

## Resolution # 34-2023

### A RESOLUTION ADOPTING CHANGES TO THE MILLVILLE HOUSING AUTHORITY'S PERSONNEL POLICY AND PROCEDURES MANUAL AND EMPLOYEE HANDBOOK AS RECOMMENDED BY THE MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND

**WHEREAS**, the Housing Authority of the City of Millville (MHA) will be adopting changes to the MHA Municipal Personnel Policies and Procedures Manual and Employee Handbook; and,

**WHEREAS**, Every two years, the Municipal Excess Liability Joint Insurance Fund ("MEL") reviews applicable laws and regulations to update the Model Employee Handbook and Personnel Policies and Procedures Manual ("PPPM"), Model Employee Handbook ("Handbook") and Model Volunteer Handbook; and

**WHEREAS**, the Employment Practices Liability (EPL) Program components must be reviewed and updated every two years by MEL members in order to remain eligible for lower deductibles. In addition, members are asked to complete training geared towards Managers & Supervisors, Non-Supervisory Employees and Police Command Staff training per the May 10, 2023 memo distributed by the MEL, a copy of which is attached hereto and incorporated herein by reference; and

**WHEREAS**, the following are some of the policies that have had substantive changes being made in accordance with recent legislation as well as changes to make the PPPM and Handbook more uniform:

#### *Sick Leave Policy.*

In accordance with COVID-19-related updates to the Earned Sick Leave Law, an additional reason for which sick leave may be used was added in both the PPPM and Employee Handbook. In addition, a note was added in both the PPPM and Employee Handbook to clarify that employers may choose to require up to seven (7) days' notice for foreseeable sick leave usage under the Earned Sick Leave Law.

#### *Alcohol and Drug-Free Workplace*

Changes were made in the PPPM to account for the legalization of recreational cannabis, including the addition of language relating to the requirement that there be documentation of physical signs of impairment in addition to a positive drug test in order to subject an employee to adverse action. Language was also added to provide that applicants cannot be denied employment based solely on a pre-employment positive drug test for cannabis, with some listed exceptions. In the Policy Prohibitions section, cannabis was added to the portion discussing alcohol, as it would no longer fit under the illegal drugs portion that precedes it. Language that is no longer applicable due to the legalization of cannabis was also removed throughout the policy. On the Pre-Employment Consent and Release Form, the language "for certain employment positions" was added after "Cannabinoids" because employers will no longer need to test for cannabis in pre-employment panels for most positions. In the Employee Handbook, the word "unlawful" was removed before "drugs" in order to make clear that the use of cannabis in the workplace is still prohibited.

#### *Domestic Violence Policy*

Letter (E) under the Domestic Violence Reporting Procedures in the PPPM was removed due to it only being applicable to issues between State employees.

#### *Personal Day Policy*

More details were added to the Personal Day Policy in the PPPM in order to match the language included in the same policy found in the Employee Handbook.

#### *Equal Employment Opportunity Policy and Americans with Disabilities Policy*

The protected categories of pregnancy, breastfeeding and childbirth were added to make the policy uniform with the Employee Handbook policy. An additional paragraph regarding breastfeeding accommodations was also added to the Americans with Disabilities Policy to further explain necessary accommodations.

#### *Family and Medical Leave Policy*

Language was added in the PPPM to clarify that the employer may choose to include in their policy that

employees are either required to use accrued paid leave during an FMLA-covered leave or may choose to use accrued paid leave. A “utilization of paid leave” section was added to the Employee Handbook to mirror the PPPM. In addition, the Family Temporary Disability section was updated to remove the “six weeks” and “effective July 2020” language.

*New Jersey Family Leave*

An additional reason that NJFLA leave may be taken was added in both the PPPM and Employee Handbook, in accordance with COVID-19 related updates to the law. Changes were also made in the PPPM Policy to reinforce and clarify that NJFLA leave may be taken consecutively, intermittently or on a reduced schedule with little restriction, and to clarify the notice requirements for intermittent leave.

*Policy for Use of Employer Vehicles (Non-Law Enforcement)*

A provision regarding employees driving their own vehicles for employer business providing the employer with a copy of their current certificate of insurance was added in the PPPM in order to make this policy uniform with the Employee Handbook policy.

*Overtime*

The highly-compensated employee overtime exemption was updated from \$100,000 to \$107,432 to reflect current law. In addition, language was added to clarify that the employer may choose to include in its policy that only time actually worked is considered for purposes of determining overtime compensation.

*Hours of Work*

In the Employee Handbook’s Attendance and Tardiness section, a change was made to make the suggested time by which an employee must call out match the time found in the PPPM Absenteeism and Tardiness policy.

*Personnel Records*

Some additions were made to the Employee Handbook policy in order to mirror the PPPM version of the policy.

*The Ethical Conduct Policy and Resignation Policy found in the Employee Handbook were added to the PPPM in order to ensure every policy in the more streamlined Employee Handbook is also contained in the larger manual.*

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the MHA the attached MHA Personnel Policy and Procedures Manual and Employee Handbook have been received and the Secretary/Treasurer is hereby authorized to adopt the changes to these documents as recommended by the Municipal Excess Liability Joint Insurance Fund and that said documents shall be kept on file and distributed to all personnel. Be it further resolved the MHA authorizes General Counsel to execute the Minimum Requirement Checklist to be submitted to the MEL.

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Samantha Silvers, Secretary