u>	AMOUNT OF BONDS <u>OR NOTES</u>
(a) Construction of Amherst Avenue Bulkhead, including costs of surveying, construction, planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	\$843,560	\$801,382
(b) Various Municipal Roadway and Drainage Improvements, including without limitation improvements required for Safe Routes to Schools, 2017 State Aid Projects for Atlantic Avenue, Thurlow Avenue project and Bayshore Drive West project, including milling and overlay, paving and curbs, such new roadway pavement to be at least equal in useful life or durability to a road of Class B construction, as referred to in Section 40A:2-22 of the Local Bond Law, design costs, construction or reconstruction of drainage facilities, pavement preparation, pavement construction or reconstruction, asphalt concrete resurfacing, driveway,		

curb, sidewalk and shoulder restoration, handicapped accessible curb ramps, and all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.

\$1,606,440 \$1,526,118

TOTAL

\$2,450,000 \$2,327,500

The excess of the appropriation made for such improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefore, as stated above, not including the amount of any grant, is the amount of the said down payments for said purposes.

Section 4. Authorization of Notes

In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the City in a principal amount equal to the said principal of bonds not exceeding of TWO MILLION THREE HUNDRED TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$2,327,500) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as the Chief Financial Officer may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Commission of the City at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law. The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Ordinance. The Chief Financial Officer's signature upon said note(s) shall be conclusive evidence of such determination.

Section 5. Capital Budget

The capital budget of the City of Margate is hereby amended to conform with the provisions of this bond ordinance. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program is on the file with the Clerk and is available there for public inspection.

Section 6. Additional Matters

The following additional matters are hereby determined, declared and recited and stated:

(a) The said purposes described in Section 3 of this Bond Ordinance are not current expenses and are properties or improvements which the City may lawfully require or make as a general improvement, and no part of the cost thereof has been or shall be specifically assessed on property specifically benefited thereby.

(b) The period of usefulness of said purposes authorized herein as determined in accordance with the Local Bond Law is **11.72 years**.

(c) The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the City Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by of TWO MILLION THREE HUNDRED TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$2,327,500), and the said obligations authorized by this bond ordinance will be within the debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding THREE HUNDRED THIRTEEN THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$313,750) in the aggregate for interest on said obligations, costs of issuing said obligations, architectural, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the City in connection with the acquisition of such improvement and property as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvement and are included in the foregoing estimate thereof.

Section 7. Ratification of Prior Actions

Any action taken by any officials of the City in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this bond ordinance and shall be deemed to have been taken pursuant to this bond ordinance.

Section 8. Application of Grants

Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. Full Faith and Credit

The full faith and credit of the City are hereby pledged to punctual payment of the principal and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all of the taxable property within the City for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 10. Official Intent to Reimburse Expenditures

The City reasonably expects to reimburse any expenditures towards the cost of the improvement or purpose described in Section 3 of this Bond Ordinance and paid prior to the issuance of any bonds or notes authorized by this Bond Ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "control group" as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section yield restrictions or arbitrage rebate requirements.

Section 11. Effective Date

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

A motion to adopt Ordinance #23-2018 was put forth by Mayor Becker, seconded by Commissioner Blumberg, with a vote of three ayes.

ORDINANCE #23-2018

BOND ORDINANCE PROVIDING FOR VARIOUS WATER AND SEWER UTILITY CAPITAL IMPROVEMENTS IN AND BY THE CITY OF MARGATE CITY, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000) THEREFORE AND AUTHORIZING THE ISSUANCE OF ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000) BONDS OR NOTES OF THE CITY FOR FINANCING THE COST THEREOF

THE BOARD OF COMMISSIONERS OF THE CITY OF MARGATE CITY IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of the full membership thereof affirmatively concurring), DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Appropriation for Project-Down Payment

The improvements described in Section 3 of this Bond Ordinance are hereby respectfully authorized as general capital improvements to be made to the water and sewer utility systems of the City of Margate City, in the County of Atlantic, New Jersey (the "City"). For said improvements or purposes stated in Section 3, there are hereby appropriated the sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000). No down payment is required as the purposes authorized herein are deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the City, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. Authorization of Bonds

For the financing of said improvements or purposes and to meet the ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000) appropriation, negotiable bonds of the City are hereby authorized to be issued in the maximum principal amount of ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000) pursuant to the Local Bond Law of New Jersey (the "Local Bond Law") and any other law applicable thereto. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes stated in Section 3, negotiable note(s) of the City in the maximum principal amount of ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. Description of Project

The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the appropriations made for and the estimated costs of such purposes (including all work or materials necessary therefore or incidental thereto), and the estimated maximum amount of bonds or notes to be issued for such purposes are as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>AMOUNT OF BONDS OR NOTES</u>
Design and Construction of Storm Water Improvements and Drainage, including 2017 State Aid Projects – Atlantic Avenue; Thurlow Avenue; and Bayshore Drive West, and including all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file in the office of the City Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	\$1,100,000	\$1,100,000
Total	<u>\$1,100,000</u>	<u>\$1,100,000</u>

Section 4. Authorization of Notes

In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the City in a principal amount equal to the said principal of bonds not exceeding ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as the Chief Financial Officer may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Commission of the City at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law. The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Ordinance. The Chief Financial Officer’s signature upon said note(s) shall be conclusive evidence of such determination.

Section 5. Capital Budget

The capital budget of the City of Margate is hereby amended to conform with the provisions of this bond ordinance. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program is on the file with the Clerk and is available there for public inspection.

Section 6. Additional Matters

The following additional matters are hereby determined, declared and recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the City may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specifically assessed on property specifically benefited thereby.

(b) The period of usefulness of said purposes authorized herein as determined in accordance with the Local Bond Law is **40 years**.

(c) The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the City Clerk and a complete duplicate thereof has been electronically filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by ONE MILLION ONE HUNDRED THOUSAND DOLLARS (\$1,100,000), and that the net debt of the City determined as provided in the Local Bond Law is not increased by this bond ordinance. The said obligations authorized by this bond ordinance will be within the debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding ONE HUNDRED EIGHTY-EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$188,500) in the aggregate for interest on said obligations, costs of issuing said obligations, architectural, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the City in connection with the acquisition of such improvement and property as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvement and are included in the foregoing estimate thereof.

(e) This bond ordinance authorizes obligations of the City solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

Section 7. Ratification of Prior Actions

Any action taken by any officials of the City in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this bond ordinance and shall be deemed to have been taken pursuant to this bond ordinance.

Section 8. Application of Grants

Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. Full Faith and Credit

The full faith and credit of the City are hereby pledged to punctual payment of the principal and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all of the taxable property within the City for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 10. Official Intent to Reimburse Expenditures

The City reasonably expects to reimburse any expenditures towards the cost of the improvement or purpose described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same "control group" as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial

policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section yield restrictions or arbitrage rebate requirements.

Section 11. Effective Date

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

A motion to adopt Ordinance #24-2018 was put forth by Commissioner Blumberg, seconded by Commissioner Amodeo, with a vote of three ayes.

ORDINANCE #24 – 2018**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 175 "LAND USE" OF THE CODE OF THE CITY OF MARGATE CITY, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY**

NOW THEREFORE BE IT ORDAINED by the Commissioners of the City of Margate, County of Atlantic and State of New Jersey as follows:

SECTION 1. Section 175 captioned Land Use, including cover page and table of contents, is amended and adopted as contained in the attached revision.

SECTION 2. Appendix A, Checklist for Applications, is amended and adopted as contained in the revision attached hereto and made a part hereof.

SECTION 3. Appendix B, Plant Species List, is amended and adopted as contained in the revision attached hereto and made a part hereof.

SECTION 4. Schedule A-1, City of Margate Schedule of Uses Residential Districts, is amended and adopted as contained in the revision attached hereto and made a part hereof.

SECTION 5. Schedule A-2, City of Margate Scheduled Uses Nonresidential Districts, is amended and adopted as contained in the revision attached hereto and made a part hereof.

SECTION 6. All ordinances or parts of ordinances inconsistent with any terms of this Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 7: This ordinance shall take effect upon its final passage and publication as required by law.

RESOLUTIONS**RESOLUTION #197-2018
MARGATE CITY BILL LIST / PAYROLL
OCTOBER 4, 2018**

WHEREAS, the Board of Commissioners of the City of Margate City, are in receipt of the semimonthly claims submitted by the Chief Financial Officer for payment:

BILLS LIST AMOUNT:

\$1,489,615.91

PREVIOUSLY PAID: \$ 2,386.25

PAYROLL ACCOUNT – August 30, 2018

CURRENT ACCOUNT \$ 472,493.52

WATER & SEWER \$ 53,735.49

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners does hereby approve the Margate City Bill List / Payroll, and that all claims and bills attached here to be paid in full.

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker	X		X			
Amodeo			X			
Blumberg		X	X			

RESOLUTION #198-2018
AUTHORIZED PAYMENT - COLMAR HOME CENTER

WHEREAS, the Board of Commissioners of the City of Margate City, are in receipt of the bi-monthly claim as submitted by the Chief Financial Officer for payment as follows:

COLMAR HOME CENTER \$1,046.58

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners does hereby approve the Margate City Bill for Colmar Home Center, attached hereto be paid in full.

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker					X	
Amodeo	X		X			
Blumberg		X	X			

City of Margate
Resolution #199-2018
Approval to Submit a Grant Application and Execute a Grant Agreement with the
U. S. Department of Homeland Security for the FEMA Flood Mitigation Assistance
Program

WHEREAS, the U. S. Department of Homeland Security for the FEMA Flood Mitigation Assistance Program; and

WHEREAS, this program is available to certain municipalities in the State of New Jersey; and

WHEREAS, this grant program does not require a local match from the municipality; and

WHEREAS, the City of Margate carefully considers grant programs that assist the City in achieving projects and programs that are priorities for the community; and

WHEREAS, the Flood Mitigation Assistance Program may fund property acquisition and structure demolition or relocation, structure elevation, mitigation reconstruction, bulkheads, dry-flood proofing and other mitigation measures; and

WHEREAS, actions taken through the Flood Mitigation Assistance Program may result in lower flood insurance premiums through the Community Rating System, increase ratables and improved resiliency.

NOW, THEREFORE, BE IT RESOLVED that City Council of the City of Margate formally approves that grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit a grant application to the U. S. Department of Homeland Security.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Margate and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg		X	X			

Resolution #200-2018
Approval to Submit a Grant Application and Execute a Grant Agreement with the
U. S. Department of Homeland Security for the FY 2019 FEMA
Pre-Disaster Mitigation Program

WHEREAS, the U. S. Department of Homeland Security for the FY 2019 FEMA Pre-Disaster Mitigation Program; and

WHEREAS, this program is available to certain municipalities in the State of New Jersey; and

WHEREAS, this grant program requires a 25 percent local match from the municipality; and

WHEREAS, the City of Margate carefully considers grant programs that assist the City in achieving projects and programs that are priorities for the community; and

WHEREAS, the Pre-Disaster Mitigation Program may fund generators for critical facilities, bulkheads, watershed management plans and other projects identified in a FEMA approved Mitigation Plan among other priorities; and

NOW, THEREFORE, BE IT RESOLVED that City Council of the City of Margate formally approves that grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit a grant application to the U. S. Department of Homeland Security.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Margate and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg		X	X			

RESOLUTION #201-2018
Submit Submission of a Grant Application SST-2019-Margate City-00035 and Execute a Grant Agreement with the New Jersey Department of Transportation

WHEREAS, the New Jersey Department of Transportation offers Safe Streets to Transit funding; and

WHEREAS, this program is available to all counties and municipalities in the State of New Jersey; and

WHEREAS, this grant program does not require matching funds; and

WHEREAS, the City of Margate City carefully considers grant programs that assist the City in achieving projects and programs that are priorities for the community; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the City of Margate City formally approves this Safe Streets to Transit application.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as SST-2019-Margate City–00035 to the New Jersey Department of Transportation on behalf of the City of Margate City.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Margate City and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg		X	X			

RESOLUTION #202-2018
Resolution to adopt the Margate Watershed Management Plan

WHEREAS, the National Flood Insurance Program's (NFIP) Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum National Flood Insurance Program requirements., and

WHEREAS, by participating in the CRS program City property owners will receive a discount on their flood insurance premiums to reflect the reduced flood risks resulting from community actions; and

WHEREAS, the CRS provides credit for a full range of public information activities that inform people about flooding and ways to address potential flood damage to their property, including map information, outreach projects, real estate disclosure, libraries, websites, and providing technical advice and assistance; and

WHEREAS, the City of Margate achieved a Class 5 rating in the Community Rating System, resulting in a twenty-five percent discount on flood insurance for property owners; and

WHEREAS, the City of Margate has continued to pursue an even higher discount on flood insurance for its property owners; and

WHEREAS, to this end, the City has developed a Watershed Management Plan that analyzes the combined effects of existing and expected development and redevelopment on drainage throughout the City and also includes a plan of action to address current and expected issues; and

WHEREAS, the adoption of this Plan is a required activity of the City for its Community Rating System participation.

NOW, THEREFORE IT BE RESOLVED by the City Commission of the City of Margate, County of Atlantic, State of New Jersey, as follows:

- 1.) The City Council formally adopts the Margate Watershed Management Plan.
- 2.) The City Officials are instructed to implement this plan and update it on a regular basis pursuant to the most recent Community Rating System Coordinator’s Manual.

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg		X	X			

RESOLUTION #203-2018
AUTHORIZING RECEIPT OF BIDS
2018 BENSON AVENUE WATER TANK EXTERIOR PAINTING PROJECT

WHEREAS, the Board of Commissioners of the City of Margate is desirous of receiving bids for the 2018 Benson Avenue Water Tank Exterior Painting Project; and

WHEREAS, specifications for the aforesaid items will be on file in the City Clerk’s Office, and will be available for inspection.

NOW, THEREFORE, BE IT RESOLVED by the City Commissioners of the City of Margate, County of Atlantic that it does hereby authorize the City Clerk to advertise for bids for the aforesaid item as per the specifications on file and will be received by the City Clerk’s Office in the Municipal All Purpose Room, 9001 Winchester Avenue, Margate, New Jersey on a date to be determined.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the following:

- 1. Lisa McLaughlin, Finance Manager
- 2. Frank Ricciotti, Public Works Department
- 3. Ed Walberg, City Engineer

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg		X	X			

Resolution #204-2018

Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Reconstruction of Atlantic Avenue project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the City of Margate City, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2019-Reconstruction of Atlantic Avenue-00018 to the New Jersey Department of Transportation on behalf of the City of Margate City.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the City of Margate City and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg		X	X			

RESOLUTION #205-2018

AUTHORIZING AMENDING EMPLOYEE HANDBOOK/POLICY & PROCEDURE MANUAL TO REVISE SEVERAL PERSONNEL FORMS
WHEREAS, The City of Margate has an Employee Handbook/Policy & Procedure Manual; and
WHEREAS, The Board of Commissioners has determined that there is a need to amend such manual to revise a number of Personnel Forms in accordance with the Atlantic County Municipal Joint Insurance Fund (ACMJIF) and the Municipal Excess Liability Joint Insurance Fund (MEL), 2019-2020 Plan of Risk Management; and
WHEREAS, the revised Personnel Forms are as follows:

- Title
- Notice of Personnel Discussion
- Employee Complaint Form
- “Whistleblower Act” Notices
- NJ Division of Civil Rights Guide on Pre-Employment Inquiries
- Performance Appraisal
- Harassment Prevention Checklist
- Employee Evaluation Checklist
- Counseling Action Plan
- Fingerprint and Background Check Consent Form
- Exit Interview Form
- Separation of Employment Form
- Leave of Absence Request Form
- Police Department Leave of Absence Request Form
- Personnel Action Request Form
- New Hire Personnel Form
- Seasonal Employee Personnel Form

WHEREAS, these Personnel Forms have been reviewed by Labor Attorney Vanessa James, Esquire, and Business Administrator Richard Deaney;
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Margate that the listed Personnel Forms attached hereto are hereby adopted and will be issued to employees via Power DMS; and
BE IT FURTHER RESOLVED that these Personnel Forms shall apply to all City officials, appointees, employees, volunteers and independent contractors. In the event that there is a conflict between these forms and any collective bargaining agreement, personnel services contract, or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these Personnel Forms shall prevail.
BE IT FURTHER RESOLVED that these Personnel Forms are intended to provide guidelines covering public service by City employees and do not represent a contract. These Personnel Forms may be amended and supplemented from time to time without notice and at the sole discretion of the Board of Commissioners.
BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the City shall operate under the legal doctrine known as “employment at will.”

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
------	--------	----------	-----	----	-----------	--------

Becker			X			
Amodeo		X	X			
Blumberg		X	X			

CITY OF MARGATE
NOTICE OF PERSONNEL DISCUSSION

To: _____

Address: _____

This is to notify you, pursuant to the Open Public Meeting Act, that the Board of Commissioners plans to discuss the subject matter(s) checked below relating to your employment.

- ☐ Application for Employment
- ☐ Promotion or Transfer
- ☐ Compensation
- ☐ Performance Evaluation
- ☐ Special Leave Request
- ☐ Grievance
- ☐ Discipline
- ☐ Possible Termination
- ☐ Other (Specify): _____

The discussion will take place at the following meeting(s):

Date of Meeting(s): _____

Time: _____

Location: _____

The discussion will be in closed session, not open to the public, unless before the meeting the City Clerk receives a request, in writing, in which you ask that the discussion be held in public. If the discussion will affect other employees or potential employees, it may be closed to the public unless all such affected persons submit such signed requests. You are not required to attend this meeting.

Notice Date: _____ Signed: _____ (title) _____

City of Margate Employee Complaint Form

Date _____

Attach additional sheets if necessary to fully complete all questions

NAME: _____ DEPARTMENT: _____

TITLE: _____ SUPERVISOR: _____

Time period covered by this complaint: _____

Individuals who allegedly committed the acts being complained of:

Describe the nature and dates of the acts allegedly committed by each individual:

Identify all persons with knowledge of the complained conduct:

Are there any documents or other evidence that supports the occurrences described above?

If you previously complained about this or related acts to a supervisor or official, please identify the individual to whom you complained, the date of the complaint, and any action taken.

Have you missed any time from work or incurred any un-reimbursed medical expenses as a result of the alleged acts?

Are you afraid that someone may retaliate against you because you filed this complaint? If so, please identify the person(s) and indicate the reasons why you feel the person(s) may retaliate against you.

What is your requested remedy for this complaint?

ACKNOWLEDGMENT

The information provided above is true and correct to the best of my knowledge.

BY: _____ DATE: _____

To investigate your complaint, it will be necessary to interview you, the accused party, and any witnesses with knowledge of the allegations or defenses. All persons involved in the investigation will be notified that (1) the complaint is confidential, (2) that any unauthorized disclosures of information concerning the investigation or retaliation could result in disciplinary action up to and including discharge.

I am willing to cooperate fully in the investigation of my complaint and to provide whatever evidence is deemed relevant.

BY: _____ DATE: _____

CITY OF MARGATE COUNSELING ACTION PLAN

EMPLOYEE NAME: _____ **DATE:** _____

DEPARTMENT: _____ **POSITION:** _____

I met with the above employee to discuss performance regarding the following problem(s):

This is a ☐ verbal, ☐ written, ☐ final meeting with this employee concerning this matter.

State the reason for the counseling session:

Employee's performance is not acceptable for the following specific reasons:

CITY OF MARGATE EMPLOYEE EVALUATION CHECKLIST

☐ **BE PREPARED**

- Know the objectives and goals of the meeting.

☐ **TIME AND PLACE**

- Choose a quiet, private spot with as few interruptions as possible.

☐ **CONDUCTING THE INTERVIEW**

- Create a positive environment and help the employee feel at ease.
- Give balanced feedback, both positive and negative, but start with the positive.
- Focus on the job, NOT the person.
- Ask questions and allow the employee to provide feedback.
- When discussing areas for improvement, discuss methods and objectives for improving.
- Discuss possibilities for advancement, the employee's aspirations and professional development necessary to be a candidate for such future positions.

☐ **CONCLUSION**

- Summarize and review the important points of the discussion.
- Restate the action steps that have been recommended and provide a time frame for completion.
- Make sure employee reviews the appraisal and provides comments.
- Have employee sign the acknowledgement that the employee has read the appraisal (does not signify agreement with the content).

☐ **FOLLOW-UP**

- Follow-up with the employee to see how plans are proceeding within the given time frames.
- Offer the employee assistance in achieving objectives and encourage discussion of successes and obstacles.



City of Margate City

Margate Exit Interview Form

► Name: _____
Title: _____
Department: _____ Division: _____
Date of Hire: _____ Years of Service: _____
Date of Separation: _____ Date of Notice: _____

► Section I to be Completed by Employee

A. Termination (check one): ☐ voluntary ☐ involuntary

B. Reason for termination (check all that apply):

☐ working conditions ☐ work hours ☐ wages
☐ change of career goals ☐ public v. private employment ☐ chance for advancement
☐ moving out of area

other: _____

Explanation of items checked above:

C. What can the City do to improve itself as a place of employment?

D. General comments concerning your employment with the City:

Fingerprint and Background Check Consent Form
For Employees, Job Applicants, and Volunteers That May Work or Have
Contact with Minors

In accordance N.J.S.A. 15A:3A-1 et seq, I understand that, as a condition of continued employment, new employment, or my volunteer service, the City requires background checks on all individuals who will be working with children.

By signing this form, I agree to be fingerprinted and consent to a criminal background record check as a condition of new employment, continued employment, or voluntary service. I also represent, attest, and certify that I have never been convicted of any of the following crimes or disorderly persons offenses as defined by New Jersey law or the law of any other state, or that the guilty disposition of any of the crimes and/or offenses has been amended to a status of not guilty, or that any previous charges, as listed below, have been expunged:

2C:11 HOMICIDE all offenses

2C:12 ASSAULT, ENDANGERING, THREATS all offenses

2C:13 KIDNAPPING all offenses

2C:14 SEXUAL OFFENSES all offenses

2C:15 ROBBERY all offenses

2C:20 THEFT all offenses

2C:24 OFFENSES AGAINST THE FAMILY, CHILDREN AND INCOMPETENTS
all offenses

2C:35 CONTROLLED DANGEROUS SUBSTANCES
all offenses except paragraph (4) of subsection a. of NJS.2C:35-10

Name (please print)

Applicant's signature

Date

Parent's signature (if applicant is under 18)

Date

**CITY OF MARGATE
Harassment Prevention Checklist**

Are you aware of our organizational commitment to the prevention of job based harassment from the workplace?

Yes _____ No _____

Are you familiar with our policy?

Yes) _____ No _____

(Yes or No, Review Policy)

After reading the policy together.

Do you understand the policy?

Yes _____ No _____

Do you have any questions?

Yes _____ No _____

Do you know how to file a complaint should you ever have a problem with harassment or if you see inappropriate behaviors at work?

Yes _____ No _____

Are you aware of any behaviors in the workplace that are inconsistent with this policy?

Yes _____ No _____

Employee Signature: _____

Date _____



City of Margate City

Leave of Absence Request Form

▶ Employee: _____ Dept.: _____

▶ Type of Leave Requested (*check all that apply*):

Personal Medical FMLA Family Leave (FLA)

Military Intermittent Other _____

▶ Request Information on:

Temporary Disability Benefits

Family Leave Insurance (FLI)

▶ Requested Dates of this Leave: _____ to _____

▶ Anticipated Return to Work Date: _____

Paid Leave Available as of the first date of the leave:

Note: Information in This Section Must be provided by Department Head

Sick Days _____

Vacation Days _____

Personal Days _____

Other Days Available _____

TOTAL PAID DAYS AVAILABLE: _____

Important Benefits Information: When you are on an unpaid leave status, you are required to send the City a check once/month to cover your share of the cost of your benefits. That information will be sent to you with your FMLA Designation Notice, once your leave is approved.

▶ Employee Signature _____ Date _____

City HR Representative _____ Date _____

Management Approvals Required:

Department Head: _____
Print Name Signature

Business Administrator: _____
Print Name Signature

Commissioner: _____
Print Name Signature

Copies of this Completed Form: Employee Department Head CFO & Payroll



City of Margate City

New Hire Personnel Form (Full-Time, Part-Time and Temporary)

Employee Name: _____ Date of Hire: _____
 Social Security Number: _____ Date of Birth: _____
 Home Address: _____
 Phone: (____) _____ E-mail: _____
 Full-Time _____ Part-Time _____ Temporary _____ Temp. Duration _____
 Job Title: _____ Annual Salary -or- Hourly Wage Rate: _____
 Department: _____
 Emergency Contact: : _____ Relationship: _____
 Primary Phone No. (____) _____ Alternate Phone No. (____) _____
 Address _____

BENEFITS INFORMATION (Full-Time Employees Only):
 Health Care Plan Coverage Level: Single _____ H/W _____ P/C _____ Family _____ Waiver _____
 Effective Dates: Medical and Rx _____ Dental _____
 Life Insurance _____ Vision _____
 Pension: Effective Date _____
 DCRP _____ PERS _____ PFRS _____ Tier _____
Inter-Govt. Transfers Only:
 Previous Employer _____
 Pension No. _____
 Paid Time Off Eligibility:
 Vacation Days _____ Sick Days _____ Personal Days _____

Employee Signature _____ Date _____
 City Rep. Signature _____ Date _____

Completed and signed original form to be filed in Personnel File. Copy to CFO/Payroll.

NJ DIVISION ON CIVIL RIGHTS GUIDE ON PRE-EMPLOYMENT INQUIRIES

Category	It is discriminatory to inquire about:	Some examples of acceptable inquiries:
Name	<ul style="list-style-type: none"> a) The fact of a change of name or the original name of an applicant whose name has been legally changed b) Maiden name 	Whether or not the applicant has ever worked under another name or was the applicant educated under another name. (Allowable only when the data is needed to verify the applicant's qualifications)
Birthplace and Residence	<ul style="list-style-type: none"> a) Birthplace of applicant b) Birthplace of applicant's parents c) Requirement that applicant submit birth certificate, naturalization or baptismal record d) Own home, rent, board or live with parents e) Citizenship 	<ul style="list-style-type: none"> a) Are you in the United States on a visa, which prohibits you from working here? b) Are you either a US citizen or a permanent resident alien?
Creed and Religion	<ul style="list-style-type: none"> a) Applicant's religious affiliation b) Church, parish, or religious holidays observed by applicant 	
Race or Color	<ul style="list-style-type: none"> a) Applicant's race b) Color of applicant's skin, eyes, hair, etc. c) Driver's license number 	
Photographs	<ul style="list-style-type: none"> a) Photographs with application b) Photographs after interview, but before a hiring 	
Age	<ul style="list-style-type: none"> a) Date of birth or age of applicant b) Age specifications, limitations, or implications in a newspaper advertisement which might bar workers under or over a certain age c) Driver's license number 	Applicant may be asked if he/she is over the minimum legal age and under a bona fide mandatory retirement age
Language	<ul style="list-style-type: none"> a) Applicant's mother tongue b) Language commonly used by applicant at home c) How the applicant acquired ability to read, write, or speak a foreign language 	Language applicant speaks and/or writes fluently (only if job related)
Relatives	Name and/or address of any relative of the applicant	Name and address of person to be notified in case of accident or emergency
Military Experience	<ul style="list-style-type: none"> a) Applicant's military experience in other than United States Armed Forces b) National Guard or Reserve Units of applicant c) Draft classification or other eligibility for military service d) Applicant's whereabouts during periods of armed conflict e) Dates, conditions and type of discharge 	<ul style="list-style-type: none"> a) Military experience of applicant in Armed Forces of United States only when used for employment history b) Whether applicant has received any notice to report for duty in Armed Forces

CITY OF MARGATE PERFORMANCE APPRAISAL

EMPLOYEE NAME: _____ SUPERVISOR: _____

DEPARTMENT/JOB TITLE: _____ DATE OF HIRE: _____

PRESENT REVIEW DATE: _____ LAST REVIEW DATE: _____ TIME IN POSITION (YRS.): _____

Use the Comments section to note goals being appraised and to provide future goals.

Overall Rating (circle)

1 - Does not meet minimum standards 2 - Needs Improvement 3 - Meets Job Requirements 4 - Exceeds Expectations

TRAINING/ JOB KNOWLEDGE: *Consider knowledge of methods, techniques, procedures, tools, and maintenance of certifications necessary to perform the position.*☐ Lets certification expire. No desire to improve skills. Insufficient knowledge and understanding of the job.☐ New in a position and still learning. Often requires additional instruction. Making progress, but not fully proficient. Needs to improve certain skills or job knowledge.☐ Fully understands job responsibilities. Maintains needed certification. Can operate all equipment required to perform his or her job.☐ Takes the initiative to improve job through evaluation of job processes. Can lead work group through unusual or unique situations.

Comments: _____

PERFORMANCE: *Consider dependability, communication skills, and the quality and quantity of work based on established standards.*☐ Frequently damages government property and/or equipment. Work not up to expectations.☐ Needs a better grasp of job. New employee still in learning process, not yet proficient. Not always as productive as expected.☐ Completely performs job meeting all job standards. Consistently provides quality work requiring minimal revision to correct errors.☐ Job output continuously above standards and before deadlines. Takes initiative to take on other tasks whenever possible.

Comments: _____

WORK CONDUCT: *Consider employee's interest in the position, commendations received, organizational support, personal appearance, and disciplinary actions.*☐ Frequently or repeatedly receives disciplinary actions and substantiated complaints from the community and co-workers.☐ Occasionally has disciplinary problems, but is working to correct behavior. Needs to project a positive outlook and pleasant manner.☐ Never has any discipline problems. Supervisor has complete trust in employee. Always conforms to dress code.☐ Consistent positive methods and behaviors, which translates into quality work. Has pride in work. Influences others in a positive way.

Comments: _____

COOPERATION: *Consider teamwork, or the ability to work with others in a cooperative and productive manner.*☐ Seldom works well with others. Difficult to work with. Does not promote teamwork. Files unsubstantiated grievances.☐ Slow to help others. Does not readily accept additional assignments required of job. Lack of tact or consideration for others.☐ Fully cooperates with co-workers. Accepts new ideas. Helps others. Willing to work overtime as needed.☐ Continually goes out of way to help co-workers. Learns other job responsibilities to aid in coverage. Fosters teamwork.

Comments: _____

SAFETY: *Consider the respect shown for self, co-workers and public.*☐ Does not adhere to safety rules. Repeatedly reprimanded for safety rule infractions.☐ Sometimes disregards safety procedures or misuses equipment.☐ Operates equipment and performs tasks within applicable safety standards. Reports all safety hazards.☐ Pays special attention to unsafe working conditions. Helps increase awareness of safety issues in work group. Suggests safety improvements.

Comments: _____



CITY OF MARGATE CITY

Personnel Action Request Form

(Full-Time, Part-Time and Temporary Employees)

➤ STEP 1: DEPARTMENT'S REQUEST

Date of Request: _____

Department: _____ Payroll Code: _____

Name: _____

Type of Position Requested:

Full-Time ☐ Part-Time ☐ (Part-Time employees are limited to a maximum of 1,456 hours per year)Temporary ☐ Duration of temporary employment _____Permanent/Provisional ☐ Work Location: _____

Schedule: Work Days _____ Shift _____

Reason for request:

Title Change ☐ If Title Change, New Title: _____Existing Vacant Position ☐

Previous Employee's Title: _____

Date Vacated: _____ Reason Vacated: _____

Entirely New Position ☐ New Title: _____

Transfer (Organization or Individual) to New Department: _____

Salary Change Only ☐ New Salary: _____

Position to be filled by:

New Hire ☐ Existing Employee ☐ Requested Effective or Start Date: _____

Current Title and Salary: _____

Duties, Responsibilities and/ or Comments (Attach additional sheet if necessary): _____

 Department Head: _____ Date: _____
 Print Name Signature

Revised 7/31/2018



CITY OF MARGATE CITY

Personnel Action Request Form (Continued)

➤ STEP 2: HUMAN RESOURCES REVIEW (required) Salary or Hourly Wage: _____

Title: _____ Salary Range _____

Name: _____

Representation: MCBP ☐ FMBA ☐ PBA ☐ MCEA ☐ Sr. Mgmt. ☐Comm. Oper. ☐ Non-Union ☐Existing Eligible List: Yes ☐ No ☐ Non-Competitive or Unclassified ☐Pension Eligible PERS ☐ PFRS ☐ DCRP ☐

Current Pension Number (if any) _____

Health Benefits Eligible: Yes ☐ No ☐

Comments: _____

HR Assistant: _____ Date: _____
Print Name Signature

➤ STEP 3: FINANCIAL REVIEW (required)

Total Financial Impact: \$ _____ Funds Available: Yes ☐ No ☐Approved: Yes ☐ No ☐ Effective Date of this Action: _____

Comments: _____

CFO: _____ Date: _____
Print Name Signature

➤ STEP 4: ADMINISTRATIVE REVIEW (required)

Approved: Yes ☐ No ☐ Effective Date of this Action: _____

Comments: _____

Business Admin. _____ Date: _____
Print SignatureCommissioner: _____ Date: _____
Print Signature

➤ STEP 5: ORIGINAL SIGNED FORMS GO TO HR ASSISTANT, WHO GIVES COPIES TO:

Department Head ☐ CFO/Payroll ☐ HR Consultant ☐ Original in Personnel File ☐



City of Margate City

Police Department Leave of Absence Request Form

▶ Employee: _____ Division: _____

▶ Type of Leave Requested (check all that apply):

Medical , FMLA , Family Leave (FLA) ,

Other _____

▶ Request Information on:

Temporary Disability Benefits

Family Leave Insurance (FLI) _____

▶ Requested Dates of this Leave: _____ to _____

▶ Anticipated Return to Work Date: _____

Paid Leave Available as of the first date of the leave:

Note: Information in This Section Must be provided by the Police Chief

Sick Days _____

Vacation Days _____

Personal Days _____

Other Days Available _____

TOTAL PAID DAYS AVAILABLE: _____

Important Benefits Information: When you are on an unpaid leave status, you are required to send the City a check once/month to cover your share of the cost of your benefits. That information will be sent to you with your FMLA Designation Notice, once your leave is approved.

▶ Employee Signature _____ Date _____

City HR Representative _____ Date _____

Management Approvals Required:

Police Chief: _____
Print Name Signature

Business Administrator: _____
Print Name Signature

Commissioner: _____
Print Name Signature

Copies of this Completed Form: Employee , Police Chief , CFO & Payroll ,



City of Margate City

Seasonal Employee Personnel Form

(New Hire/Status Change/Termination)

► Employee Name: _____ Date of Hire: _____

Social Security Number: _____ Date of Birth: _____

Home Address: _____

Phone: (____) _____ E-mail: _____

Emergency Contact : _____ Relationship: _____

Primary Phone No. (____) _____ Alternate Phone No. (____) _____

Address _____

► JOB INFORMATION

Department: _____ Job Title/Position: _____

Supervisor: _____ Start Date: _____

Full-Time ☐ Part-Time ☐ Annual Salary -or- Hourly Wage Rate: _____

► EMPLOYEE STATUS/RATE CHANGE

Change from: _____ to: _____

Reason for Rate Change: _____

Date of Termination of Employment: _____ Resignation ☐ Discharge ☐

Department Head:

Print Name Signature Date: _____

Business Administrator:

Print Name Signature Date: _____

Commissioner:

Print Name Signature Date: _____



City of Margate City
Separation of Employment Form

▶ **Employee:** _____

Reason for Action: _____ **Effective Date:** _____

▶ **Last Day:** **To Actually Work:** _____

On Vacation: _____

On Payroll: _____

▶ **Balances:** **Vacation:** _____

Personal: _____

Sick Leave: _____

Prorated: **Vacation:** _____

Personal: _____

Sick Leave: _____

Allowable Pay Out: _____

Gross Amt. of Check: _____ **Date of Check:** _____

▶ **Insurance Details**

Health Insurance: _____

Life Insurance: _____

▶ **Items Returned:** City ID ☐ City Keys ☐ City Equipment ☐ _____

▶ **Exit Interview with HR**

Employee Signature: _____ **Date:** _____

HR Signature: _____ **Date:** _____

Copies of Completed and Signed Form:

CFO/Payroll ☐ **Dept. Head** ☐ **Commissioner** ☐ **Personnel File** ☐

Conscientious Employee Protection Act

"Whistleblower Act"

Employer retaliatory action; protected employee actions; employee responsibilities

1. New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:
 - a. Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
 - b. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
 - c. Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - d. Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
 - e. Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
 - (1) is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
 - (2) is fraudulent or criminal; or
 - (3) is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. N.J.S.A. 34:19-3.
2. The protection against retaliation, when a disclosure is made to a public body, does not apply unless the employee has brought the activity, policy or practice to the attention of a supervisor of the employee by written notice and given the employer a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where the employee reasonably believes that the activity, policy or practice is known to one or more supervisors of the employer or where the employee fears physical harm as a result of the disclosure, provided that the situation is emergency in nature.

CONTACT INFORMATION

Your employer has designated the following contact person to receive written notifications, pursuant to paragraph 2 above (N.J.S.A. 34:19-4):

Name: _____	Richard Deaney, Business Administrator	_____
Address: _____	Municipal Building	_____
_____	9001 Winchester Avenue	_____
_____	Margate, NJ 08402	_____
Telephone Number: _____	609-822-0432	_____

This notice must be conspicuously displayed.

Once each year, employers with 10 or more employees must distribute notice of this law to their employees. If you need this document in a language other than English or Spanish, please call (609) 292-7832.



La Ley de protección al empleado consciente

“Ley de protección del denunciante”

Acciones de represalia del empleador; protección de las acciones del empleado

1. La ley de New Jersey prohíbe que los empleadores tomen medidas de represalia contra todo empleado que haga lo siguiente:
- a. Divulgue o amenace con divulgar, ya sea a un supervisor o a una agencia pública toda actividad, directriz o norma del empleador o de cualquier otro empleador con el que exista una relación de negocios y que el empleado tiene motivos fundados para pensar que violan alguna ley, o en el caso de un trabajador licenciado o certificado de la salud y que tiene motivos fundados para pensar que se trata de una manera inadecuada de atención al paciente;
 - b. Facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la violación de alguna ley, regla o reglamento que el empleador o algún otro empleador con el que exista una relación de negocios; o en el caso de un trabajador licenciado o certificado de la salud que facilite información o preste testimonio ante cualquier agencia pública que conduzca una investigación, audiencia o indagación sobre la calidad de la atención al paciente; o
 - c. Ofrece información concerniente al engaño o la tergiversación con accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
 - d. Ofrece información con respecto a toda actividad que se pueda percibir como delictiva o fraudulenta, toda directiva o práctica engañosa o de tergiversación que el empleado tenga motivos fundados para pensar que pudieran estafar a accionistas, inversionistas, usuarios, pacientes, clientes, empleados, ex empleados, retirados o pensionados del empleador o de cualquier agencia gubernamental.
 - e. Se opone o se niega a participar en alguna actividad, directriz o práctica que el empleado tiene motivos fundados para pensar que:
 - (1) viola alguna ley, o regla o reglamento que dicta la ley o en el caso de un empleado licenciado o certificado en cuidado de la salud que tiene motivos fundados para pensar que constituya atención inadecuada al paciente;
 - (2) es fraudulenta o delictiva; o
 - (3) es incompatible con algún mandato establecido por las directrices públicas relacionadas con la salud pública, la seguridad o el bienestar o la protección del medio ambiente. Artículo 34:19-3 de las Leyes comentadas de New Jersey de protección del empleado consciente (N.J.S.A., por sus siglas en inglés)
2. No se puede acoger a la protección contra la represalia, cuando se hace una divulgación a un organismo público, a no ser que el empleado le informe al empleador de tal actividad, política o norma a través de un aviso por escrito y le haya dado al empleador una oportunidad razonable para corregir tal actividad, política o norma. Sin embargo, no es necesaria la divulgación en los casos en que el empleado tenga indicios razonables para creer que un supervisor o más de un supervisor del empleador tienen conocimiento de tal actividad, política o norma o en los casos en los que el empleado teme que tal divulgación pueda traer como consecuencia daños físicos a su persona siempre y cuando la naturaleza de la situación sea la de una situación de emergencia.

Información del Contacto

Su empleador ha designado a la siguiente persona para recibir notificaciones de acuerdo al párrafo 2 de la ley (N.J.S.A. 34:19-4):

Nombre:

Richard Deaney, Business Administrator

Dirección:

Municipal Building

Número de teléfono:

9001 Winchester Avenue
Margate, NJ 08402
609-822-0432

Este aviso se debe exponer a la vista de todos.

Anualmente, patronos con 10 o más empleados, deberán distribuir notificación de esta ley a todos sus empleados. Si necesita este documento en algún otro idioma que no sea inglés o español, sírvase llamar al (609) 292-7832.



AD-270.1 (8/11)

RESOLUTION #206-2018
AUTHORIZING AMENDING EMPLOYEE HANDBOOK/POLICY & PROCEDURE
MANUAL TO REVISE SEVERAL POLICIES

WHEREAS, The City of Margate has an Employee Handbook/Policy & Procedure Manual; and
WHEREAS, The Board of Commissioners has determined that there is a need to amend such manual to revise a number of policies in accordance with the Atlantic County Municipal Joint Insurance Fund (ACMJIF) and the Municipal Excess Liability Joint Insurance Fund (MEL), 2019-2020 Plan of Risk Management; and

WHEREAS, the revised policies are as follows:

<u>Policy No.</u>	<u>Title</u>
201	Job Description Policy
209	Bulletin Board Policy
304	Sick Leave Policy
308	Family & Medical Leave Act Policy
309	Domestic Violence Leave Policy

- 310 Military Leave Policy
- 403 Health Insurance Policy
- 501 Employment Procedure
- 504 Processing and Orientation of New Employees Procedure
- 505 Initial Employment Period Procedure
- 506 Employee Handbook Procedure
- 507 Performance Evaluation Procedure
- 508 Disciplinary Action Procedure
- 509 Personnel File Procedure
- 510 Employee Complaint Investigation Procedure
- 511 Requests for Employment Verification and Reference Procedure
- 512 Continuing Education Procedure

WHEREAS, these personnel policies and procedures have been reviewed by Labor Attorney Vanessa James, Esquire, and Business Administrator Richard Deaney;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Margate that the listed policies attached hereto are hereby adopted and will be issued to employees via Power DMS; and

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all City officials, appointees, employees, volunteers and independent contractors. In the event that there is a conflict between these rules and any collective bargaining agreement, personnel services contract, or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that these personnel policies and procedures are intended to provide guidelines covering public service by City employees and do not represent a contract. These policies and procedures may be amended and supplemented from time to time without notice and at the sole discretion of the Board of Commissioners.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the City shall operate under the legal doctrine known as “employment at will.”

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg		X	X			

CITY OF MARGATE

Employee Handbook/Policy and Procedure Manual

SECTION 2: Workplace Policies

POLICY NO.: 201

OF PAGES: 1

SUBJECT: JOB DESCRIPTION POLICY

EFFECTIVE DATE: November 1, 2018

REVIEW DATE: October 4, 2018

REPLACES POLICY DATED: 2016

A Job Description including qualifications shall be maintained for each position pursuant to New Jersey Department of Personnel/Civil Service Commission guidelines if the position is subject to the Civil Service Act. All job descriptions must be approved by the Personnel Officer. The Personnel Officer will make copies available upon request.

CITY OF MARGATE

Employee Handbook/Policy and Procedure Manual

SECTION 2: Workplace Policies

POLICY NO.: 209

OF PAGES: 1

SUBJECT: BULLETIN BOARD POLICY

EFFECTIVE DATE: November 1, 2018

REVIEW DATE: October 4, 2018

REPLACES POLICY DATED: 2016

The bulletin boards located in the City of Margate administrative building and other facilities are intended for official notices regarding policies, procedures, meetings and special events. Only personnel authorized by the City Clerk or the Business Administrator may post, remove, or alter any notice.

CITY OF MARGATE

Employee Handbook/Policy and Procedure Manual

SECTION 3: Policies Relating to Paid and Unpaid Time Off

POLICY NO.: 304

OF PAGES: 3

SUBJECT: SICK LEAVE POLICY

EFFECTIVE DATE: October 29, 2018

REVIEW DATE: 10/4/2018

REPLACES POLICY DATED: 2016

Full-Time Employees

Full-Time employees are entitled to one (1) working day of sick leave per month during the first calendar year of employment, and 15 working days in every calendar year of employment thereafter. Sick days may accumulate from year to year.

Employees absent on sick leave for three (3) or more consecutive working days must submit a doctor's verification of illness or injury.

An absence of three (3) or more days may trigger the provisions of the Family and Medical Leave Act (FMLA) – see Policy No. 308. If an employee is attending to an immediate family member, including civil union partner, a doctor's verification of that individual is required.

After the 10th day of absence on sick leave in one calendar year, a doctor's verification must be submitted for all sick leave absences, regardless of duration.

Prior to an employee's return to work, the City may require the employee to be examined by a physician designated by the City in order to verify fitness to return to normal duties. An employee will not be permitted to return to work until the verification is received. All employees covered by collective bargaining agreements shall receive sick leave benefits as provided in the applicable collective bargaining agreement.

At the end of each calendar year, an employee's unused sick time is added to the allotment for the following year. The accumulation continues indefinitely.

Full-Time employees who retire, honorably terminate their employment, or upon their death, will be paid up to a maximum of 100 days of their accumulated unused sick time, computed at the rate of pay for the year immediately preceding their retirement, death, or honorable termination of employment, provided that they have served at least five (5) full years.

Existing Part-Time Employees

All Part-Time employees, who had paid sick leave prior to the enactment of the NJ Paid Sick Leave Act on 10/29/2018, are grandfathered with their current allotment of paid sick leave. Part-Time employees, who had no prior paid sick leave, are entitled to the following:

For purposes of this Act, the 12-consecutive-month "Benefit Year" shall be the same as the "Payroll Year;" i.e. from the first Payroll period start date of every year to the end of the last Payroll period of the same year. In each "Benefit Year," Part-Time employees will accrue up to a maximum of 40 hours of sick time at a rate of one (1) hour of sick time for every 30 hours worked, which will be front-loaded every six (6) months at a rate of 20 hours per half-year. After the conclusion of every six (6) months, the City will review the actual number of hours worked and will make any necessary adjustments.

For Part-Time employees on payroll on 10/29/2018, the City will front-load 10 hours of sick time for the period of 10/29/2018 through the end of the payroll year (last date of the last payroll period in 2018). The City shall then review the actual number of hours worked in order to ensure compliance with the Act's accrual rate and make any necessary adjustments.

Beginning on the first Payroll start date of 2019, the City shall credit Part-Time employees with 20 hours per half-year, then review and adjust if necessary for the following six (6) months. After the conclusion of 2019, the City will audit the year and then decide if the half-year frontloading is the best system for accounting and recordkeeping and will make any adjustments necessary. All Part-Time employees will be notified of any change in the accrual system.

Existing Part-Time employees are eligible to use the earned sick leave beginning on the 120th calendar day after 10/29/2018. After that 120th day, employees may use earned sick leave as soon as it is accrued.

Part-Time Employees Hired After 1/1/2019

Part-Time Employees hired after 1/1/2019 shall begin accruing paid sick leave on the first day of employment in accordance with the accrual rate listed above. They are eligible to use the earned sick leave beginning on the 120th calendar day of their employment. Subsequently, they may use earned sick leave as soon as it is accrued.

Accrual of Paid Sick Leave for Part-Time Employees

Part-Time Employees can carry over their accrued paid sick leave from year to year.

Use of Paid Sick Leave for All Employees

Per the NJ Paid Sick Leave Act effective 10/29/2018, sick leave may be used for any of the following reasons:

- A. Diagnosis, care or treatment of, or recovery from, an employee's own mental or physical illness, including preventive medical care;
- B. Aid or care for a covered family member during diagnosis, care or treatment of, or recovery from, a family member's mental or physical illness, including preventive care;
- C. Circumstances related to an employee's or their family member's status as a victim of domestic or sexual violence, including need to obtain medical treatment, seek counseling, relocate or participate in related legal services;
- D. Closure of an employee's workplace or of a school/childcare of an employee's child because of a public official's order related to a public health emergency;
- E. Time to attend a meeting requested or required by school staff to discuss a child's health condition or disability.

An employee is not required to find a replacement to cover the employee's absence.

CITY OF MARGATE

Employee Handbook/Policy and Procedure Manual

SECTION 2: Paid and Unpaid Time Off Policies

POLICY NO.: 308

OF PAGES: 12

SUBJECT: FAMILY & MEDICAL LEAVE ACT POLICY

EFFECTIVE DATE: November 1, 2018

REVIEW DATE: October 4, 2018

REPLACES POLICY DATED: 2016

Section One – Types of Leave and Definitions

There are Federal and State laws and programs that apply to certain paid and unpaid leaves of absence. This policy provides definitions, eligibility requirements and basic provisions of those. (All remaining information is contained in Section Two of this policy – Administration of FMLA or NJ FLA):

Federal Family and Medical Leave Act – FMLA

Federal Family and Medical Leave Act ("FMLA") is mandatory for employers who employ 50 or more employees within 75 miles of the worksite. The employer is required to: post information in the workplace about FMLA; communicate the provisions of the law; accept applications for this benefit; and extend this benefit to **eligible** employees who are out for more than **three (3) sick days**. In order to be **eligible** for such leave, employees must have one (1) year of service with the City and must have worked a minimum of 1,250 hours during the 12 months prior to the leave request.

FMLA is triggered for a condition that would likely result in a period of incapacity of more than **three (3) consecutive calendar days** in the absence of medical intervention or treatment. With medical certification, a maximum of 12 weeks of unpaid family or medical leave in the **designated** 12-month period would then be available to eligible employees. The City of Margate has set the **designated leave period as a rolling 12-month period beginning with the first date of leave**.

Eligible employees may receive up to 12 weeks of unpaid leave during the designated 12-month period immediately following the leave request; any available paid leave runs concurrently with the 12 weeks of unpaid leave. FMLA leave may also run concurrently with leave taken under the Worker's Compensation Policy No. 406.

Eligible employees are entitled to a family or a medical leave for up to 12 weeks to care for a newborn or adopted child, or a seriously ill immediate family member, including civil union partner, or for one of the two qualifying conditions about active service members, that makes the employee unable to perform the functions of the employee's position. Eligible employees who take leave under this policy must use all accrued available vacation, sick and personal days during the leave. The use of accrued leave will not extend the leave period. After exhausting any accrued paid time, the employee will no longer be paid for the remainder of the leave.

Qualifying Reasons for Approval of FMLA:

- To care for a newborn or adopted child, or a seriously ill member, including civil union partner. Immediate family member is defined as spouse, parent or child, including civil union and domestic partners, stepchildren and in-laws through marriage.
- For the employee's own serious health condition that makes the employee unable to perform the functions of the employee's position.
- Employees may be eligible for an unpaid leave for up to 26 workweeks in a year to care for an immediate family member on active duty in the military or a covered veteran* with a serious injury or illness incurred in the line of duty on active duty for which the service member is undergoing medical treatment, recuperation, or therapy; or is otherwise in outpatient status; or is otherwise on the temporary disability retired list; or up to 12 weeks for a qualifying exigency.
 - A qualifying exigency occurs when a military member is called to covered active duty (requires deployment to a foreign country), and a member of their immediate family must attend official ceremonies or family support or assistance meetings; there is a short-notice deployment; to attend to childcare matters; attend to financial and/or legal matters; or counseling.
 - Upon the employer's request, certification for qualifying exigency leave must be supported by a certification containing the following information:

Statement or description of appropriate facts regarding the qualifying exigency for which leave is needed;

Approximate date on which the qualifying exigency commenced or will commence;

Beginning and end dates for leave to be taken for a single continuous period of time;

An estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; and

If the qualifying exigency requires meeting with a third party, the contact information for the third party and a description of the purpose of the meeting.

A serious injury or illness means an injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his/her office, grade, rank or rating.

*A covered veteran is an individual who was discharged or released under condition other than a dishonorable discharge at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. A serious injury or illness also means an injury or illness that was incurred by the covered veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran's active duty and was aggravated by service in the line of duty on active duty, and that is either:

1. A continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank or rating; *or*
2. A physical or mental condition for which the veteran has received a US Dept. of Veterans Affairs Service-Related Disability Rating (VASRD) or 50% or greater, and the need for military caregiver leave is related to that condition; *or*
3. A physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; *or*
4. An injury that is the basis for the veteran's enrollment in the Dept. of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

*Any *one* of these definitions meets the FMLA's definition of a serious injury or illness for a covered veteran regardless of whether the injury or illness manifested before or after the individual became a veteran.

Eligible employees may also take leave to care for the parent of an immediate family member on covered active military duty who is incapable of self-care when the care is necessitated by the military member's covered active duty. Such case may include arranging for alternative care, providing care on an immediate basis, admitting or transferring the parent to a care facility, or attending meetings with staff at a care facility.

Eligible employees may also take leave to address certain childcare and related activities of an immediate family member on covered active military duty when the childcare and related activities are necessitated by the military member's covered active duty. These could include arranging for alternative childcare; providing childcare on a non-routine, urgent, immediate need basis; enrolling in or transferring a child to a new school or day care facility; and attending certain meetings at a school or a day care facility. **This provision allows for the arrangement of alternative childcare. It does not allow you to take leave for routing childcare, such as to become the primary caregiver while the military member is on covered active duty.**

Employees who request exigency leave to spend time with a military member on Rest and Recuperation (R&R) may take up to a maximum of 15 calendar days. Upon the employer's request, the employee must provide a copy of the military member's R&R leave orders, or other documentation issued by the military setting forth the dates of the military member's leave.

Under some circumstances, employees may take FMLA leave intermittently, which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule.

New Jersey Family Leave Act – FLA

New Jersey Family Leave Act ("FLA") is mandatory for NJ employers who employ 50 or more employees (whether employed in New Jersey or not) for each working day during each of 20 or more calendar workweeks in the then current or immediately preceding calendar year.

Employees may be **eligible** for FLA if they have one (1) year of service with the City and have worked a minimum of 1,000 hours during the 12 months prior to the leave request. FLA provides for up to 12 weeks of unpaid leave in a 24-month period to **eligible** employees.

Similar to FMLA, the City has set the **designated leave period as a rolling 24-month period beginning with the first date of leave**. Eligible employees may receive up to 12 weeks of unpaid leave within the available 24-month period immediately following the leave request; any available paid leave runs concurrently with the 12 weeks of unpaid leave.

FLA is available for an employee to care for a sick family member and to bond with a newborn or adopted child; **whereas**, FMLA is for: an employee's own serious medical condition; for the birth or adoption of a child; to care for a seriously ill family member; and to care for a military family member or that military member's parent or child. Employees eligible for FLA may also be eligible for up to six (6) weeks of paid leave under the New Jersey Family Leave Insurance ("FLI").

Employees taking paid leave in connection with a family member's serious health condition may take leave intermittently or consecutively. Intermittent leave may be taken in increments necessary to address the circumstances that precipitated the need for leave. An employee seeking intermittent paid family leave is required to provide the City with 30 days' notice unless an emergency or other unforeseen circumstance precludes prior notice. The employee seeking intermittent leave shall make a reasonable attempt to schedule leave in a non-disruptive manner.

Employees requesting such leave shall provide the City with a regular schedule of days for intermittent leave.

When an employee takes leave for a reason covered by both FMLA and FLA, the leave shall be simultaneously counted against an employee's entitlement under both statutes to the extent permitted by law. FMLA leave will also run concurrently with any FLI or New Jersey State Temporary Disability Insurance.

The period of leave must be supported by a physician's certificate in the form of the "Certification of Health Care Provider... (FMLA)" Form WH380-E or WH380-F.

Both **FMLA** and **FLA** are administered and coordinated by the City of Margate; the Administrator for these benefits is located in the Personnel Office.

New Jersey Family Leave Insurance – FLI – Wage Replacement

Employees of an employer covered under the New Jersey Unemployment Compensation Law (which Margate is) are eligible for New Jersey Family Leave Insurance ("FLI") which provides to eligible employees up to six (6) weeks of paid leave in a 12-month period in order to bond with newborn or newly-adopted children and to care for sick immediate family members. This benefit is administered by the NJ Division of Temporary Disability Insurance.

To be eligible, employees must have worked at least 20 weeks at minimum wage within the last 52 weeks, or have earned 1,000 times the minimum wage. The weekly benefit is 2/3 of average weekly compensation up to a maximum of \$681 in 2018 (this amount is subject to change). FLI will run concurrently with FMLA and/or FLA leaves, and there is a one-week waiting period. Employees may also be required to use accrued sick, vacation or personal leave for up to two (2) weeks.

Employers are required to: Give FLI information to new employees and to employees who inquire into this benefit, and also display a poster communicating this information. Employees are given this information and

the required forms when they meet with the City's FMLA (and FLA) Administrator (located in the Personnel Office) to discuss their leave request, if the leave request is for bonding with newborn or newly-adopted children or to care for sick immediate members.

Employees are responsible to: Complete and sign the forms, obtain their medical certification and return it to the City; and the City is responsible to complete the Employer's Statement – Part D Sections 1 and 2 and return it to the employee so that the employee can mail or fax the completed application to the state. If the City assists the employee in completing the form and mailing or faxing it to the state, the FMLA Administrator will place a copy in the employee's medical file.

New Jersey State Temporary Disability Insurance – State Disability Plan

The State Disability Plan is for employees who have had to stop working for their own medical conditions or for a pregnancy-related disability. This plan is administered by the NJ Division of Temporary Disability Insurance. Employees are given this information and the required forms when they meet with the City's FMLA and FLA Administrator to discuss their leave request, if the leave request is for their own medical disability. Employees are responsible to complete the forms, obtain their medical certification; and the City is responsible to complete the Employers section – Part C and return it to the employee so that the employee can mail or fax the completed application to the state. If the City assists the employee in completing the form and mailing or faxing it to the state, the FMLA Administrator will place a copy in the employee's medical file.

Section Two – Administration of FMLA and FLA

Initial Request for Leave

The employee must notify his/her Supervisor verbally that a Leave is needed (or if the employee is out for more than three [3] days for what may be a qualifying reason), the leave forms will be mailed to the employee. Then the Supervisor must contact the FMLA Administrator (located in the Personnel Office in the Municipal Building) who will arrange to meet with the employee as soon as possible. The Leave request must include an explanation for the Leave that will enable the FMLA Administrator to determine the type of leave for which the employee may be eligible.

The FMLA Administrator will explain the provisions of each type of leave, the medical benefits provision and will answer any questions. The FMLA Administrator will work with the employee to complete the "Margate Leave of Absence Form" and will give the employee the rest of the required forms for the leave (working from a Checklist specific to each type of leave), along with instructions and deadlines for return of the completed forms. The FMLA Administrator will also provide a letter of explanation and her contact information.

The FMLA Administrator will contact the Department Head for the employee's paid leave available (sick, vacation, etc.) for inclusion on the "Margate Leave of Absence Form."

Once the "Certification of Health Care Provider" is returned within 15 days, and the employee signs and returns the "Margate Leave of Absence Form," the Administrator will send that "Margate Leave of Absence Form" to the Department Head, the Business Administrator and the Commissioner for their signature approvals. Once all approvals are received, the FMLA Administrator will send copies to the Employee, the Department Head and the CFO/Payroll to ensure that the employee will be paid correctly and on time. The signed original form will be placed in the employee's personnel file.

The FMLA Administrator will also send to the employee the completed "Notice of Eligibility and Rights & Responsibilities" (FMLA) Form WH-382.

In circumstances where the need for leave is foreseeable, the employee must request Leave at least 30 days before needing it. When an employee becomes aware of a need for leave less than 30 days in advance, the employee must make a reasonable effort to schedule leave and medical treatment with a minimum of disruption to their department.

For foreseeable leave due to a qualifying emergency, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable.

An absence of three (3) or more days may trigger the provisions of the FMLA or NJ FLA. In such cases, the Administrator will mail all required forms to the employee.

Notice to Participants

The City will place Department of Labor posters describing employees' FMLA rights in conspicuous locations where employees can readily see them.

Absent extenuating circumstances, the City will notify employees whether they are eligible for leave based on the information available within five (5) business days of when the employee's completed "Certification of Health Care Provider" is received in the Personnel Office. The City may provide a provisional decision subject to additional information requested by the City.

The FMLA Administrator shall provide the following information in writing to employees who request leave:

1. That they must complete and submit the following forms within 15 days of receipt of the forms:
 - Margate Leave of Absence Form (contains paid time available)
 - Certification of Health Care Provider (The period of leave must be supported by a physician's certificate.)
2. Whether the employee's request may qualify for Family and Medical Leave or another type of leave.
3. The fact that their accrued sick, vacation and other available time will be paid during the FMLA leave, and that they will not be paid once they have exhausted all of their accrued paid time.
4. That they will be required to make direct payments for their share of the cost of their health insurance to the City once they are on unpaid leave, and how they go about making such payments.
5. The consequence of failing to comply with the employee's obligations.
6. The employees who are not designated "key" have the right to return to work from approved leave after they present a completed Return-To-Work release from their medical provider, to the FMLA Administrator prior to their return-to-work date, and the position protection period has not been exhausted.

7. Any additional entitlements and obligations that employees on FMLA/FLA have, such as:

- Eligible employees who take leave under this policy must use all accrued available vacation, sick and personal days during the leave. The use of accrued time will not extend the leave period. After exhausting any accrued paid time, the employee will no longer be paid for the remainder of the leave.
- During the leave period, employees' health benefits will be continued on the same conditions as coverage would have been provided had the employee been employed continuously during the entire leave. Once the employee is on unpaid leave status, the employee is required to send to the City a check for their normal contribution to the cost of their health insurance.
- Their requirement to make periodic status reports to the FMLA Administrator and/or to their Supervisor, providing the date they intend to return to work.
- An extension past 12 weeks can be requested, but medical verification of the need must be submitted prior to the expiration of the original leave. If they find that they need more leave than anticipated, they must provide the FMLA Administrator with a request to extend their family or medical leave, and an updated Healthcare Provider Certification or note. The City reserves the right to deny any request for extended leave.
- Employees will not continue to accrue vacation, sick or personal days for the extended period of the leave.
- Employees will receive seniority credit for the time that they have been on FMLA or FLA qualified leave.
- At the conclusion of the leave period, eligible employees are entitled to reinstatement to the position they previously held or to an equivalent one with the same terms and benefits that existed prior to the exercise of leave.

Certification of Serious Health Condition

1. Eligible employees who take leave under this policy must use all accrued available vacation, sick and personal days during the leave. The use of accrued time will not extend the leave period. After exhausting any accrued paid time, the employee will no longer be paid for the remainder of the leave.
2. During the leave period, employees' health benefits will be continued on the same conditions as coverage would have been provided had the employee been employed continuously during the entire leave. Once the employee is on unpaid leave status, the employee is required to send to the City a check for their normal contribution to the cost of their health insurance.
3. Their requirement to make periodic status reports to the FMLA Administrator and/or to their Supervisor, providing the date they intend to return to work.
4. An extension past 12 weeks can be requested, but medical verification of the need must be submitted prior to the expiration of the original leave. If they find that they need more leave than anticipated, they must provide the FMLA Administrator with a request to extend their family or medical leave, and an

updated Healthcare Provider Certification or note. The City reserves the right to deny any request for extended leave.

5. Employees will not continue to accrue vacation, sick or personal days for the extended period of the leave.
6. Employees will receive seniority credit for the time that they have been on FMLA or FLA qualified leave.
7. At the conclusion of the leave period, eligible employees are entitled to reinstatement to the position they previously held or to an equivalent one with the same terms and benefits that existed prior to the exercise of leave.

Certification of Serious Health Condition

1. Family Medical Leave due to the serious health condition of either the employee or a qualified family member must be supported by a certification issued by the health care provider of the individual with the condition. The certification must be in the form of, or provide the information contained in the "Certification of Health Care Provider for Employee's Serious Health Condition (FMLA)" Form WH 380-E or "Certification of Health Care Provider for Family Member's Serious Health Condition (FMLA)" Form WH 380-F.
2. If the City notifies the employee of any deficiencies in the certification, the employee has seven (7) days to correct the deficiencies. Failure to bring the certification to the level of satisfying legal requirements will result in denial of the request.
3. The City reserves the right to require a second medical opinion and, in the event that the two opinions conflict, a third opinion may be requested from a Health Care Provider selected jointly by the employee and the City. The City will pay the greater of the cost of the second/third opinions, or the travel expenses incurred to get them. The City may later request additional recertification.
4. If the leave is related to a serious health condition, employees are expected to make reasonable efforts to schedule any treatments needed so that they do not unduly disrupt the City's operations.

Leave Related to the Birth or Adoption of a Child or Placement of Foster Care

1. Leave related to the birth or adoption of a child or the placement of a child with the employee for foster care must be taken within one year of the birth, adoption or placement. FMLA states that this leave must be conducted within one year of the qualified event. NJ FLA requires that this leave must commence within one year of the qualified event.
2. FMLA leave for the birth or adoption of a child must be supported by proper documentation which must be in the form of, or provide the information contained in the "Certification of Health Care Provider for Employee's Serious Health Condition (FMLA)" Form WH-380-E, or "Certification of Health Care Provider for Family Member's Serious Health Condition (FMLA)" Form WH 380-F.

Qualifying Exigency Leave for Families or Members of the National Guard and Reserves

1. An employee whose spouse son, daughter or parent either has been notified of an impending call or order to active military duty, or who is already on active duty may take up to 12 weeks of leave for the arising of a qualifying exigency.* FMLA leave due to the military duty of a family member must be supported by proper documentation which must be in the form of the information contained in "Certification of Qualifying Exigency for Military Family Leave" Form WH 384.
2. The *qualifying exigency must be one of the following:
 - a. Short-notice deployment
 - b. Military events and activities
 - c. Child care and school activities
 - d. Financial and legal arrangements
 - e. Counseling
 - f. Rest and Recuperation
 - g. Post-deployment activities that arise out of active duty, providing that the employer and the employee agree, including agreement on timing and duration of the leave
3. An employee must provide a certification in the form of, or provide the information contained in "Certification of Qualifying Exigency for Military Family Leave" Form WH 384.
4. The leave may commence as soon as the individual receives his/her call-up notice.
5. A son or daughter is defined the same as "child" for other types of FMLA leave except that the person does not have to be a minor.
6. This type of leave would be counted toward the employee's 12-week maximum.

Military Caregiver Leave

An employee may take up to 26 weeks in a single 12-month period to care for a spouse, son, daughter, parent, or next of kin covered service member with a serious illness or injury incurred in the line of duty on active duty. FMLA due to the military duty of a family member must be supported by proper documentation. The documentation must be in the form of, or provide the information contained in "Certification for Serious Injury or Illness of Covered Servicemember for Military Family" Form WH 385.

1. An illness or injury incurred by a covered member of the armed forces in the line of duty on active duty that renders such service member medically unfit to perform the duties of his/her office, rank or rating.
2. Eligible employees are entitled to leave under FMLA to care for a service member with a serious health condition as so defined where such service member:
 - Is undergoing medical treatment, recuperation or therapy;
 - Is otherwise in outpatient status; or
 - Is otherwise on temporary disability retired list due to such a serious health condition.
3. Next of kin is defined as the closest blood relative of the injured or recovering service member.

4. An employee must provide a certification in the form of, or provide the information covered in the "Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave" Form WH 385.
5. Spouses who are both employed by the City are entitled to a total of 26 workweeks (rather than 26 weeks each) to care for a covered service member.

Intermittent Leave or Reduced Schedule

If medically necessary, leave related to a serious health condition may be taken intermittently or on a reduced schedule. Planned prior treatment must be submitted to the FMLA Administrator and the Department Manager prior to the employee taking leave.

1. Intermittent or reduced schedule leave may apply to the birth or placement of a child.
2. Employees must make a "reasonable effort" to schedule any intermittent or reduced schedule leave so as not to unduly disrupt the City's operations.
3. The City reserves the right to temporarily transfer an employee to an alternate position if the alternate is better able to accommodate the intermittent or reduced schedule that the employee needs. The alternate position will have duties, pay and benefits equivalent to the employee's normal job.
4. If an employee takes a leave on an intermittent or reduced schedule, only the amount of leave taken will be counted towards the 12-week FMLA leave entitlement. If an employee normally works part-time, the amount of leave available will be calculated on a pro-rata or proportional basis. The employee's budgeted work hours will be used in this calculation.
5. In the event that any part of an exempt employee's intermittent or reduced schedule is unpaid because the employee has insufficient sick or paid time off, the City will deduct amounts from an employee's wages to reflect leave. By statute, this deduction will not affect the employee's Fair Labor Standards Act status.

Leave Disapproval

1. The employee will be given a reasonable opportunity to cure any deficiencies in leave requirements. Failure to bring the documents to the level of satisfying legal requirements will result in denial of the request. The employee may then be expected to report to work as scheduled; however, if the employee is away from work when the decision is made, the FMLA Administrator will notify the employee by certified mail that the employee has three (3) days to return to work. Employees who do not return by the date they are given are considered to have voluntarily separated from the City.
2. The employee will continue to be paid consistent with the City's policies while the deficiencies are being resolved. The employee can use available sick pay only if a properly completed "Certification of Healthcare Provider ... FMLA" Form, which satisfied FMLA requirements, has been submitted to the FMLA Administrator. If that is not the case, the employee will be paid from available paid time off; and the employee's sick, vacation and personal leave balances will be adjusted accordingly.

Benefit Information

Employees, who normally make voluntary contributions to pay for benefits such as supplemental life insurance or health care coverage, shall have their normal payments deducted from any sick or paid time off that they are paid during the leave. In the event that an employee's wages are insufficient to cover their required payments, the employee must make direct payments to the City in order to maintain the benefit coverage.

General Provisions

1. Applying established policies, the City will designate leave as FMLA leave, if applicable. If FMLA does not apply, the leave may be designated as extended medical leave, if applicable. The Personnel Officer will base the decision on the length of employment, the hours worked, other information the employee provides, and the prior leave that the employee has taken.
2. In the event that an eligible employee notifies the City that they do not want their leave of absence designated as FMLA, the leave will not be designated as FMLA.
3. Eligible employees who take leave under approved FMLA must use all accrued available sick, vacation and personal days during the leave. The use of accrued time will not extend the leave period. After exhausting accrued time, the employee will no longer be paid for the remainder of the leave.
4. Workers' Compensation leave may run concurrently with FMLA leave.
5. The City will require employees to make periodic updates on when they expect to return to work, to the FMLA Administrator and/or to their Supervisor or Department Head throughout the leave.
6. Spouses who are both employed by the City are entitled to a total of 12 workweeks (rather than 12 weeks each) for the birth or adoption of a child or the care of a sick parent. Spouses who are both employed by the City are entitled to a total of 26 workweeks (rather than 26 workweeks each) to care for a covered service member. Spouses are entitled to a total of 12 weeks each to deal with their own illness or injury.
7. An employee who fraudulently obtains leave will not be entitled to the benefit coverage and return-to-work rights described in this policy.
8. If an employee obtains other employment while on authorized leave, their employment with the City may be terminated.

Return to Work

1. Employees who are not designated as "key" are entitled to return to either the same position that they left, or to a position equivalent in pay, benefits, and the terms and conditions of employment. They may also lose this right if they do not return to work as scheduled, or they exceed the maximum amount of FMLA leave allowed.
2. All employees returning from FMLA leave for their own illness must provide an up-to-date medical clearance certification to the FMLA Administrator or their Supervisor or Department Head no later than two (2) days prior to the return-to-work date.

- Employees are to contact their Supervisor or Department Head regarding a work schedule at least one (1) week prior to the return-to-work date.
- An employee will not be entitled to return to work if he or she:
 - Would have been laid off during the leave or would otherwise not have been employed at the time that they can return.
 - Has unequivocally advised the City that they do not intend to return to work.
 - Is a “key” employee whose return to work would cause substantial or grievous economic injury to the City.
 - Fails to provide the up-to-date “Return-To-Work” Release Notice to the FMLA Administrator or to their Supervisor or Department Head.

Special Provisions for “Key” Employees

1. A “key” employee is salaried and, when all employees of the City are ranked by compensation, that employee is in the top 5% of the City’s workforce under the NJ FLA Statute or 10% under Federal law.
2. In addition to the notification to employees of their leave status described in other sections of the policy, employees requesting leave who are designated “key” will be informed by certified mail of their “key” status. This notification will state whether the City is able to grant them position protection and if not, the conditions that made the negative determination necessary. The FMLA Administrator or the Business Administrator will make this notification as soon as possible; but it is understood that the notice may be delayed while it is being decided whether the employee is “key.”
3. If the City determines that the organization will incur substantial and grievous economic injury from the key employee’s absence, and the employee is already away from work, the FMLA Administrator or the Business Administrator will include in the notice the date by which the employee must return to work.
4. In the event that the key employee does not return to work within the specified time, the employee may apply for return to work when their emergency ends. The City will make a final determination regarding the key employee’s return to work at that time and send the employee notification by certified mail advising of the City’s decision.
5. In the event that a key employee is denied re-employment, the key employee will not be required to reimburse the City for the employee’s share of their health coverage costs if the City paid it during their approved absence.
6. If a key employee loses their job because they are not granted position protection and cannot return to work when directed, the key employee may seek a new City position via job postings. The City will grant 30 days of unpaid time for the sole purpose of securing a new position.
7. Additional information concerning this Leave Policy is available from the Business Administrator or the FMLA Administrator.

NOTE: Nothing in this Policy No. 308 prohibits or limits employees from utilizing the entirety of their accumulated sick time as long as they comply with the requirements of the Sick Leave Policy No. 304.

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SECTION 3: Paid and Unpaid Time Off Policies

POLICY NO.: 309

OF PAGES: 1

SUBJECT: DOMESTIC VIOLENCE LEAVE POLICY

EFFECTIVE DATE: November 1, 2018

REVIEW DATE: October 4, 2018

REPLACES POLICY DATED: 2016

The New Jersey Security and Financial Entitlement Act, also known as the "NJ SAFE Act," provides protection for employees and their family members who have been the victim of domestic violence or sexual assault. Employees are entitled to 20 days of unpaid protected leave from work to:

- Seek medical attention for physical or psychological injuries;
- Obtain services from a victim services organization, pursue psychological or other counseling;
- Participate in safety planning for temporary or permanent relocation;
- Seek legal assistance to ensure health and safety of the employee or the employee's relative; or
- Attend, participate in, or prepare for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

To be eligible for the leave, an employee must meet the following criteria:

- The employee or their child, parent, spouse or domestic partner must be a victim of domestic violence or a sexually violent offense;
- The employee must have worked for the employer for at least 12 months and for at least 1,000 hours during the 12-month period immediately preceding the requested leave; and
- The 20-day leave must be taken within one (1) year of the qualifying event.

Employees may take leave on an intermittent basis, but such leave cannot be shorter than one (1) full day. To the extent the leave is foreseeable, employees must provide advance notice. In addition, employees seeking this leave must provide proof that they qualify for the leave. Such proof may include a restraining order, a letter from a prosecutor, proof of conviction, medical documentation, or a certification from an agency or professional involved in assisting the employee.

In certain circumstances, the basis for the leave may also qualify under the federal Family and Medical Leave Act (FMLA) and/or the New Jersey Family Leave Act (FLA). If so, the City will treat the leave concurrently with the leave under those statutes. Employees shall be required to use accrued paid vacation leave, personal time or sick leave concurrently.

The City shall protect the privacy of employees who seek leave by holding the request for leave, the leave itself, or the failure to return to work "in the strictest confidence." The City shall not retaliate, harass, or discriminate against any employee exercising his/her right to take the leave provided by this policy.

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SECTION 3: Paid and Unpaid Time Off Policies

POLICY NO.: 310

OF PAGES: 2

SUBJECT: MILITARY LEAVE POLICY

EFFECTIVE DATE: November 1, 2018

REVIEW DATE: October 4, 2018

REPLACES POLICY DATED: 2016

When a full-time employee (either permanent or temporary) who is a member of the reserve component of any United States armed force or the National Guard of any state, including the Naval Militia and Air National Guard, is required to engage in field training or is called for active duty, the employee will be granted a military leave of absence for the duration of the service, as long as the individual has been employed by the City for one (1) year. In addition, there is a cap of 5 years of military service.

The first 30 workdays of the leave shall be with full pay, except that a member of the New Jersey National Guard shall receive full pay for the first 90 workdays in the aggregate in any one calendar year for any period of Federal active duty, and unlimited paid leave in the case of State active duty. Thereafter, the leave shall be without pay but without loss of time. The paid leave will not be counted against any available time off including, but not limited to vacation, sick or personal time.

A full-time temporary employee, who has served less than one year with the City, shall not be entitled to paid leave, but shall be granted non-paid military leave without loss of time.

Employees on military service will also continue to receive paid health insurance coverage during the period of the paid leave plus an additional 30 calendar days after the paid leave is exhausted. After this period has expired, employees may continue coverage for themselves or their dependents under the City group plan by taking advantage of the COBRA provision. Members of the State-administered retirement systems (PERS and PFRS) will continue accruing service and salary credit in the system during the period of paid leave.

Pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994, any employee released from active duty under honorable circumstances shall return to work without loss of privileges or seniority within the following time limits: for service less than 31 calendar days, the employee must return to work on the beginning of the first regularly-scheduled workday or eight (8) hours after the end of military duty, with reasonable allowances for commuting; for service of 31 to 180 calendar days, the employee must submit an application for reinstatement within 14 calendar days after completing military duty; for service greater than 180 calendar days, the employee must submit an application for reinstatement within 90 calendar days after completing military duty.

Employees on a Military Leave must meet with the CFO/Finance Director before they leave on each deployment, so that the status of their health benefits is clear. In addition, the employee must submit a copy of their first military pay to the CFO/Finance Director to ensure that there are no payroll issues; in addition, any time there

is a change in their military pay, they must submit the first military pay reflecting the change to the CFO/Finance Director.

References:

- *Uniformed Services Employment and Reemployment Rights Act (USERRA) Act of 1994 (Pub. L. 103-353, 108 Stat. 3150, 38 U.S.C. 433(a)). 20 CFR Part 1002.*
- *NJAC 4A:6-1.11*
- *Margate Health Insurance Policy No. 403*

CITY OF MARGATE

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SECTION 4: Compensation & Employee Benefits Policies

POLICY NO.: 403

OF PAGES: 4

SUBJECT: HEALTH INSURANCE POLICY

EFFECTIVE DATE: November 1, 2018

REVIEW DATE: October 4, 2018

REPLACES POLICY DATED: 2016

The City of Margate's health insurance plan provides employees and their immediate family members, including civil union partner, access to medical insurance benefits. The City reserves the right to change provider networks, claims agents, and insurance mechanisms (e.g. fully-insured vs. health insurance fund). At this time, the City's plan is the **NJ State Health Benefits Program (SHBP)**. The complete benefit plan is on file in the City Clerk's office and a Summary Plan Description will be provided to employees upon request; it is also available on the NJ Division of Pension and Benefits (State Health Benefit Plan) website: <https://www.state.nj.us/treasury/pensions/hb-sbc-gov.shtml>. Benefit levels for non-union employees are subject to change at the discretion of the City.

The timetables for enrollment and termination of health insurance will occur in accord with the timetables for enrollment and termination in the SHBP, except coverage will continue for up to 12 weeks for employees on leave pursuant to the Family and Medical Leave Act.

Upon termination of coverage, employees may extend health insurance coverage for themselves or their dependents by taking advantage of the COBRA provision for a period of 18 to 36 months. All newly-hired employees and their spouses shall receive a notice of COBRA rights upon being hired. For more information, consult the City Finance Director.

Employer's Responsibilities under Leaves of Absence (including Military Leaves of Absence)

The City has responsibilities to:

- Advise employees of the status of their health benefits if they take a leave of absence.
- Let employees know that they may reduce coverage level (for financial reasons) while on leave and increase it again when they return.
- Provide employees and/or dependents with a specific COBRA Notice when a COBRA Event occurs.
- Maintain records that demonstrate the City's compliance with the COBRA law.
- Advise employees of the status of their health benefits when they return from a leave of absence.
- Provide Open Enrollment information to employees on a leave of absence.

Leave of Absence without Pay for Illness

An employee can continue health coverage while on an approved Leave of Absence without pay for illness. The City will provide for payment of the first three (3) months of approved sick leave with the employee being able to extend coverage by prepayment for an additional nine (9) months on a monthly basis, one month in advance. The City may not discriminate against any eligible employee or groups of employees.

Leave of Absence without Pay for Reasons Other Than Illness

An employee who is permitted to take an approved leave of absence for reasons other than illness, family leave or furlough, may continue health coverage under the SHBP for up to nine (9) months or 20 biweekly pay periods. The full cost of the coverage must be paid to the City monthly, one month in advance. If the employee remains on leave beyond the time for which coverage has been purchased, then the Active Group coverage will terminate. The coverage may be extended under **COBRA** for a period not to exceed the 18 months, including the total leave time. However, leave that qualifies under the Federal or State Family Leave Act is not deducted from the total **COBRA** eligibility period.

Family Leave

An employee who is taking family leave is entitled under the State Family Leave Act (NJFLA) to continue 12 weeks of health care coverage in any 24-month period at the expense of his or her employer while on family leave. This includes all health care benefits, including Prescription Drug, Dental and Vision Care benefits if the City provides them. State Family Leave is defined as leave from employment to provide care for the birth or adoption of a child, or the serious illness of a child, parent, or spouse.

The Federal Family and Medical Leave Act (FMLA) has benefits similar to the State Family Leave Act with the exception that the federal act also requires that leaves of up to 12 weeks in any 12-month period be permitted for the employee's own serious illness.

Leave usually counts concurrently towards both state and federal entitlements, except in the instance where an employee could be eligible for up to 24 weeks of leave in one year under certain circumstances. For example, an employee could request a leave for maternity and then child care leave. The leave for maternity, which qualifies as personal illness, counts towards the FMLA. The employee would still be entitled to an additional 12 weeks under the NJFLA to care for the newborn child.

To be eligible for any type of family leave, an employee must be employed for at least 12 months. Family leave can be taken on a continuous or intermittent basis or by way of a reduced leave schedule under the conditions of the law.

In cases where the employee has a deduction, the City must make arrangements with the employee on family leave to receive direct payment for the required employee contribution. If the Division of Pensions and Benefits does not receive full payment from the City, then the employee's benefit coverage will be terminated under the termination provisions of the SHBP.

The time an employee spends on federal or state family leave will not count as part of the **COBRA** eligibility period, should an employee receive approval from the City to extend the leave.

Furlough

If an employee takes an approved furlough, the SHBP coverage will continue at the City's expense. The employee must remit monthly, one month in advance, the employee portion of premiums normally paid.

Workers' Compensation

An employee who has a Workers' Compensation award pending or has received an award of periodic benefits may have coverage continue and may continue the coverage of dependents. The employee must pay the City monthly, one month in advance, that portion of the premiums that would normally be paid.

Suspension

An employee who is suspended from employment for 30 days or more is not eligible for benefits. If coverage is terminated as a result of suspension, the employee's only options for continuing group coverage are through COBRA or conversion to an individual, direct-payment coverage from his or her SHBP health plan carrier. See the Summary Plan Description for a more extended discussion. If the City knows that the suspension is going to affect the employee's health benefits, the exact effect on the health benefits should be noted on the Preliminary Notice of Disciplinary Action, Form DPF 31 A.

If the suspension is for "gross misconduct," the employee will not be eligible for coverage through COBRA. Since the Federal COBRA law does not precisely define "gross misconduct," the City will seek legal counsel before denying continuation of benefits through COBRA. If the City knows that the suspension is going to affect the employee's health benefits, the exact effect on the health benefits should be noted on the Preliminary Notice of Disciplinary Action, Form DPF 31 A.

PLEASE NOTE: Benefits may be terminated because of the employee's failure to make the required payments under any of these leave of absence and suspension scenarios.

Employer's Responsibility for an Employee Who Returns from a Leave of Absence

The City must advise an employee, upon returning from an approved leave of absence, as to the status of the health benefit coverage for the employee and eligible dependents.

- If coverage lapsed during the leave of absence, the employee must complete a health benefits application to reinstate health benefit coverage (including prescription and dental coverage, if applicable). The City must certify the date the employee returned to work on the *NJ State Health Benefits Program Application for Local Employees*.
- Coverage becomes effective on the date the employee returns to work.
- If an employee reduced coverage levels while on an approved leave, the employee may return to the former level of coverage upon returning to work.
- If an employee is on leave during an Open Enrollment period, the employee may elect to make coverage changes upon returning to work. The City must advise the employee that he or she must complete and submit an application within 60 days of returning to work; the effective date of these changes will be the date the employee returned to work.
- If an employee's coverage was terminated during a leave, or the employee purchased COBRA coverage while on leave, the employee must file a new *NJ State Health Benefits Program Application for Local Employees* within 60 days of the first day the employee returns to work.

Return from Military Leave

Upon returning from a military leave without pay, the employee may enroll and receive appropriate coverage by completing and forwarding a *NJ State Health Benefits Program Application for Local Employees* within 60 days after the date of return to active, full-time employment. Any eligible dependents may, of course, be included.

If an employee applies for coverage immediately upon returning from the military leave of absence, the coverage is effective on the first day of the month of return. No benefits are available prior to the actual date of return to active employment.

In the event that a dependent of an employee is discharged from military service, the employee may enroll such dependent for appropriate coverage within 60 days of discharge. Coverage will be effective on the date of return to dependency upon the employee.

Suspension

When an employee returns from a suspension which was long enough to terminate coverage, the effective date for reinstatement would be the same as if the member returned from a leave of absence. If a court order or administrative ruling canceled the suspension and required the retroactive reinstatement of the employee's benefits, coverage will be reinstated retroactively, provided that a copy of the court order or ruling is submitted with the *NJ State Health Benefits Program Application for Local Employees*. If the employee pays for any portion of health benefits coverage, then the employee must pay the back payments to the City.

This policy covers non-union employees. It also covers union employees to the extent that their collective bargaining agreements do not cover this.

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SECTION 5: Managerial/Supervisory Procedures

POLICY NO.: 501

OF PAGES: 5

SUBJECT: EMPLOYMENT PROCEDURE

EFFECTIVE DATE: November 1, 2018

REVIEW DATE: October 4, 2018

REPLACES POLICY DATED: 2016

Employment Procedure**Recruitment:**

The Personnel Officer will coordinate the employment recruitment process for all vacancies to ensure compliance with contractual, legal, Civil Service, and Equal Employment Opportunity Commission (EEOC) requirements. When a vacancy occurs, it is the responsibility of the Department Head to notify the Personnel Officer who will distribute notification of the vacancy to all departments. The Personnel Officer will undertake to recruit qualified applicants in accordance with applicable Federal and State law including New Jersey Department of Personnel regulations if the position is subject to Civil Service. Where positions are advertised, the media or other periodical utilized must have as wide circulation as possible to encourage applications from candidates from diverse backgrounds and must prominently state that the City of Margate is an equal opportunity employer.

Applications:

All candidates must fully complete a City of Margate Employment Application. A resume may be attached to the application, but a resume alone will not be considered as a substitute for the Employment Application. The Employment Application is a confidential document and will not be available to anyone who is not directly involved in the hiring process, except as required by law.

Interviews:

The Personnel Officer or the Department Head will coordinate the interview process including the scheduling of applicants, development of interview questions and standards to measure candidate responses. All questions must be in accordance with the New Jersey Division of Civil Rights Guidelines for Pre-Employment Inquiries. The City will make reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job and also provided the accommodation the accommodation does not impose an unreasonable hardship on the City.

Physical Examinations:

Pursuant to the Americans with Disabilities Act, after an offer of employment is made and prior to commencing employment, the Personnel Officer may require applicants to pass a physical examination in order to ensure that they can perform the duties of their position without injury to themselves or others. The same post-offer physical examination must be performed on all applicants for a particular position. The Personnel Officer may

require periodic physical examinations to determine the employee's continued ability to perform the duties of the position. All physical examinations must be performed by a physician chosen by the City at the expense of the City. All medical records of employees and prospective employees are confidential and are maintained by the Personnel Officer separate from the employee's official personnel file. Medical exams may include tests for drug and alcohol use.

Criminal Background Checks:

Criminal background checks are required of all candidates, 18 years and older, whether paid or volunteer, that may work directly or indirectly with children/youth/minors in accordance with the procedure set forth later in this policy.

Job Offers:

The final decision will be made by the Commissioner of the applicable Department after all references and other information has been verified. Every effort shall be made to offer reasonable accommodations to known physical and mental limitations of all applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential functions of the job, and also provided that the accommodation does not impose an unreasonable hardship on the City. The employment offer must be made in a letter to the candidate outlining all terms and conditions of the offer. The letter will also establish a deadline for acceptance.

Acceptances and Rejections:

If the first offer is rejected, the Commissioner will decide to hire another candidate or re-open the position. Once a candidate accepts the employment offer, all other candidates will be notified in writing that they were not accepted for the position.

Employability Proof:

After acceptance, but before starting employment, all new employees shall be required to fill out the "Employment Eligibility Verification Form I-9" and to provide acceptable proof of right to employment in the United States.

Record Retention:

All applications, notes made during interviews, reference checks, job offers, and other documents created during the hiring process must be returned to the Personnel Officer. Documents related to the successful candidate will be placed in the employee's official personnel file, with the exception that medical records (including physical examinations) must be maintained in a separate file. All records and documents related to other candidates must be retained for at least three (3) years. Records and documents created during the hiring process are confidential and must be retained in a locked cabinet.

Procedure for Criminal Background Checks**Background Checks Required:**

Criminal background Checks are required of all candidates over the age of 18, whether for paid or volunteer positions, working directly or indirectly with children/youth/minors. Background checks will also be administered for each employee or volunteer that works directly or indirectly with children/youth/minors every three (3) years. The exact titles of employees required to have background checks are locally defined but, at a minimum, should include all recreational positions, crossing guards, and maintenance and administrative positions pertaining to such programs.

Background Check Procedure:

The Personnel Officer will perform or initiate background checks and will be the recipient of reports from outside agencies or contractors. These reports shall include, but are not limited to, court records; police department and corrections agency records; registries or watch lists; state criminal record repositories; and the Interstate Identification Index maintained by the FBI. The Personnel Officer will discuss potentially disqualifying information received with the employee's or volunteer's Department Head, and a determination that the information is disqualifying shall be made based on whether the disqualification is job-related for the position and is consistent with business necessity. Written information received as a result of a "Request for Criminal History Record Information for A Noncriminal Justice Purpose" will be destroyed immediately after it has served its authorized purpose, as required by the State Police. Such information will be kept confidential and will not be published or disclosed in any manner not consistent with the procedures listed herein. Such information will not be deemed a public record under P.L. 1963, c.73 (C:47:1A-1, et seq.) as amended and supplemented by P.L. 2001, c.404 (C:47:1A-5, et seq.).

When a disqualification decision has been made as a result of the City's Background Check Procedure, the Personnel Officer will inform the candidate, volunteer or employee, in writing, of any information that would disqualify the person from working with children/youth/minors. If the City contracts with an outside vendor to process the background checks, that contractor may be authorized to inform the person in writing of any information that would disqualify the person from working with children/youth/minors. In addition, the individual shall be advised that he/she has the opportunity to explain the criminal record and to demonstrate why the exclusion based on the City's background check should not apply to him/her under the circumstances. This information may include evidence of an error in the criminal record; facts surrounding the conviction; age at the time of the conviction and/or release from prison; evidence of a clean criminal and employment record since release; rehabilitation efforts; positive references; and evidence that he/she is bondable. Thereafter, the City shall give the individual further consideration. Existing employees or volunteers will be placed on immediate suspension pending the outcome of a hearing or appeal. Employee suspensions may be with or without pay at the discretion of Business Administrator.

Conditions Under Which an Employee Will be Disqualified from Working with Children/Youth/Minors:

A candidate, volunteer or employee may be disqualified from employment in a position that works with children/youth/minors if that person's criminal record history background check reveals a record of conviction of any of the following crimes and disorderly persons offenses as defined by New Jersey law or by analogous laws in other States:

- Homicide (N.J.S.A. 2C:11)
- Assault, reckless endangerment, threats, stalking (N.J.S.A. 2C:12)
- Kidnapping (N.J.S.A. 2C:13)
- Sexual Offenses (N.J.S.A. 2C:14)
- Offenses Against the Family, Children and Incompetents (N.J.S.A. 2C:24)
- Controlled Dangerous Substances (N.J.S.A. 2C:35 except for 2C:35-10 (a) 4)
- Robbery (N.J.S.A. 2C:15)
- Theft (N.J.S.A. 2C:20)

A disqualification from any position will be based only on a conviction for one or more of the above disqualifying crimes and offenses as a result of the City's background check, by which the City has taken into account the following factors:

1. The nature and gravity of the offense or conduct, including the consideration of:
 - a. The harm caused by the crime;
 - b. The legal elements required to prove the crime; and
 - c. The classification of the crime (i.e. felony or misdemeanor, etc.);
2. The time that has elapsed since the offense, conduct and/or completion of the sentence;
3. The nature of the job held or sought, including the consideration of:
 - a. The job duties (not merely the job title);
 - b. The level of supervision to be provided;
 - c. The working environment (e.g. indoors, outdoors, warehouse);
 - d. Interaction with others, especially with vulnerable individuals such as children/youth/minors; and
 - e. The relationship of the criminal history to the job to be performed.

An acquittal, a dismissal, successful completion of Pre-Trial Intervention (PTI), or an expungement of a criminal offense, including a disqualifying criminal offense, is not a disqualifying conviction. Further, an arrest record standing alone may not be used to disqualify a candidate, volunteer or employee from an employment opportunity. However, the City may make a disqualification decision based on the conduct underlying the arrest if the conduct makes the individual unfit for the position in question; in which case the conduct, not the arrest, is relevant for employment purposes.

Appeal Process:

The Appeals Committee will be comprised of the Personnel Officer, the Police Chief or other designated superior officer, and the City Solicitor.

Once a candidate, employee or volunteer has been notified of a disqualifying conviction, that person has 14 calendar days to file a Notice of Appeal with the City. Such Notice of Appeal must be sent in writing to the Personnel Officer. The Notice of Appeal shall include a Notice of Rehabilitation and/or a Notice that the information is inaccurate or incorrect, pursuant to NJAC 13:59-1.6.

During the 14-day period listed above, and until the issuance of the decision of the Appeals Committee, an employee will be on a suspension with pay, pending the outcome of the Notice of Appeal.

In making a determination on the appeal, the following information will be considered:

1. The nature and responsibility of the position that the convicted individual would hold, has held, or currently holds, as the case may be.
2. The nature and seriousness of the crime or offense.
3. The circumstances under which the crime or offense occurred.
4. The date of the crime or offense.
5. The age of the individual when the crime or offense was committed.
6. Whether the crime or offense was an isolated or a repeated incident.
7. Any social conditions which may have contributed to the commission of the crime or offense.
8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received.
9. Acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

The City will issue a written determination on the employee's appeal of their disqualifying conviction, setting forth the reasons for the determination.

CITY OF MARGATE

Employee Handbook/Policy and Procedure Manual

SECTION 5: Managerial/Supervisory Procedures

POLICY NO.: 504

OF PAGES: 1

SUBJECT: PROCESSING AND ORIENTATION OF NEW EMPLOYEES PROCEDURE

EFFECTIVE DATE: November 1, 2018

REVIEW DATE: October 4, 2018

REPLACES POLICY DATED: 2016

All new and regular full-time and regular part-time employees will be scheduled to meet with the Personnel Officer and Department Head on their first day for a general orientation. Copies of all forms and acknowledgements must be returned to the Personnel Officer for inclusion in the employee's official personnel file.

The orientation will include:

- A tour of the appropriate facilities to acquaint the new employee with overall operations as they relate to the specific position;
- The completion of all pertinent personnel, payroll, insurance and pension forms;
- A review of the Power DMS (the City's Document Management System); assign their password; direct the new employee on how to access the City's workplace Policies and Procedures; and to log into the system every week so that they can keep up to date on new and revised policies and procedures;
- A safety orientation and acknowledgement; and
- Arrangements for the new employee to complete required PEOSHA safety training.

CITY OF MARGATE

Employee Handbook/Policy and Procedure Manual

SECTION 5: Managerial/Supervisory Procedures

POLICY NO.: 505

OF PAGES: 1

SUBJECT: INITIAL EMPLOYMENT PERIOD PROCEDURE

EFFECTIVE DATE: November 1, 2018

REVIEW DATE: October 4, 2018

REPLACES POLICY DATED: 2016

Except where State requirements direct otherwise, new employees or current employees transferring to new positions will be hired subject to an initial employment period of not less than 30 days or more than 90 days, as determined by the Personnel Officer. During this initial employment period, the new employee or transferee will be provided with training and guidance from the Supervisor. At the end of the initial employment period, the Supervisor will conduct an employee evaluation. See the Performance Evaluation Procedure No. 507.

New employees may be discharged at any time during this period if the Personnel Officer concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Personnel Officer may extend the initial employment period. Newly-hired employees are not eligible for payment of paid time off except holidays, until the successful completion of their initial employment period.

Nothing in the procedure set forth in this section shall alter the City's employment-at-will policy. Employment with the City is at will and may be terminated at any time with or without cause or notice by the City or the employee.

CITY OF MARGATE

Employee Handbook/Policy and Procedure Manual

SECTION 5: Managerial/Supervisory Procedures

POLICY NO.: 506

OF PAGES: 1

SUBJECT: EMPLOYEE HANDBOOK PROCEDURE

EFFECTIVE DATE: November 1, 2018

REVIEW DATE: October 4, 2018

REPLACES POLICY DATED: 2016

With the assistance of the City Solicitor or the Labor Attorney, the Personnel Officer shall draft an Employee Handbook for the approval of the Board of Commissioners.

This year the City transitioned to issuing all of the policies and procedures, that had been contained in the Employee Handbook/Policy & Procedure Manual, on the electronic Document Management System known as Power DMS, rather than in a paper handbook/manual.

This enables employees to log onto Power DMS, read and electronically sign for policies that are issued; and have them all at their fingertips in an electronic filing system. Once employees have initially read and signed for the policies/procedures, they can log on and reference them as many times as they would like. No more losing or misplacing their Employee Handbook/Manual.

In addition, changes and revisions can be made in a timely manner; and, once they are approved by the Board of Commissioners, issued in record time. No more waiting for a revised Employee Handbook/Manual to be revised every two years.

A separate "Seasonal Employee Handbook" is still drafted for the approval of the Board of Commissioners every two years and distributed to Seasonal Employees when they are hired each season.

Reference: Power DMS (Document Management System) Policy No. 213

CITY OF MARGATE

Employee Handbook/Policy and Procedure Manual

SECTION 5: Managerial/Supervisory Procedures

POLICY NO.: 507

OF PAGES: 2

SUBJECT: PERFORMANCE EVALUATION PROCEDURE

EFFECTIVE DATE: November 1, 2018

REVIEW DATE: October 4, 2018

REPLACES POLICY DATED: 2016

Periodic evaluations are critical to create a formal record of an employee's performance over time and establish a foundation for personnel actions such as promotion and termination. In addition to day-to-day feedback to the employee, a performance evaluation must be conducted for all employees at least annually. The completed appraisal becomes part of an employee's permanent record.

Performance discussions must also provide employees with guidance regarding their ability to meet job standards. Extraordinary skills or abilities should be recognized in addition to areas for improvement. Supervisors or Department Heads should review future training needs and career planning. The reviewer should also encourage the employee to make suggestions about how the department can improve. The reviewer should ask employees for feedback regarding the employee's skills as they relate to communication, team building, delegation, and sensitivity to needs of subordinates. Open communication is the key to improvement.

Setting the Stage

The reviewer must create a productive climate for the discussion. In preparing the evaluation form, prior evaluations should be reviewed to identify trends. Employees must be notified in advance of the meeting and should be given a copy of the blank evaluation form. The meeting should be private without interruptions in a comfortable environment.

Confirm Expectations

The reviewer should start the discussion of each performance area by reviewing expectations. Ask the employee to confirm the employee's understanding of job requirements. Refer to the Job Description as appropriate.

Rating

Continue the discussion by giving the employee's rating in each performance area. The Supervisor should be prepared to refer to documentation. Employees should be evaluated based on set standards, not as they compare to other employees. It is rare that any person's rating in all areas is either high or low. The evaluation should consider performance during the entire period, not just the recent past. Care should be taken to avoid allowing one aspect of a person's performance to overshadow all other performance factors, be it positive or negative. Ideally, each performance area should be evaluated individually based on specific behaviors exhibited.

Discussing Future Plans

This is where the reviewer should turn to the discussion to the future performance and development of the employee. A Counseling Action Plan form must be completed if any item is rated "Needs Improvement" or

"Does Not Meet Minimum Standards." Specific performance goals must be established for the next review period along with plans for achieving those goals.

Closing the Discussion

When all performance areas have been discussed, close the discussion by summarizing all of ratings in an overall rating for the review period.

It is crucial that all reviewers complete the evaluation forms with care and with complete candor. Although reviewers are encouraged to set forth areas of strength and utilize tact in presenting criticism, it is important that all performance issues of any significance be addressed thoroughly and in unambiguous terms in the evaluation form, and verbally with the employee.

Exceeds Expectations means consistently exceeds established standards in most areas of responsibility. All requirements must be met, and objectives achieved above the established standards.

Meets Job Requirements means all job requirements were met and planned objectives accomplished within established standards. There were no critical areas where accomplishments were less than planned.

Needs Improvement means performance in one or more critical areas does not meet expectations. Not all planned objectives were accomplished within the established standards and, some responsibilities were not completely met.

Does Not Meet Minimum Standards means performance is unacceptable, and important objectives have not been accomplished. Needs immediate improvement.

After completing the evaluation, the reviewer will return the form(s) with the signed acknowledgement to the Personnel Officer. After review by the Personnel Officer the form(s) are to be filed in the employee's official personnel file, which is located in the Personnel Office.

CITY OF MARGATE

Employee Handbook/Policy and Procedure Manual

SECTION 5: Managerial/Supervisory Procedures

POLICY NO.: 508

OF PAGES: 2

SUBJECT: DISCIPLINARY ACTION PROCEDURE

EFFECTIVE DATE: November 1, 2018

REVIEW DATE: October 4, 2018

REPLACES POLICY DATED: 2016

All employees are expected to meet the City's work performance standards. The intent of the Disciplinary Action Procedure is to formally document problems and provide the employee with a reasonable time to improve performance. The process should encourage development by providing employees with guidance in areas that need improvement such as poor work performance, attendance problems, personal conduct, general compliance with the City's policies and procedure and other disciplinary problems.

Should a Supervisor believe that an employee is not confirming to the City's policies and rules or to specific instructions, or has acted improperly, the Supervisor will first privately discuss the matter with the employee to obtain the employee's view. If the Supervisor determines that the employee has acted improperly, the Supervisor shall take one of the following actions, depending on the gravity and the employee's past record. At the discretion of the Supervisor and the Personnel Officer, action may begin at any step, and/or certain steps may be repeated or bypassed.

Verbal Reprimand

Depending on the circumstances, the Supervisor may verbally notify the employee that the employee's actions have been improper and warn the employee against further occurrences. The Supervisor will prepare a record of the verbal reprimand including the date, time, and what was discussed with the employee. This record must be forwarded to the Personnel Officer for the employee's official personnel file.

Personnel Officer Review

Should the Supervisor consider the offense sufficiently serious to warrant consideration by the Personnel Officer, the employee will be so advised, and a meeting arranged with the Personnel Officer at the earliest possible date. All facts should be detailed at this meeting and, if possible, a determination will be made at that time of disciplinary action, if any.

Written Reprimand

When a Supervisor determines that a written reprimand is appropriate, the situation must be discussed with the Personnel Officer. The written reprimand should clearly identify the problem and outline a course of corrective action within a specific time frame. The employee should clearly understand both the corrective action and the consequence (i.e. termination) if the problem is not corrected or reoccurs. The employee should acknowledge receipt of the written warning and may include additional comments. A copy of the written reprimand with the signed acknowledgement, and comments must be forwarded to the Personnel Officer for the employee's official personnel file.

Suspension

Whenever an employee is recommended for suspension, the Personnel Officer will make the decision and may seek the advice of the City Solicitor if appropriate. Suspended employees may request a hearing under the applicable grievance procedure and Civil Service discipline procedure.

Dismissal

Whenever an employee is recommended for dismissal, the Personnel Officer and appropriate Commissioner will make the decision only after seeking the advice of the City Solicitor. There must be a complete review of the employee's personnel file and all other facts to determine if there is sufficient cause for the dismissal. Terminated employees may request a hearing under the applicable grievance procedure and Civil Service discipline procedure.

CITY OF MARGATE

Employee Handbook/Policy and Procedure Manual

SECTION 2: Managerial/Supervisory Procedures

POLICY NO.: 509

OF PAGES: 1

SUBJECT: PERSONNEL FILE PROCEDURE

EFFECTIVE DATE: November 1, 2018

REVIEW DATE: October 4, 2018

REPLACES POLICY DATED: 2016

The official Personnel Files shall be maintained by the Personnel Officer as shall the Employee Complaint Files; and employee medical information shall be maintained in a separate file. At least annually, the Personnel Officer will review files to make sure they are up-to-date and will follow up with the Department Heads as necessary.

The Official Personnel File shall include at least the following:

- The original application signed by the employee;
- Notes from any pre-employment interview and reference check;
- The original letter detailing an offer of employment and any additional correspondence concerning the employee's hiring;
- A signed acknowledgement that the employee received a copy of the Employee Complaint Policy letter;
- A signed acknowledgement that the employee has received the Employee Handbook;
- A signed acknowledgement that the employee received the safety orientation;
- Annual written performance evaluations including documentation that the evaluation was reviewed with the employee;
- Counseling Action Plans;
- Records relating to on-the-job accidents;
- Disciplinary actions including an acknowledgement that the employee was notified of the proposed disciplinary action and was given an opportunity to respond;
- Records relating to any other employment actions including promotions, demotions, transfers, resignations, leaves, etc.;
- Educational transcripts; and
- Any other pertinent information.

CITY OF MARGATE

Employee Handbook/Policy and Procedure Manual

SECTION 2: Managerial/Supervisory Procedures

POLICY NO.: 510

OF PAGES: 2

SUBJECT: EMPLOYEE COMPLAINT INVESTIGATION PROCEDURE

EFFECTIVE DATE: November 1, 2018

REVIEW DATE: October 4, 2018

REPLACES POLICY DATED: 2016

Employees have the right to formally or informally report any statement, act, or behavior by a co-employee, supervisor, elected official, or visitor that they believe to be improper.

Reporting

Employees should be asked to report complaints in writing utilizing the Employee Complaint Form, but they are not compelled to do so.

Identification/Screening

The Supervisor or Department Head must report all written or verbal complaints to the Personnel Officer unless the complaint is against the Personnel Officer. Upon receipt, the Personnel Officer will determine if the complaint was made pursuant to the General Anti-Harassment Policy, the Anti-Sexual Harassment Policy, the Whistle Blower Policy, a grievance procedure, or is another form of complaint. A file will be established including the written complaint, the investigation procedure followed and the response action plan. As soon as possible but no later than ten (10) days after receiving the complaint, the Personnel Officer or the investigator appointed by the Personnel Officer will interview the employee. If the employee is reluctant to sign a written complaint, the Personnel Officer or investigator will prepare written notes of the date, time and place of the complaint and the specific allegations. These notes will be read back to the employee who will be asked to affirm, preferably in writing the information's accuracy.

Investigation

The Personnel Officer will seek the advice of the City Solicitor or the Labor Attorney when planning the investigation. The investigation should be conducted by the City Solicitor or the county prosecutor if it involves potential criminal charges. The investigation should establish the frequency and nature of the alleged conduct and whether the complaint coincides with other employment events such as a poor performance evaluation. The investigation should also determine if other employees were subjected to similar misconduct. It is important to protect the rights of both the person making the complaint and the alleged wrongdoer.

Response Plan – No Corrective Action Required

The Personnel Officer will discuss the conclusions with the City Solicitor or the Labor Attorney and render a decision within 14 days after the investigation is complete. If the validity of a complaint cannot be determined or the complaint is groundless, the complaining employee should be notified in writing. Care should be taken to avoid being too specific, confrontational or accusatory and to avoid any language that might be construed as defamatory. A general statement is usually more appropriate that the claim was thoroughly investigated, but

it could not be sufficiently document or confirmed to justify taking formal action. The employee should be assured that future complaints will be investigated and that the City is committed to eliminating wrongful employment practices when they are found to exist. If the investigation reveals that the complainant intentionally and maliciously levied false charges against the alleged wrongdoer, the complainant must be notified of the seriousness of filing a false complaint, and the appropriate disciplinary penalty under the circumstances, up to and including termination.

Response Plan – Corrective Action Required

If the investigation reveals that the complaint is justified and substantiated, the Personnel Officer will formulate with the advice of the City Solicitor or the Labor Attorney a corrective action plan as well as possible disciplinary action. The complaining employee will be notified in writing that it appears that the complaint was justified, and an appropriate response plan has been formulated. A copy of the response plan should be attached to prevent a recurrence of the wrongful act or behavior.

CITY OF MARGATE

Employee Handbook/Policy and Procedure Manual

SECTION 2: Managerial/Supervisory Procedures

POLICY NO.: 511

OF PAGES: 1

SUBJECT: REQUESTS FOR EMPLOYMENT VERIFICATION AND REFERENCE PROCEDURE

EFFECTIVE DATE: November 1, 2018

REVIEW DATE: October 4, 2018

REPLACES POLICY DATED: 2016

Inquiries and written requests for references or employment verification regarding a current or former employee must be referred to the Personnel Officer. No employee may issue a reference letter without the permission of the Personnel Officer. Under no circumstances should any information be released over the phone.

In response to a request for information, the Personnel Officer will only verify an employee's name, dates of employment, job title, department and final salary. No other data or information will be furnished unless (1) the City is required by law to release the information, or (2) the employee or former employee authorizes the City in writing to furnish this information and releases the City from liability.

CITY OF MARGATE

Employee Handbook/Policy and Procedure Manual

SECTION 2: Managerial/Supervisory Procedures

POLICY NO.: 512

OF PAGES: 1

SUBJECT: CONTINUING EDUCATION PROCEDURE

EFFECTIVE DATE: November 1, 2018

REVIEW DATE: October 4, 2018

REPLACES POLICY DATED: 2016

The City, in conjunction with the City Solicitor, will arrange for employment practices seminars at least annually to train all managerial/supervisory personnel. The City will also offer non-mandatory training to all other employees with special emphasis on employee rights and protections under various Federal and State laws, as well as City employment practices. Records will be maintained in the official personnel files of all employees trained under this procedure.

Managerial and supervisory personnel will also update employees periodically by department meetings and memos that address specific problems and concerns that may arise. Every effort will be made to encourage employee suggestions about ways to avoid employer-employee disputes and violations of employment rights.

R E S O L U T I O N #207-2018
AUTHORIZING REFUND OF REDEMPTION
MONIES TO OUTSIDE LIEN HOLDER

WHEREAS, at the Margate City Municipal Tax Sale held on December 11, 2015 a lien was sold on Block 328 Lot 422 C204K also known as 130 N Adams Avenue in Margate City for 2014 unpaid taxes, water and sewer,

WHEREAS, this lien, known as Tax Sale Certificate #15-14 was sold to US BANK CUST/ACTLIEN HOLDING INC FOR 0% redemption fee and a \$10,400 premium; and,

WHEREAS, Certificate #15-14 has been redeemed in the amount of \$16,503.95.

NOW, THEREFORE, BE IT RESOLVED, that the treasurer be authorized to issue a check in the amount of \$16,503.95 payable to US BANKCUST/ACTLIEN HOLDING INC for redemption of Tax Sale Certificate #15-14.

BE IT FURTHER RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$10,400 (Premium) to the aforementioned lienholder.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the following:

- 1. Lisa McLaughlin, Finance Manager
- 2. Linda Morgan, Tax Collector

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg		X	X			

RESOLUTION#208-2018

DECLARING CLOSED SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Margate, County of Atlantic as follows:

- 1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
- 2. The general nature of the subject matter to be discussed is as follows:
 - C1. Litigation – Two Daughters v Margate City
 - C2. Litigation - Harbor Vista Condominium v Margate City
 - C3. Litigation – Lamberti’s
- 3. It is anticipated at this time that the Municipal Clerk shall on a six (6) month basis, review the minutes of closed sessions of the City of Margate and make a recommendation to the Governing Body which minutes should be considered for public record. The minutes which are made public shall not thereafter be treated as confidential, but may be seen and copied by any person(s) in the same manner as any meeting minutes of the City of Margate.
- 4. This resolution shall take effect immediately

ROLL CALL:

NAME	MOTION	SECONDED	YES	NO	ABSTAINED	ABSENT
Becker			X			
Amodeo		X	X			
Blumberg	X		X			

A motion to come out of Exertive Session was put forth by Commissioner Blumberg, seconded by Mayor Becker with a vote of three ayes.

A motion to reconvene to the regular meeting was put forth by Mayor Becker, seconded by Commissioner Amodeo with a vote of three ayes. Meeting was reconvened at 6:04pm.

Adjournment:

There being no further business, Mayor Becker called for a motion to adjourn the meeting. Whereupon, the motion was made by Commissioner Amodeo and seconded by Commissioner Blumberg to adjourn the meeting. A unanimous voice vote was taken adjourning the meeting at 6:10 p.m.

Board of Commissioners of the City of Margate City, New Jersey

Mayor, Michael Becker

Commissioner John F. Amodeo

Commissioner Maury Blumberg

Attest: _____ Johanna Casey, Municipal Clerk