



**PURPOSE:**

The following manual is adopted pursuant to the Ordinances of the Town of Newton for the Government, Discipline, Administration and Operation of the Police Department (hereinafter referred to as the "Department"), and its members and employees.

The success of a police force, in the performance of its duties, is largely measured by the degree of support and cooperation it receives from the people of the community it serves. The Department must continuously strive to secure the confidence, respect and approval of the public. Necessarily, the cultivation of such desirable attitudes is dependent upon the proper performance of duty by all the members and employees of the Department.

A professional responsibility no less grave than that of other administrators of the law is imposed upon members of the Department. Professionalization of police is gaining general recognition, but it can win universal acclaim and permanent status only if the actions of the police are reflected in intelligent, sincere, efficient, and courteous service. The police profession must embody the highest attributes of every other profession. Not private profit, nor personal reward, but the service of the community is the earmark of the professional police officer.

The rules and regulations portion of the Department's standards is designed to guide members in the areas of conduct, which allow very little latitude in their interpretation.

**POLICY:**

Each member and employee of the Department is duty bound to thoroughly familiarize himself or herself with provisions of these Rules and Regulations. Failure to comply shall be considered neglect of duty and may become the basis for disciplinary action. In the event neglect of duty is charged against a police officer for failure to observe the Rules and Regulations, ignorance of any provision of this manual will not be accepted as an excuse.

# **TOWN OF NEWTON POLICE DEPARTMENT**

## **RULES AND REGULATIONS**

(Calea 12.2.1g)

COUNTY OF SUSSEX  
STATE OF NEW JERSEY

## Article 1 ESTABLISHMENT OF DEPARTMENT RULES AND REGULATIONS

### Section 1 Police Department Authority – Powers – Duties

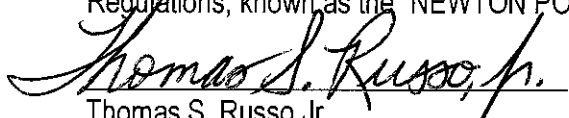
#### 1.1.1 Legal authorization

The Police Department has been established pursuant to N.J.S.A. 40A:14-118 and Chapter 3 of the Revised General Ordinances of the Town of Newton. In accordance with N.J.S.A. 40A:14-118, Chapter 3 of the Revised General Ordinances of the Town of Newton designates the Town Manager as the Appropriate Authority responsible for adopting and promulgating Rules and Regulations for the government of the police force and the discipline of its members.

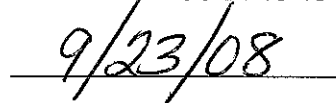
### Section 2 Rules and Regulations Established

#### 1.2.1 Rules and regulations

The appropriate authority of Town of Newton hereby adopts and promulgates the Department Rules and Regulations, known as the "NEWTON POLICE DEPARTMENT RULES AND REGULATIONS"



Thomas S. Russo Jr.  
Town Manager



Date

#### 1.2.2 Right to amend or revoke

For the good of the service, in accord with New Jersey Statute 40A:14-118, the right is reserved by the appropriate authority, as the representative of the governing body, to amend or revoke any of the rules and regulations contained herein.

#### 1.2.3 Previous rules, regulations, policies and procedures

All rules and regulations previously issued, and policies and procedures that conflict with the rules and regulations contained herein, are hereby revoked to the extent of any such inconsistency. All other rules, regulations, policies, procedures and general orders not in conflict with those contained in this manual shall remain in full force unless expressly revoked by competent authority.

#### 1.2.4 Application

- A. Department rules and regulations, policies and procedures and written directives are applicable to all police officers of the department and where appropriate, to all civilian employees of the department.
- B. An employee who violates any department rule, regulation or written directive, or who fails to perform the duties of one's rank or assignment, either willfully or through negligence or incompetence, is subject to disciplinary action.

#### 1.2.5 Distribution

One copy of these Rules and Regulations shall be distributed to each member and employee of the police department.

**1.2.6 Maintenance**

Employees shall be responsible for maintaining a current copy of the rules and regulations contained in this manual, including all additions, revisions and amendments as may be issued.

**1.2.7 Familiarization**

Employees shall thoroughly familiarize themselves with the provisions of the rules and regulations and policies and procedures contained with the department manual. Ignorance of any of the provisions of this manual will not be a defense to a charge of a violation of the rules and regulations.

## **Article 2     DEFINITIONS**

### **Section 1**

**2.1.1 Acting** – Assigned temporarily to serve in a position to which the member is not ordinarily assigned, usually in a position of higher rank. All the authority, responsibilities and duties of the officer in the higher position are assumed by the acting member.

**2.1.2 Annual Leave** – The combination of vacation, personal and compensatory leave granted to all employees annually in accordance with the Revised General Ordinances and all applicable collective bargaining agreements.

**2.1.3 Appropriate Authority** – Town Manager of the Town of Newton.

**2.1.4 Authority** – The statutory or policy vested right to give commands, issue orders, enforce obedience, initiate action and make necessary decisions. Those so designated may delegate authority. Acts performed without proper authority or authorization shall be considered in violation of this manual, and those persons in violation shall be subject to disciplinary action.

**2.1.5 Bureau** – A unit immediately subordinate to a division.

**2.1.6 Chain of Command** – The unbroken line of authority extending from the Chief of Police through one or more subordinates at each level of command down to the level of execution and vice versa.

**2.1.7 Command Officer** – Police officers holding the rank of Lieutenant or above and assigned to a command position by the Chief of Police.

**2.1.8 Days Off** – Those days determined by the Chief of Police on which a given employee is excused from duty.

**2.1.9 Department** –Town Police Department.

**2.1.10 S.O.P. Manuals** – Collection of all lawfully issued rules, regulations, policies, procedures and general orders. Such manuals in force in the department are issued by authority of the Chief of Police. Compliance with the provisions of department manuals is required without exception.

**2.1.11 Detail** - A temporary assignment of personnel for a specialized activity.

- 2.1.12 **Detective** – A police officer, designated as a detective, assigned to conduct criminal and other investigations while in civilian clothes.
- 2.1.13 **Division** – A functional unit having jurisdiction wide coverage whose commanding officer reports directly to the Chief of Police.
- 2.1.14 **Employee** – All employees of the police department, whether sworn regular or special police officers or civilian employees.
- 2.1.15 **Function** – The general activity of a subdivision of the department, e.g., the operations function, the administrative function, etc.
- 2.1.16 **Gender** – The use of the masculine gender in any directive or manual includes the female gender, where applicable.
- 2.1.17 **General Order** – Written directive designed to announce adoption or revision of policies and to direct procedure for the indefinite future.
- 2.1.18 **Headquarters** – The section of the Municipal Building that houses the headquarters staff and employees of this department.
- 2.1.19 **Incompetence** – Incapable of satisfactory performance of police duties.
- 2.1.20 **Informational Bulletins** – Published materials containing information regarding wanted persons, crime patterns, and other incidents calling for police attention.
- 2.1.21 **Insubordination** – A course of conduct including but not limited to: failure or deliberate refusal of any employee to obey a lawful order given by a superior officer. Ridiculing a superior officer or his order, whether in or out of his presence, is also insubordination. Disrespectful, mutinous, insolent, or abusive language toward or concerning a superior officer.
- 2.1.22 **Lawful Order** – Any written or spoken directive issued by a superior officer, supervisor or acting supervisor, to any subordinate or group of subordinates in the course of police duty, which is not in violation of any law, ordinance or departmental rule or regulation.
- 2.1.23 **Leave of Absence** – The period of time during which a police officer is excused from active duty and during which time he receives no pay.
- 2.1.24 **Manager** – Town Manager of the Town of Newton.
- 2.1.25 **May** – Indicates that the action is expected and encouraged.
- 2.1.26 **Member** – Any duly appointed police officer of the department.

- 2.1.27 **Memoranda** – Written directive designed to facilitate and provide direction for the smooth operation of the department.
- 2.1.28 **Military Leave** – The period of time during which an officer is excused from duty by reason of serving in the armed forces of the United States in an active capacity as provided by law.
- 2.1.29 **Off Duty** – The status of a member during the period he is free from the performance of specified duties.
- 2.1.30 **Officer** – Any duly appointed police officer of the department.
- 2.1.31 **Officer-in-Charge** - Ranking member of the department on duty. Rank is determined by grade first, and by seniority in grade second. Any member up to and including the rank of Lieutenant in charge of a watch or detail.
- 2.1.32 **Official Channels** – Through the hands of superior officers in the chain of command.
- 2.1.33 **On Duty** - The status of a member during the period of the day when he is actively engaged in the performance of his duties. A police officer is subject to call at all times.
- 2.1.34 **Order** - Any written or spoken directive issued by a superior officer to a subordinate or group of subordinates in the course of police duty.
- 2.1.35 **Personnel Order** - Written directive designed to announce promotions, transfers, assignments and other personnel action to all department employees.
- 2.1.36 **Plurality** – The singular includes the plural and the plural includes the singular.
- 2.1.37 **Police Incident** – An occurrence or incident suggesting or requiring police action or service by members.
- 2.1.38 **Police Vehicle** – All vehicles under the control of the department, whether marked or unmarked, with or without radio equipment.
- 2.1.39 **Policy** – Written directive that summarizes the department position on the responsibilities, direction or limitations of department authority in specific matters. A policy is a component of a general order.
- 2.1.40 **Post** - Assignment to a specified location, for a fixed period of time, to address a specific police purpose.
- 2.1.41 **Probationary Patrolman** – Any member of the police department serving a satisfactory training and evaluation period prior to permanent appointment to the department.
- 2.1.42 **Probationary Period** - Each member shall be required to serve a probationary period of one (1) year prior to permanent full-time appointment to the department.
- 2.1.43 **Procedure** - Written directives that describe expected methods of operation. Procedures differ from policy in that they direct attention to the performance of a specific task within the guidelines of the policy. A procedure is a component of a general order.

- 2.1.44 Rules and Regulations** – Departmental legislation consisting of detailed directives binding upon employees of all ranks in terms of authority, responsibility and conduct.
- 2.1.45 Senior Officer** – A member in any given rank with the longer service in that rank. Seniority in the department is established first by rank and second by time served in rank. Where conflict occurs because of identical service or dates of appointment, the member with the higher position on the recommendation list from which the appointments were made is deemed to be the senior. In situations requiring decision making or control, where the officers are of equal rank and the decision or control is required in their area of responsibility, the senior will make the decision and exercise control unless otherwise designated by a higher ranking command or supervisory officer.
- 2.1.46 Shall/Will** - Indicates that the action referred to is mandatory.
- 2.1.47 Sick Leave** – The period of time during which an officer is excused from active duty by reason of illness or injury by a commanding officer or supervisor in the absence of a commanding officer.
- 2.1.48 Special Duty** - Police service, the nature of which requires the member to be reassigned from the performance of his regular duties to perform other duties as required from time to time by the Chief of Police.
- 2.1.49 Special Orders** - Written directive designed to give specific direction pertaining to assignments, scheduling and special details.
- 2.1.50 Special Police** - Persons vested with special police authority pursuant to N.J.S.A. 40A:14-146, but are not members of the department.
- 2.1.51 Squad** - A functional unit subordinate to a bureau or under the immediate direction of the Chief of Police. It may be commanded by any rank, depending on its size and the nature and importance of its function.
- 2.1.52 Staff Supervision** - An advisory relationship, outside the regular hierarchy of command and responsibility in which a supervisor may review the work of another employee who is responsible to another superior officer.
- 2.1.53 Subordinate** - A member lower in rank than his superior officer.
- 2.1.54 Superior Officer** – A person holding a higher supervisory or command rank or position.
- 2.1.55 Supervisory Officer** - Members of the department assigned to a position requiring exercise of immediate supervision over the activities of employees.
- 2.1.56 Suspension** - An act of temporarily denying an employee the privilege of performing his duties, and relieving him from the duty with or without pay for a period of time, in consequence of alleged dereliction of duty or violation of department rules and regulations.
- 2.1.57 Tense of Words** – The words used in the present tense include the future.
- 2.1.58 Town** - Town of Newton, New Jersey.
- 2.1.59 Tour of Duty** - The period of time during which a member of the department is assigned to active duty.



- 2.1.60 **Unit** – Any number of members and/or employees of the department regularly grouped together under one head to accomplish a police purpose.
- 2.1.61 **Written Directive** – Any written document used to guide or affect the performance or conduct of agency employees. The term includes policies, procedures, rules and regulations, general orders, special orders, personnel orders, memoranda, and instructional materials.

## ARTICLE 3 GENERAL RULES AND REGULATIONS

### Section 1      Code of Ethics

Standard  
1.1.1

- 3.1.1 As a law enforcement officer, the fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

A law enforcement officer must keep his private life unsullied as an example to all and will behave in a manner that does not bring discredit to himself or to his agency. He will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in his personal and official life, he will be exemplary in obeying the law and the regulations of my department. Whatever he sees or hears of a confidential nature or that is confided to him in his official capacity will be kept ever secret unless revelation is necessary in the performance of his duty.

He will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence his decisions. With no compromise for crime and with relentless prosecution of criminals, he will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

He will recognize the badge of his office as a symbol of public faith, and will accept it as a public trust to be held so long as he is true to the ethics of police service. He will never engage in acts of corruption or bribery, nor will he condone such acts by other police officers. He will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. He alone is responsible for his own standard of professional performance and will take every reasonable opportunity to enhance and improve his level of knowledge and competence.

He will constantly strive to achieve these objectives and ideals, dedicating himself before God to his chosen profession...law enforcement.

Each member of the Police Department shall conform to the Law Enforcement Code of Ethics, as contained herein.

## Section 2 Professional Conduct and Responsibilities

Standard  
26.1.1

### 3.2.1 Loyalty – (Class 3 offense)

Loyalty to the department and to associates is an important factor in department morale and efficiency. Employees shall maintain a loyalty to the department and their associates as is consistent with the law and personal ethics.

### 3.2.2 Assistance – (Class 2 offense)

All members are required to take appropriate action toward aiding a fellow police officer exposed to danger or in a situation where danger might be impending.

### 3.2.3 Coordination – (Class 3 offense)

Employees shall endeavor to assist members of this and other bona fide law enforcement agencies in the pursuit of official law enforcement agency objectives consistent with these rules and regulations.

### 3.2.4 Truthfulness – (Class 1 Offense)

All employees are required to be truthful at all times whether testifying under oath or when not under oath and while reporting and answering questions posed by superior officers and/or internal affairs investigators.

### 3.2.5 Abuse of authority – (Class 1 Offense)

Willful misuse of police powers by any member for the purpose of violating the rights of any person is prohibited.

### 3.2.6 Conduct unbecoming a police officer (Class 2 offense)

Due to the nature of police work, the need for organizational cohesion and cooperation, the awesome power and public trust granted police officers, the autonomy they often work under and the credibility needed to sustain effective law enforcement; police officers must be held to the highest standard in order for a police department to carry out it's law enforcement mission.

Accordingly, police officers shall conduct themselves at all times, both on and off duty, with high ethical standards, so as not to bring discredit upon themselves as police officers or upon the Police Department. Conduct unbecoming a police officer is grounds for disciplinary action and shall be defined as any improper conduct which tends to weaken public respect or confidence in the police department or which adversely impacts the confidence amongst fellow officers. This conduct includes but is not limited to:

- Unlawful, disorderly, immoral, deceitful, dishonest or unethical conduct by a police officer that adversely affects the morale, efficiency or good order of the police department or damages the reputation of the officer or department.
- Cowardly or other dishonorable conduct by a police officer that injures or puts at risk any person or which tends to lower public confidence in the officer or police department or the mutual confidence among police officers.
- Slander, false reporting or any means of retaliation by a police officer against any department employee for their official acts.
- The willful violation of the code of conduct as set forth in the Police Department manual including the Law Enforcement Code of Ethics.

### 3.2.7 Conduct unbecoming an employee in the public service (Class 2 offense)

Civilian employees shall conduct themselves at all times, both on and off duty, with high ethical standards so as not to bring discredit upon themselves as employees of the Police Department or upon the department itself.

- Unlawful, disorderly, immoral, deceitful, dishonest or unethical conduct by a civilian employee that adversely affects the morale, efficiency or good order of the police department, or that damages the reputation or credibility of the police department, is conduct unbecoming an employee in the public service and shall constitute grounds for disciplinary action.
- Slander, false reporting or any means of retaliation by an employee against any employee for their official acts is conduct unbecoming an employee in the public service and shall constitute grounds for disciplinary action.

## Section 3      Duty Responsibilities

Standard  
26.1.1

### 3.3.1 Responsibilities – (Class 3 offense)

Members of the department are always subject to duty and they shall at all times respond to the lawful orders of superior officers and other proper authorities, as well as calls for police assistance from citizens. Proper police action must be taken whenever required. The administrative delegation of the enforcement of certain laws and ordinances to particular subdivisions of the department does not relieve members of other subdivisions from the responsibility of taking prompt, effective police action within the scope of those laws and ordinances when the occasion so requires. Members assigned to special duties are required to take proper action outside the scope of their specialized assignment when necessary.

### 3.3.2 Insubordination – (Class 2 Offense)

Employees shall promptly obey all lawful orders issued by supervisors and superior officers. Employees shall not ridicule a superior officer or an order of a supervisor or superior officer whether in or out of the officer's presence. Employees shall not use disrespectful, mutinous, insolent or abusive language toward or about a supervisor or superior officer.

### 3.3.3 Neglect of duty – (Class 2 Offense)

Employees shall faithfully and diligently carry out all of the duties and fulfill all of the obligations of their office. Failure to take appropriate action on the occasion of a crime, disorder, or other action or condition deserving of police attention or any other omission by an employee which represents an abandonment of one's duties, obligations or assignment is neglect of duty and will subject that employee to discipline.

### 3.3.4 Questions about assignment – (Class 5 offense)

Members and employees in doubt as to the nature or detail of an assignment/ order shall seek such information from their supervisors by going through the chain of command.

### 3.3.5 Knowledge of laws and regulations - (Class 4 offense)

Members and employees shall familiarize themselves with their current assignment and are required to establish and maintain a working knowledge of all laws and ordinances in force in the Town of Newton, as well as all rules, regulations, policies, procedures and general orders of the department.

- In the event of improper action or a breach of discipline, it will be presumed that the affected member or employee was familiar with the law, ordinance, rule, regulation, policy, procedure, or order in question.

### 3.3.6 Performance of duty – (Class 3 offense)

Employees shall give suitable attention to the performance of duty and shall perform their duties as required or directed by law, departmental rule, regulation, policy, procedure or lawful order of a superior officer. All lawful duties required by competent authority shall be performed as promptly as directed, notwithstanding the employee's general assignment of duties and responsibilities.

### 3.3.7 Action off duty – (Class 3 offense)

While off duty, members shall take appropriate action as needed in any police matter that comes to their attention within their jurisdiction as authorized by New Jersey law and department policy.

### 3.3.8 Obedience to laws, regulations and orders – (Penalty based on gravity of offense/violation)

Employees shall obey all laws, ordinances, rules and regulations, policies and procedures, general orders, written directives and verbal orders of superiors of the department as applicable.

### 3.3.9 Reporting violations of laws, rules, policies and procedures, etc. – (Class 3 offense)

Employees knowing of others violating laws, ordinances, provisions of the department S.O.P. manuals or lawful orders, shall immediately report same in writing to the Chief of Police via official channels. If the employee believes the information is of such gravity that it must be brought to the immediate personal attention of the Chief of Police, official channels may be bypassed.

### 3.3.10 Conduct toward superior and subordinate officers and associates – (Class 4 offense)

Employees shall treat superior officers, subordinates and associates with respect. They shall be courteous and civil at all times in their relationships with one another. When on duty and particularly in the presence of other members, employees or the public, employees shall demonstrate a positive attitude and refrain from using sarcastic remarks of any kind. All officers of the department shall address superior officers by rank.

### 3.3.11 Criticism of official acts or orders – (Class 3 offense)

Employees shall not criticize any lawful official actions, instructions, or orders of any department member in a manner which is defamatory, obscene, sarcastic, unlawful or which tends to impair the efficient operation, image, authority or reputation of the department or any supervisor within the department.

### 3.3.12 Manner of issuing orders

- A. Orders from a superior officer to a subordinate shall be in clear and understandable language, and issued in pursuit of departmental business. **(Class 5 offense)**
- B. When conveying policies, procedures, directives, orders, etc. supervisors shall adopt a positive approach and impart the information in a manner most likely to gain acceptance and compliance. **(Class 4 offense)**

**3.3.13 Unlawful orders – (Class 2 offense)**

No command or supervisory officer shall knowingly issue any order that is in violation of any law or ordinance.

**3.3.14 Obedience to unlawful orders – (Penalty based on gravity of the offense/violation)**

Obedience to an unlawful order is never a defense to an unlawful action. Therefore, no employee shall obey an order that is contrary to federal or state law, or local ordinance. Responsibility for refusing to obey rests with the employee. The employee shall be strictly required to justify his action.

**3.3.15 Improper orders – (Class 5 offense)**

No supervisor shall knowingly issue any order that is in violation of a provision of the department manual.

**3.3.16 Obedience to unjust and improper orders**

Employees who are given orders they feel to be unjust or contrary to a provision of the department manual, **must** first obey the order to the best of their ability and then may proceed to an appeal as provided below. Failure to follow the order prior to appeal may result in a charge of insubordination.

**3.3.17 Conflicting orders - (Class 5 offense)**

Upon receipt of an order conflicting with any previous order or instruction, the affected employee will advise the person issuing the second order of this fact. Responsibility for countermanning the original order or instruction then rests with the individual issuing the second order. If so directed, the latter command shall be obeyed first. Orders will be countermanned or conflicting orders will be issued only when reasonably necessary for the good of the department or public.

**3.3.18 Reports and appeals – (Class 5 offense)**

An employee receiving an unlawful or improper order, shall, at first opportunity, report in writing to the Chief of Police through official channels. This report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time.

**3.3.19 Soliciting gifts, gratuities, fees, loans, etc. – (Class 3 offense)**

Employees shall not under any circumstances, directly or indirectly, solicit any gift, gratuity, loan, discount or other fee for their own personal gain where there is any connection between the solicitation and their department membership or employment.

**3.3.20 Acceptance of gifts, gratuities, fees, loans, etc. – (Class 2 offense)**

Pursuant to the provisions of N.J.S.A. 2C:27-6, employees shall not accept any gift, gratuity, fee, loan or other thing of value, the acceptance of which might tend to influence, directly or indirectly, the actions of said employee or other employee in any matter of police business; or which might tend to cast an adverse reflection on the department or any employee thereof.

- No employee of the department shall receive any gift or gratuity from other members or employees junior in rank, the acceptance of which might tend to influence, directly or indirectly, the actions of said employee or other employee in any matter of police business; without the expressed permission of the Chief of Police.
- Any employee who is found to have accepted money or any other thing of value to influence his actions in connection with his employment will be subject to termination of employment.

**3.3.21 Rewards – (Class 4 offense)**

Employees shall not accept any gift, gratuity, or reward in money or other consideration for services rendered in the line of duty, except lawful salary and that which might be authorized by law.

**3.3.22 Other transactions – (Class 4 offense)**

Employees are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to his attention or which arose out of his department employment, except as may be specifically authorized by the Chief of Police.

**3.3.23 Disposition of unauthorized gifts, gratuities, etc. – (Class 4 offense)**

Any unauthorized gift, gratuity, loan, fee, reward or other thing falling into any of these categories coming into the possession of any employee shall be forwarded to the office of the Chief of Police together with a written report explaining the circumstances relevant thereto.

**3.3.24 Debts – incurring and payment – (Class 5 offense)**

- A. No employee shall borrow or lend any money or otherwise become indebted to any other employee.
- B. Employees shall not solicit other employees to co-sign or endorse any promissory note or loan.
- C. No employee shall offer to act as a co-signer or endorser of any promissory note or other loan for another employee.
- D. Paragraphs a-c do not apply to transactions among employees related to each other.
- E. Employees shall promptly pay all just debts and legal liabilities incurred by them.

**3.3.25 Personal preferment- soliciting – (Class 4 offense)**

Employees shall not seek influence or intervention with the Town Manager, Mayor, or any member of the governing body in relation to promotions, assignments, disposition of pending charges, or findings in a departmental trial or related matter. This shall not preclude, however, the right of an employee to be represented by legal counsel or a union representative.

**3.3.26 Withholding information – (Class 2 offense)**

Employees shall not, at any time, withhold any information concerning criminal activity or fail to take appropriate action in response to such information.

**3.3.27 Harassment – (Class 3 offense)**

Employees are prohibited from any acts that would constitute harassment, sexual or otherwise, as defined in department policy.

**3.3.28 Chain of command – (Class 4 offense)**

All employees must be aware of their relative position with the department, to whom they are immediately responsible, and persons accountable to them. All employees shall follow the established chain of command when dealing with supervisors and shall keep their supervisors informed of their activities.

- Command officers are entitled to freely discuss matters of policy and operations at the command and supervisory level.
- Command officers may discuss department matters with any employee at any level within the department in order to maintain rapport and interaction so needed and vital to a successful organization.

**3.3.29 Gossip (Class 3 offense)**

Employees shall respect the private lives of other employees and not engage in conversations or communications about activities that are designed to slander or demean their co-workers. Gossip and fabricated stories concerning both job related and non-job related activities of co-workers will be reason for disciplinary action; as such activities tend to impair the efficient operation and harmonious work environment of the department.

**3.3.30 Circulating false information (Class 3 offense)**

Employees shall not make false or misleading statements about department activities, including, but not limited to, policies, investigations, disciplinary actions and personnel decisions; when such statements are intended to or may tend to adversely affect the morale or good order of the department, or undermine the authority of any supervisory officer.


**3.3.31 Reasonable caution in performance of duty (Class 3 offense)**

Employees shall exercise reasonable and prudent judgement and care in the performance of duty so as to minimize the risk of injury and/ or damage to all persons and/ or property.

**3.3.32 Supervision of subordinates – (Class 3 offense)**

Department supervisors shall properly monitor, instruct, counsel, supervise, direct, and discipline the personnel assigned to their command and enforce all department rules, regulations, policies, procedures, directives and orders issued by competent authority.

- Supervisors are required to promptly report any unsatisfactory performance or violations through official channels.
- Supervisors are responsible for attempting to create a positive attitude amongst their subordinates and in so doing must endorse the policies, directives and decisions of their superiors.

**Section 4      General conduct**


Standard  
26.1.1

**3.4.1 Prohibited activity on duty**

Employees who are on duty are prohibited from engaging in activities which are not directly related to the lawful performance of their official duties, including, but not limited to:

- A. Sleeping. **(Class 2 offense)**
- B. Conducting private meetings. **(Class 2 offense)**
- C. Gambling, unless to further a police purpose (with the consent of the Chief of Police). **(Class 2 offense)**
- D. Sexual activity of any kind. **(Class 2 offense)**
- E. Conducting non-police related activities or business. **(Class 4 offense)**
- F. Recreational reading (except on meal breaks), loafing, idling. **(Class 5 offense)**
- G. Pursuing personal relationships:
  1. Without coercion created by an officer's official authority – **(Class 4 offense)**
  2. With coercion created by an officer's official authority – **(Class 1 offense)**
- H. Leaving the town without supervisory approval – **(Class 3 offense)**

### 3.4.2 Alcoholic beverages and drugs

- A. Employees shall not report for duty under the influence of intoxicants to any degree nor shall they have the odor of an alcoholic beverage emanating from their person. This condition shall cause the employee to be unfit for duty. Superior officers shall not assign to duty any employee in an unfit condition due to the use or odor of intoxicants and shall immediately relieve of duty and service weapon any member found on duty in such condition. **(Class 2 offense)**
- B. Employees shall not drink any kind of intoxicating beverage at any time while on duty unless absolutely necessary in the performance of duty and will not render the employee unfit; and then only with the prior expressed permission of the Chief of Police or his designee as required by written directive. **(Class 2 offense)**
- C. Employees shall refrain from drinking intoxicating beverages for a period of time necessary to ensure absence of alcohol in the blood, to any degree, prior to reporting for duty. **(Class 3 offense)**
- D. Employees shall refrain from drinking alcoholic beverages for a period of time necessary to ensure absence of an odor of alcoholic beverages on their person, prior to reporting for duty. **(Class 4 offense)**
- E. Any member who has a reasonable suspicion to believe that a fellow member of this department is under the influence of intoxicating liquor or drugs must immediately report such fact to his/her immediate supervisor. **(Class 2 offense)**
- F. Employees shall not bring or keep any intoxicating beverage or drugs on department premises, except when necessary in the performance of a police objective and then it shall be properly identified and stored according to department policy. **(Class 3 offense)**
- G. Intoxicating beverages shall not at any time be consumed at Police Headquarters . **(Class 3 offense)**
- H. Employees shall not have intoxicants on their person while on duty or in uniform, or in any police building or vehicle, except for evidential or other authorized purposes. **(Class 3 offense)**
- I. Off duty employees will not consume alcoholic beverages to the extent: **(Class 4 offense)**
  - It results in inappropriate/offensive behavior tending to discredit themselves or the department.
  - It renders them unable/unfit to report for their next regular tour of duty (i.e., illness, impairment, or apparent indication of recent alcohol use).
- J. Employees shall not drink or be under the influence of alcoholic beverages while in the department uniform or any part thereof. **(Class 3 offense)**
- K. If so ordered by a supervisory officer in furtherance of an investigation having a bearing on an officer's employment or fitness for duty/continued employment, a member must submit to a blood test, a breath test, or any other test to determine the percentage of alcohol in the blood.
- L. No liquor license shall be held by any police officer, or by any profit corporation or association in which any such member is interested, directly or indirectly. **(Class 2 offense)**
- M. No law or regulation promulgated by the Department of Alcoholic Beverage Control, however, prohibits members of the department from being employed, other than in the Town for which they serve as police officers, by a business licensed to sell alcoholic beverages in this State.
  - Members shall not be employed by any business licensed to sell alcoholic beverages in the Town. **(Class 2 offense)**



- N. Members so employed shall not, while engaged in the selling, serving, possessing or delivering of any alcoholic beverage:
- Have in his possession any firearm, or **(Class 3 offense)**
  - Wear or display any uniform, badge or insignia, which would identify him as a police officer. **(Class 3 offense)**
- O. No member so employed shall be permitted to work in excess of twenty-four (24) hours per week in any such establishment. **(Class 4 offense)**
- P. No member shall enter a licensed liquor establishment while on duty, unless on official business or upon prior authorization of the Chief of Police or his designee. **(Class 3 offense)**
- Q. All members shall fully comply with the departmental drug testing policy and procedures as set forth in written directive. **(Class 1 offense)**
- R. Medication **(Class 3 offense)**
1. Employees shall not take any medication that might diminish their alertness or impair their senses prior to or after reporting for duty, unless otherwise directed by a physician.
  2. When employees are required to take any prescription or non-prescription medication that might diminish their alertness or impair their senses, the employee shall notify their supervisor as to the medication required, it's properties, the dosage and the period during which the employee is required to take the medication. It shall be the responsibility of the employee to make the notification prior to the employee being assigned to duty. This information so provided shall remain confidential.
  3. Supervisors shall not assign to duty or allow to remain on duty, any employee whose fitness for duty is questionable due to the use of medication.

#### 3.4.3 Loitering – (Class 5 offense)

All employees on duty or in uniform shall not enter taverns, theatres, or other public places, without legitimate cause, except to perform a police task. Loitering and unnecessary prolonged conversation in such locations is forbidden.

#### 3.4.4 Relief – (Class 3 offense)

All employees are to remain at their assignment and on duty until properly relieved by another employee or until dismissed by competent authority.

#### 3.4.5 Reporting – (Class 5 offense)

Employees shall promptly and accurately prepare and submit such reports as are required by the performance of their duties or by competent authority.

#### 3.4.6 False reports – (Class 1 offense)

Employees shall not knowingly submit written or oral communications that are fabricated, factually inaccurate or intentionally misleading and that could lead to an investigation or prosecution of any person for a crime, offense or violation of departmental rule, regulation, policy, procedure, etc.

#### 3.4.7 Reporting for duty – (Class 3 offense)

Employees shall report for duty, properly uniformed and equipped, on the date, time and place specified. Employees failing to report at the date, time and place specified without the consent of competent authority, shall be considered "absent without leave".

**3.4.8 Physical fitness for duty – (Class 5 offense)**

All members of the department shall maintain good physical condition so they can handle the strenuous physical contacts often required of a law enforcement officer.

**3.4.9 Smoking/Tobacco while on duty – (Class 5 offense)**

Employees shall not smoke or chew tobacco products at any time while in police headquarters or in a police department vehicle. Members shall not smoke or chew any tobacco products while on duty and interacting with the public.

**3.4.10 Driver's license – (Class 2 offense)**

- A. Employees required to operate department vehicles in the performance of duty shall maintain a valid New Jersey driver's license.
- B. Whenever a driver's license is revoked or suspended the employee shall immediately notify his immediate supervisor giving full particulars.

**3.4.11 Crimes/offenses involving moral turpitude – (Class 1 offense)**

Any employee who commits a 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> degree crime, or any offense involving moral turpitude that touches his position as a police officer shall be considered unfit for continued employment.

**Section 5 Investigations****3.5.1 Investigations – (Class 3 offense)**

All employees involved in any official department investigation of any matter will fully comply with the policies and procedures of the department governing same.

**3.5.2 Confidentiality**

- A. Employees shall keep confidential any business of the department that is not a matter of public concern and shall not impart confidential information to anyone except those for whom it is intended, or as directed by their supervisor – **(Class 2 offense)**
- B. Employees shall keep confidential information that is not considered public information pertaining to department events, operations, arrests or other activities without authorization of the Chief of Police or his designee – **(Class 3 offense)**
- C. Employees shall not make known to any person, any department order which they might receive, unless so required by the nature of their assignment. **(Class 4 offense)**

**3.5.3 Reports**

- A. Employees shall not exhibit or divulge the contents of any department record or report to any person, except on approval of the Chief of Police, or under due process of law, or as directed by department procedure. **(Class 2 offense)**
- B. Employees shall not destroy or permanently remove from its proper location any official record/police report without proper authorization. **(Class 2 offense)**
- C. Employees may copy or remove official records/reports from police headquarters in accordance with the procedures established in the departmental manual. **(Class 3 offense)**

**3.5.4 Cooperation – (Class 2 offense)**

Employees are required to fully answer all questions, file reports, or render material or relevant statements, in any authorized departmental investigation when such questions and statements are directly related to job responsibilities or a legitimate departmental interest.

**3.5.5 Unauthorized investigations - (Class 2 offense)**

Employees will not self assign any investigation (criminal, internal, civil or private) or other law enforcement action not part of their regular assigned duties without obtaining permission from their supervisor, unless the situation requires immediate law enforcement action. In those cases, a written report will be completed as soon as is practical thereafter.

**Section 6 Compromising Criminal Cases****3.6.1 Interference with legal process – (Class 2 offense)**

Employees shall not attempt to interfere with the legal process, except through official departmental channels in situations where a manifest injustice might otherwise occur, nor participate in or be concerned with any activity which might interfere with the process of law.

**3.6.2 Traffic cases – (Class 2 offense)**

Employees shall not attempt to have any traffic summons or notice to appear stricken from the calendar, except in connection with legitimate criminal justice interests and then done in conformance with established court procedures. In any instance where it becomes necessary to void a traffic or criminal summons or warrant, officers will follow the procedure set forth in the departmental manual.

**3.6.3 Assisting criminals**

- A. Employees shall not directly or indirectly assist persons to escape arrest or punishment for any unlawful activity. **(Class 2 offense)**
- B. Employees shall not directly or indirectly assist persons to dispose of or secrete evidence of unlawful activity or money, merchandise, or other property unlawfully obtained. **(Class 1 offense)**

**Section 7 Prisoners****3.7.1 Assisting escape – (Class 1 offense)**

Employees shall not communicate any information that may aid a person to escape custody or arrest, nor shall they directly or materially aid a person to escape custody or arrest.

**3.7.2 Recommending an attorney or bail bond broker – (Class 3 offense)**

Employees shall not suggest, recommend, advise, or otherwise counsel the retention of any attorney or bail bond broker to any person coming to their attention as a result of police business. Any person requesting this information shall be referred to the telephone directory.

**3.7.3 Acting as bailer prohibited – (Class 2 offense)**

Employees cannot act as bailer for any person in custody, except relatives, or in any case where any fee, gratuity or reward is solicited or accepted.

## **Section 8      Conduct toward the public**

### **3.8.1    Courtesy – (Class 5 offense)**

Employees shall be courteous and orderly in their dealings with the public. They shall perform their duties quietly, avoiding harsh, violent, profane or insolent language, and always remain calm regardless of the provocation to do otherwise. They shall attend to requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the department.

### **3.8.2    Professional demeanor – (Class 5 offense)**

Employees shall avoid giving the appearance they are evading the performance of their duty or are disinterested in problems of persons who may be transferred for service. Employees will not belittle a seemingly trivial request, complaint, or piece of information.

### **3.8.3    Identification as a police officer (Class 5 offense)**

Except where impractical or where identity is obvious, members shall identify themselves by displaying the official badge or identification card prior to taking any police action.

### **3.8.4    Request for identification – (Class 5 offense)**

Upon request, employees are required to provide their name and badge numbers, if applicable, in a courteous manner.

### **3.8.5    Impartiality – (Class 3 offense)**

- A.      Employees shall not exhibit bias or favoritism toward any person because of race, sex, sexual orientation, creed, color, national origin, ancestry, or influence, nor shall they allow their personal interests to interfere with objectivity concerning police matters.
- B.      Unwarranted interference by officers under the color of law in the private business of others when not in the interest of justice is strictly prohibited.

### **3.8.6    Use of derogatory terms – (Class 3 offense)**

Employees shall not use language that is derogatory to anyone because of race, sex, sexual orientation, creed, color, national origin, ancestry, or influence.

### **3.8.7    Availability while on duty – (Class 4 offense)**

Employees while on duty shall not conceal themselves except for some police purpose. They shall be immediately and readily available to the public during duty hours.

### **3.8.8    Response to calls – (Class 3 offense)**

Members shall respond without unnecessary delay to all calls for police assistance from citizens and other members. Members shall answer all calls directed to them unless otherwise directed by competent authority.

### **3.8.9    Public statements – (Class 2 offense)**

Employees shall not make public statements concerning the actions, plans, policies, or affairs of the department which may impair or disrupt the operation of the department or which are obscene, unlawful, defamatory, or otherwise prohibited by written directive or rule and regulation.

**3.8.10 Affiliation with certain organizations prohibited – (Class 3 offense)**

Employees shall not join, nor shall they affiliate themselves with any organizations whose constitution embraces provisions that might in any way prevent the proper and efficient functioning of the department. This prohibition does not apply to "the active military or naval service of the United States or of this state, in time of war or an emergency, or during any period of training, or pursuant to or in connection with the operations of any selective service system". (Source: N.J.S.A. 38:23-4)

**3.8.11 Affiliation with radical groups – (Class 3 offense)**

No employee, except in the discharge of police duties, shall knowingly associate with or have any dealings with any person or organization which advocates the violation of law, or which professes hatred, prejudice, or oppression against any racial or religious group or political entity.

**3.8.12 Publicity – (Class 5 offense)**

Employees shall not seek personal publicity in the course of their employment.

**3.8.13 Commercial testimonials – (Class 4 offense)**

Employees shall not permit their names or photographs to be used to endorse any product or service that is in any way connected to law enforcement without the permission of the Chief of Police. They shall not allow their names or photographs to be used in any commercial testimonial that alludes to their position or employment with the department without prior authorization from the Chief of Police.

**Section 9 Political Activities****3.9.1 Political activities prohibited – (Class 2 offense)**

Members shall not actively engage in political campaigns and activities, while in uniform or on duty. Employees shall not directly or indirectly use or attempt to use their official position to influence the political activity of another.

**3.9.2 Off duty political activities – (Class 3 offense)**

Members may engage in off duty political activities except when such activities will harm or impair the operation or discipline of the department.

**3.9.3 Election to public office – (Class 2 offense)**

Members shall not be candidates for or hold office in elective public positions or political organizations within or inclusive of the Town of Newton unless authorized to do so by the county prosecutor.

**3.9.4 Soliciting prohibited – (Class 2 offense)**

Employees shall not solicit contributions for political purposes while on duty, nor shall they interfere with or use the influence of their office for political reasons.

**3.9.5 Contributions**

Employees may contribute funds or any other thing of value to candidates for public office subject to the provisions of law governing such contributions.

**3.9.6 Polling duties – (Class 3 offense)**

Members shall not engage in any polling duties while on-duty. Any member working at a polling place while off duty shall not have an exposed firearm or exhibit ANY evidence of his employment as a police officer.

**3.9.7 Displaying of political material – (Class 3 offense)**

Employees shall not display any political material on any government property or on their person while on duty or in uniform.

**Section 10 Judicial Appearances and Testimony****3.10.1 Testifying for the defense – (Class 3 offense)**

Any employee subpoenaed or requested to testify for the defense in any legal proceeding or against the township or department in any hearing or trial shall notify the Chief of Police immediately upon receipt of the subpoena or request.

**3.10.2 Contact with the defense – (Class 3 offense)**

Any employee contacted by the defense in any legal or administrative proceeding brought by the town, or plaintiff in any legal or administrative proceeding brought against the town, shall immediately notify the Chief of Police.

**3.10.3 Civil action – expert witnesses – (Class 4 offense)**

Employees shall not volunteer or agree to testify as expert witnesses in civil actions without the prior written approval of the county prosecutor.

**3.10.4 Civil process – (Class 5 offense)**

Employees shall not serve civil process or assist in civil cases unless such service is approved by their immediate supervisor.

**3.10.5 Court appearances; subpoenas – (Class 3 offense)**

Employee shall honor all lawfully issued subpoenas and shall promptly appear for all scheduled judicial proceedings when notified by subpoena or other established departmental procedure.

**Section 11 Personnel Regulations****3.11.1 Hours of duty**

Employees shall have regular hours assigned to them for active duty, and when not so engaged, they shall be considered off duty. Employees are subject to be recalled to duty as needed.

- Department members shall remain responsible to their supervisor and are subject to assignment during meal breaks.
- Training sessions are considered a duty assignment and members attending training are subject to assignment as deemed necessary.

**3.11.2 Sick leave/workman's compensation – (Class 2 offense)**

Employees will not pretend illness or injury, falsely report themselves to be injured or ill, or otherwise deceive or attempt to deceive a supervisor or the town as to their health.

**3.11.3 Absences without leave for five consecutive days – (Class 1 offense)**

Except as otherwise provided by law, any permanent member or officer of this police department who shall be absent from duty without just cause or leave of absence for a continuous period of five days shall cease to be a member of this police department. (Reference: N.J.S.A. 40A:14-122).

**3.11.4 Compensation for damages – (Class 4 offense)**

Employees who have sustained injury while on or off duty and who have received salary from the town while injured shall notify the Chief of Police in writing of any intent to seek, sue, solicit, or accept compensation as damages for such injury. This notice shall be filed before any action is taken. It shall include the facts of the claim and the name of the respondent.

**3.11.5 Fitness for Duty**

The Chief of Police shall have the authority, in conjunction with his responsibility for the disposition and discipline of the department, to require psychological and medical examinations for any employee for the purpose of determining the employee's fitness for duty.

**3.11.6 Resignation**

All resignations of employees must be tendered in writing and bear the signature of the person resigning. Employees shall provide the Chief of Police with no less than two (2) weeks written notice. Once tendered, the town has the right to rely on the resignation and it will be considered non-rescindable unless approved by the Town Manager.

## ARTICLE IV DISCIPLINARY CODE

### Section 1 Departmental Discipline

**4.1.1 Purpose**

The department has established this disciplinary process as a means of achieving the below listed objectives through the reasonable and consistent application of discipline to address breaches of the code of conduct, and:

- A. Insure the highest professional standards for law enforcement within the agency.
- B. Providing citizens with a fair and effective avenue for redress of their legitimate grievances against law enforcement officers.
- C. Protect employees from false charges of misconduct or wrongdoing and provide accused officers with due process safeguards.
- D. Monitoring officers' compliance with laws, ordinances, and departmental rules, regulations, policies, procedures, directives and orders.
- E. Identifying problem areas in which increased training or direction is necessary.

**4.1.2 Factors**

Disciplinary action shall be imposed to accomplish the purposes of the disciplinary process and shall take into account all of the aggravating and mitigating factors of the case, including, but not limited to:

- A. Nature of the offense.
- B. The disciplinary record of the accused officer.
- C. The need to deter the accused officer or other officers from similar conduct.
- D. The harm or potential for harm resulting from the conduct.

#### 4.1.3 Disciplinary action

Department employees, regardless of rank, shall be subject to disciplinary action, according to the nature of the offense, for violating their oath and trust by committing an offense punishable under the laws or statutes of the United States, the State of New Jersey or the Town Municipal Code, or failure, either willfully or through neglect or incompetence, to perform the duties of their rank or assignment; or for violation of any rule, procedure or written directive of the department; or for failure to obey any lawful instruction, order or command of a superior officer. Disciplinary action in all cases will be decided on the merits of each case and in conformity with controlling state law.

#### 4.1.4. Departmental Authority to Discipline

Except as otherwise provided in N.J.S.A. 40A:14-147 to 151 inclusive and Town of Newton Ordinances, the Department disciplinary authority and ability rests with the Chief of Police. With the exception of oral and written reprimands and emergency suspensions, department discipline must be taken or approved by the Chief of Police and must be in accordance with departmental procedures.

#### 4.1.5 Penalties

The department shall establish a scale of penalties that may be assessed against any employee of the department as disciplinary action:

- A. Minor Discipline – employee not entitled to a hearing
  - 1. Training
  - 2. Counseling
  - 3. Oral reprimand
  - 4. Written reprimand
- B. Major Discipline – employee entitled to hearing before the Appropriate Authority
  - 1. Surrender of leave time in lieu of other action
  - 2. Suspension with pay
  - 3. Suspension without pay
  - 4. Loss of promotion opportunity
  - 5. Demotion
  - 6. Termination

#### 4.1.6 Causes for removal

Any one of the following may be cause for removal from the service, although removals may be made for sufficient causes other than those listed:

- A. Neglect of duty.
- B. Incompetence or inefficiency.
- C. Incapacity due to mental or physical disability.
- D. Insubordination or serious breach of discipline.
- E. Intoxication while on duty.
- F. Illegal drug usage.
- G. Chronic or excessive absenteeism.
- H. Disorderly or immoral conduct.
- I. Willful violation of any of the provisions of the rules and regulations or other statutes relative to the employment of public employees.
- J. The conviction of any criminal act.



- K. Negligent or willful damage to public property or waste of public supplies.
- L. Conduct unbecoming an employee in the public service.
- M. Conduct unbecoming a police officer.
- N. The use or attempted use of one's authority or official influence to control or modify the political action of any person.
- O. Lying, misrepresentations, falsifications in written/oral reporting or official inquiry.

#### 4.1.7 Repeated violations – (Class 1 offense)

Repeated violations of the rules and regulations, policies, procedures, directives or orders shall be indicative of an employee's disregard of the obligations of all employees and shall be cause for dismissal. This shall apply regardless of the severity of the offense and reckoning period, and regardless of whether the violations are of the same type.

#### 4.1.8 Relationship of penalties to offense

The information contained herein is intended to guide the Appropriate Authority in administering fair and uniform punishment for violations of the rules and regulations of the department. The suggested penalties shall in no way limit the penalty that the Appropriate Authority may elect to impose.

#### 4.1.9 Classes of offenses – recommended penalties

- A. **Class 1 Offense** – Violation of any rule designated as a Class 1 Offense may result in disciplinary action as follows:
  - 1<sup>st</sup> offense – dismissal**
- B. **Class 2 Offense** – Violation of any rule designated as a Class 2 Offense may result in disciplinary action as follows:
  - 1<sup>st</sup> offense – 3 day suspension to dismissal**
  - 2<sup>nd</sup> offense – 10 day suspension to dismissal**
  - 3<sup>rd</sup> or subsequent offense - dismissal**
- C. **Class 3 Offense** – Violation of any rule designated as a Class 3 Offense may result in disciplinary action as follows:
  - 1<sup>st</sup> offense – reprimand to 6 month suspension**
  - 2<sup>nd</sup> offense – 3 day suspension to dismissal**
  - 3<sup>rd</sup> or subsequent offense – dismissal**
- D. **Class 4 Offense** – Violation of any rule designated as a Class 4 Offense may result in disciplinary action as follows:
  - 1<sup>st</sup> offense – reprimand to 30 day suspension**
  - 2<sup>nd</sup> offense – reprimand to 6 months suspension**
  - 3<sup>rd</sup> or subsequent offense – 20 day suspension to dismissal**
- E. **Class 5 Offense** – Violation of any rule designated as a Class 5 Offense may result in disciplinary action as follows:
  - 1<sup>st</sup> offense – reprimand to 5 day suspension**
  - 2<sup>nd</sup> offense – reprimand to 30 day suspension**
  - 3<sup>rd</sup> or subsequent offense – 5 day suspension to dismissal**

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#### 4.1.10 Authority to impose major discipline

The Appropriate Authority may suspend with or without pay, demote or dismiss an employee due to inefficiency, incompetence, misconduct, negligence, insubordination, violation of the rules and regulations or for other sufficient cause.

### Section 2      Disciplinary Procedure

#### 4.2.1 Establishing a violation

Existence of facts establishing a violation of a law, ordinance, or rule is all that is necessary to support any allegation of such violation as a basis for disciplinary action. Nothing in this manual prohibits disciplining or charging employees merely because the alleged act or omission does not appear herein if such conduct is otherwise without lawful purpose and violates some law, ordinance, or rule governing the officer's conduct at the time it occurred or is otherwise such an egregious or blatant act that would be universally recognized as misconduct.

#### 4.2.2 Discipline by supervisory personnel

Supervisory personnel may take the following disciplinary measures:

- A. Counseling
- B. Oral reprimand.
- C. Written reprimand (subject to the approval of the Lieutenant or Chief of Police).
- D. Emergency suspension until the next business day.
- E. Written recommendations for other penalties.

#### 4.2.3 Emergency suspensions

- A. Any superior officer may immediately suspend an employee from duty if they determine one of the following exist:
  1. The employee is unfit for duty; or
  2. The employee is a hazard to any person if permitted to remain on the job; or
  3. An immediate suspension is necessary to maintain safety, health, order or effective direction of public services; or
  4. The member has been formally charged with a crime of the first, second or third degree, or a crime of the fourth degree on the job or directly related to the job.
- B. In accordance with N.J.S.A. 40A:14-149.1 Notwithstanding any other law to the contrary, whenever any municipal police officer is charged under the law of this State, another state, or the United States, with an offense, said police officer may be suspended from performing his duties, with pay, until the case against said officer is disposed of at trial, until the complaint is dismissed, or until the prosecution is terminated; provided, however, that if a grand jury returns an indictment against said officer, or said officer is charged with an offense which is a high misdemeanor or which involves moral turpitude or dishonesty, said officer may be suspended from his duties, without pay, until the case against him is disposed of at trial, until the complaint is dismissed or until the prosecution is terminated. The Chief of Police shall immediately submit a report explaining such action to the Town Manager.

#### 4.2.4 Emergency inter-departmental disciplinary action

When the improper conduct of a member or employee of one division\bureau\unit is of such nature that immediate or emergency disciplinary action is required of a command or supervisory officer of another division\bureau\unit, such action may be taken at once within the following limitations:

- A. Oral reprimand.
- B. Emergency suspension until the next business day.

#### 4.2.5 Inter-departmental oral reprimand

When the commanding or supervisory officer of one division orally reprimands a member or employee of another division, he shall notify the supervisor of the member or employee so disciplined as soon as possible. He shall also submit a written report of this action and the reason therefore to his commanding officer and also the commanding officer of the member or employee.

#### 4.2.6 Follow-up on emergency suspensions

A member or employee receiving an emergency suspension shall be required to report to the Chief of Police on the next business day at a time scheduled by the Chief of Police. The commanding or supervisory officer imposing or recommending the suspension shall also report to the Chief of Police at the same time.

#### 4.2.7 Reports of disciplinary action taken or recommended

Whenever any disciplinary action is taken or recommended (except for oral reprimands), a written report must be submitted immediately to the Chief of Police containing the following information:

- A. The name, rank, badge number, and present assignment of the person being disciplined.
- B. The date, time and location of the incident.
- C. The section number and name of the violated rule.
- D. A complete statement of the facts of the misconduct.
- E. The punishment imposed or recommended.
- F. The written signature, badge number, and rank of the preparing officer and his position in relation to the member or employee being disciplined.

#### 4.2.8 Endorsement and forwarding of disciplinary reports

Each level in the chain of command must review, sign and forward reports bearing on disciplinary matters. Such endorsement may be one of approval, disapproval, or modification. No employee shall alter or cause to be altered or withdrawn any disciplinary report. Disciplinary reports in transit through the chain of command shall not be delayed, but must be reviewed, endorsed, and forwarded as soon as possible. Disciplinary reports shall be filed in accordance with current departmental procedures.

#### 4.2.9 Informing the person being disciplined

The member being disciplined shall be so informed of the charges, in writing, as provided by N.J.S.A. 40A:14-147 and **section 4.3.1** of these rules and regulations. The member shall be granted all procedural rights and safeguards as provided by law.

#### 4.2.10 Misconduct observed by police personnel

Whenever any commanding officer or supervisory officer observes or is informed of the misconduct of another member or employee, which indicates the need for disciplinary action, he shall take authorized and necessary action and render a complete written report of the incident and his actions to his commanding officer.

#### 4.2.11 Investigator's authority

Investigators assigned to an investigation are the direct representative of the Chief of Police and, as such, shall receive the cooperation of all employees of the department while conducting their investigations. The sole responsibility of the investigator shall be the gathering of all the facts regarding the allegations. In doing so, he must remain objective and thorough when submitting his report. His opinions, conclusions, or personality shall not be interjected into the case. By adhering to the foregoing principles, the case can be concluded with optimum fairness for all persons concerned.

### Section 3 Departmental Disciplinary Hearings

#### 4.3.1 Charges

When an internal investigation establishes reasonable belief that a member is guilty of violating a department rule or regulation, penalty for which entitles the member to a hearing as provided for in **sections 4.3.2 & 4.4.1**, a **Preliminary Notice of Disciplinary Action** shall be prepared and personally served upon the respective member. The charges shall contain:

- A. The name, address and title of the member against whom the action is being instituted.
- B. The rule, regulation, law or ordinance violated; or a description of other misconduct being charged.
- C. Specification of the alleged facts upon which the charges are based.
- D. The time, date and place at which the hearing is scheduled to be held.
- E. The signature of the proper authority and his official title.

#### 4.3.2 Hearings

- A. The disciplinary hearing shall be scheduled during the business day, but no sooner than ten (10) days and no later than thirty (30) days after said notice is personally served upon said member, subject of course to the granting of reasonable requests for postponements.
- B. Where a disciplinary hearing has been postponed pending the determination of criminal or quasi-criminal charges filed on the basis of the same factual situation which gave rise to the departmental charges, said departmental hearing must be held within thirty (30) days after the department receives notice of such disposition. The duty to advise the department that said judicial determination has been made is that of the respective member.
- C. Personal service is actual service upon any employee as well as actual service upon any member of the employee's household over eighteen (18) years of age residing in the residence of said employee.
- D. All disciplinary hearings shall be closed to the public unless the defendant officer requests an open hearing. In such case, the department reserves the right to petition the hearing officer to conduct a closed hearing if a legitimate reason exists for such request.
- E. Every member formally charged with a violation of department rules and regulations shall have the opportunity to testify in his own defense, produce relevant evidence in support of his defense, produce competent witnesses to testify to relevant matters in support of his defense and cross-examine any witness who has testified against him.
- F. The Chief of Police may prosecute the complaint himself or request the Town to appoint a qualified representative to present the case.
- G. The Town Manager shall be the hearing officer charged with the responsibility of conducting the necessary hearings with respect to the aforementioned charges. The Town Manager may appoint a qualified representative to serve as hearing officer to prepare findings of fact and recommendations as to violations and quantum and type of punishment, if any.

- H. In order that all parties may be afforded a fair and equal opportunity to be heard and that the hearing officer may be completely informed in the matter and enabled to render a proper determination based on all the facts and applicable laws and rules, all hearings shall be conducted in an informal manner, without reference to any formal rules or procedure.
- I. The hearing officer may, at his/her discretion, clear the hearing room of all persons, including witnesses not under examination or testifying. When the evidence pertains to scandalous or indecent conduct of any sort, or is such that its public disclosure would not be in the best interest of the public and might do irreparable harm to any person or persons not a party to the hearing, the hearing officer may exclude all persons not having a direct interest in the matter being heard.
- J. The hearing officer shall admit all testimony having reasonable, probative value, but shall exclude immaterial, irrelevant or unduly cumulative testimony.
- K. The hearing officer shall give effect to the rules of privilege as provided by law, but no person shall be excused from testifying or presenting evidence on the ground of possible self-incrimination with regard to an administrative disciplinary matter.
- L. The member is presumed innocent and the burden of proof is upon the department to prove the member's guilt by a preponderance of the credible evidence presented during said hearing.
- M. All hearings may (in the discretion of the respective hearing officer) be recorded by:
  1. A certified shorthand report; or
  2. Stenographers, duly sworn to make an accurate stenographic recording of the proceeding; or
  3. Sound recording device to be operated under the supervision and direction of the hearing officer.
- N. After considering all the evidence in support and in defense of the particular charge of misconduct, the respective hearing officer shall consider same and render his/her verdict as soon as practical thereafter.
- O. Although the verdict may be verbal at the time of the hearing, the determination must be reflected upon a final notice of disciplinary action that must be personally served upon the respective member as soon as practical after the termination of said disciplinary hearing.

#### 4.3.3 Appeals

- A. Appeal to Department of Personnel
  1. Any member of the Department who has been tried and convicted upon any disciplinary charge or charges may obtain review by the Department of Personnel pursuant to N.J.S.A. 11A:1-1 et seq. and N.J.A.C. 4A:2-1.1 et seq.
  2. Disciplinary charges appealed to the Department of Personnel transmitted for hearing to the Office of Administrative Law before an Administrative Law Judge shall be adjudicated in compliance with N.J.A.C. 1:1-1.1 et seq.

### Section 4 Members Rights during Departmental Investigations and Disciplinary Hearings

#### 4.4.1 Hearing

Each member is entitled to a hearing before the Appropriate Authority or his designee, for any charge that exposes the employee to discipline as follows:

- A. Surrender of leave time
- B. Suspension with pay

- C. Suspension without pay
- D. Loss of promotion opportunity
- E. Demotion
- F. Termination

#### 4.4.2 Confidentiality

Other than the official findings and attendant penalties, every internal investigation and subsequent departmental hearing shall be considered privileged and confidential information and same shall not be made public and/or released to any non-governmental agency.

#### 4.4.3 Scope of interviews

Investigations shall be limited to matters of legitimate concern to the police department. Those issues include:

- A. Violation of any federal or state statute or local ordinance.
- B. Violation of any rule, regulation, policy, procedure, written directive or order of the police department.
- C. Activities, circumstances, conditions or events that:
  1. Threaten the safety of the public or the employees of the department;
  2. Threaten efficiency, discipline or good order of the department;
  3. Damage the reputation or integrity of the police department;
  4. Diminish the ability of the police department to carry out its public safety function.
- D. The fitness of continued employment of any employee.
- E. The performance of official duties of any employee of the police department.
- F. The conduct of any employee that may form the basis for disciplinary action.

#### 4.4.4 Conduct of interviews

- A. All employees have a duty to answer all questions truthfully and completely.
  1. Truthfulness is the key to the proper function of any police department. Officers must know that during any official inquiry they are not at liberty to decide when they will tell the truth. Officers must be truthful at all times. When an officer willfully lies in an official inquiry he:
    - a. Frustrates the investigative effort that he is obligated to assist.
    - b. Destroys his own credibility, which is an essential tool for the completion of his duties.
    - c. Damages the credibility of the department and the law enforcement community as a whole.
    - d. Frustrates the law enforcement function that he is sworn to uphold.
  2. Integrity is the most critical of all minimum requirements to function effectively as a police officer. When it is lost, the ability to carry out the duties of a police officer are lost with it. For these reasons the standard penalty for lying in any official inquiry will be termination. An officer may not be subject to dismissal for a specific act of misconduct, however, if he lies about it he surely will.
- B. No questioning or investigative effort shall be initiated arbitrarily for personal or other reasons that are unrelated to the maintenance of departmental efficiency or integrity.
- C. During the course of an investigation, employees have a duty to voluntarily disclose any relevant information that may assist in proving or disproving an allegation under investigation.

#### 4.4.5 Due process

Although the department can utilize any form of investigative procedure pursuant to an internal investigation that is fair and reasonably calculated to achieve its objective, the nature or utilization of same must not violate the basic concepts and substantive due process of law.

#### 4.4.6 Coercion

Although cooperation of an employee is demanded under threat of disciplinary action (including job forfeiture), said employee shall not be questioned or subjected to investigative efforts under circumstances that would render such statements void as being coerced.

#### 4.4.7 Advisement of member

- A. Exclusive of the normal reporting duties incidental to the performance of official duties, a member subjected to questioning shall be advised of the following:
- Whether he is being questioned or required to submit to investigative efforts as a suspect or a witness.
  - The identity of his interrogator as well as the identity of all persons present at the time of the interrogation.
  - The nature of the investigation and facts sufficient to apprise the member of the existing allegations.
- B. Nothing in this section shall prohibit any supervisory officer from questioning an employee in an emergent situation when such questioning appears immediately necessary to insure the public safety or to preserve the order of the police department.
- C. Nothing in this or any other section shall be deemed as justification for an employee providing false information.

#### 4.4.8 Time limitations

In accordance with N.J.S.A. 40A:14-147 a complaint charging a violation of rules and regulations shall be filed no later than the 45<sup>th</sup> day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based. The 45-day time limit shall not apply if an investigation of a member or employee for a violation of a rule and regulation is included directly or indirectly within a concurrent investigation of that member or employee for a violation of the criminal laws of this State. The 45-day limit shall begin on the day after the disposition of the criminal investigation. The 45-day requirement of this paragraph for the filing of a complaint against a member or employee shall not apply to a filing of a complaint by a private individual.

#### 4.4.9 Representation

Employees are entitled to have a representative of their choice in attendance during an internal affairs interview. The investigator shall allow any employee a reasonable amount of time for the desired representative to attend. The representative shall be an observer only and may not actively participate in the interview.

#### 4.4.10 Polygraph

No employee shall be ordered or asked to submit to a polygraph (lie detector) test for any reason. Such test may be given, however, if requested by the employee.

#### 4.4.11 Settlement agreement

Nothing shall prohibit a member from directly negotiating a settlement agreement with the Chief of Police or Appropriate Authority concerning the disposition of a disciplinary matter. If a settlement is reached concerning the disposition of a pending disciplinary matter, a memorandum of Agreement as to Disciplinary Action shall be fully executed by the effected member, Chief of Police and Appropriate Authority

## ARTICLE V SEXUAL HARASSMENT

### Section 1 Sexual harassment Policy

Standard  
26.1.3

#### 5.1.1 Policy

- A. The Town of Newton (the "Town") prohibits discrimination in any form. This includes discrimination on the basis of race, creed, color, national origin, ancestry, age, marital, familial or domestic partnership status, affectional or sexual orientation, disability (including AIDS and HIV infection) genetic information, sex or atypical hereditary cellular or blood trait, liability for service in the Armed Forces, nationality, or because of the refusal to submit to a genetic test or to make available the results of a genetic test. While this policy specifically addresses workplace sexual harassment, which is a form of sex discrimination, the prohibition and the complaint procedure in this policy apply to any type of unlawful discrimination.
- B. Workplace and work-related sexual harassment of employees is unlawful and will not be tolerated by the Town. To achieve the goal of providing a workplace free from sexual harassment, the Town has included in this policy definitions and examples of conduct, which will not be tolerated and have provided a procedure by which employees who believe they have encountered sexual harassment can complain. Because the Town takes sexual harassment seriously, it will respond promptly to complaints of sexual harassment by conducting an investigation and, where it is determined that such inappropriate conduct has occurred, the Town will act promptly to eliminate the conduct and impose such corrective action as is necessary.
- C. It should be noted that while this policy sets forth the Town's goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit the Town's authority to discipline or take remedial action for workplace conduct which it deems unacceptable regardless of whether that conduct satisfies the definition of sexual harassment.
- D. This policy shall apply to all employees of the Town, both in the uniformed and non-uniformed services, and to any individuals who serve as volunteers. This policy shall replace all prior policies and procedures, which may have been used to report, investigate, and remediate sexual harassment complaints.



### 5.1.2 Sexual Harassment Defined

- A. Sexual harassment is a sex-related behavior which affects tangible job benefits or which interferes with an individual's work performance, or which creates an intimidating, hostile or otherwise offensive work environment. Unwelcome sexual advances (either verbal or physical), requests for sexual favors, or other verbal or physical conduct of a sexual nature, constitutes sexual harassment when:
1. Submission to such conduct is a term or condition of employment (e.g., promotion, training or overtime assignments); or
  2. Submission to or rejection of the conduct is used as a basis for making employment decisions; or
  3. The conduct has the purpose or effect of interfering with an individual's work performance, or creating an intimidating, hostile or offensive work environment.

Although it is not possible to list all conduct which constitutes sexual harassment, the following are examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances, whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral reference to sexual conduct, gossip regarding one's sex life, comment on an individual's body, comment about an individual's sexual activities, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, or cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments of a sexual nature; and
- Inquiries into or discussion of one's sexual experiences or activities;

In addition, requests by a supervisor for sexual favors in exchange for actual or promised job benefits – such as favorable reviews, salary increases, promotions, increased benefits, or continued employment – constitute sexual harassment.

Standard  
26.1.3

### 5.1.3 Complaints of Sexual Harassment

Complaints of sexual harassment or any other form of discrimination shall be made, in writing, through the established chain of command. In any situation where the supervising officer is involved in the conduct at issue, the member or employee shall make the report directly to the Chief of Police or the Town Manager if the conduct involves the Chief of Police.

**5.1.4 Non-Retaliation**

Retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint, is unlawful and will not be tolerated by the Town. This prohibition also applies whenever an individual complains of any form of illegal discrimination.

**5.1.5 Investigation of Sexual Harassment Complaints**

Sexual Harassment and Discrimination complaints will be investigated in accordance with the Internal Affairs policies and procedures of the Department. Any investigation will be conducted in such a way as to maintain confidentiality to the extent possible.

**5.1.6 Disciplinary Action**

If it is determined that a member or employee has engaged in conduct prohibited by this policy, the Town will take appropriate action which may include disciplinary action up to and including termination.



**TOWN OF NEWTON**  
**PERSONNEL POLICIES AND**  
**PROCEDURES MANUAL**  
**AND**  
**EMPLOYEE HANDBOOK**

August 1979  
Revised December 1980  
Revised January 1984  
Revised November 1985  
Revised August 1986  
Revised January 1996  
Revised March 1999  
Revised November 1999  
Revised July 2003  
Revised September 2009  
Revised October 2011

October 2011

RE: Personnel Policies and Procedures Manual and Employee Handbook

Dear Town Employee:

Welcome to the Town of Newton! The Town Manager, Town Council, employees and volunteers are committed to providing a high level of service and assistance to the public we serve. The attached manual was developed in order to provide information about duties, responsibilities, rights and benefits of all Town employees. Updates are provided from time to time as conditions warrant.

Please note the following:

- A statement acknowledging receipt and understanding of the Manual's contents must be signed and returned to my office. Please do so within one week of receipt.
- The provisions of these rules shall apply to all employees and volunteers (where applicable) of the Town of Newton. However, in the event that the provisions of this manual conflict with any provisions of a Collective Bargaining Agreement entered into by the Town, the provisions of the Collective Bargaining Agreement will govern.
- If you have any suggestions for future changes, please feel free to submit them to my office.

In closing, this organization maintains a "chain of command" that ultimately allows every employee or volunteer to meet with the Town Manager if an issue cannot be resolved at the Departmental or Human Resource levels. My door is always open.



Thomas S. Russo, Jr.  
Town Manager

## **ACKNOWLEDGEMENT**

I acknowledge, with my signature below, that I have been assigned a copy of the Town of Newton (hereinafter known as "Town") Personnel Policies and Procedures Manual and Employee Handbook (hereinafter known as "Handbook") and I understand that it is my obligation to read the handbook and to understand what it says.

I acknowledge that after having read the Handbook, I am encouraged to contact management at any time I have uncertainty about any personnel policy, practice or benefit. I understand the Town wishes as much as possible to be able to respond to the individual needs of each employee, and that exceptions to the policies outlined in this Handbook may be made by the Town Manager if permissible.

I understand this Handbook does not constitute or create a contract of employment between the Town and any employee nor does the Handbook establish any terms or conditions of employment. No oral statement by the management of the Town shall be construed as giving rise to or creating a contract of employment between the Town and any employee, or otherwise alter or modify the contents of this Handbook.

I understand that additions to or alterations or modification of the rules, policies and procedures contained in this Handbook may be made by the Town at any time and for any reason and that I am obligated to insert those additions into the Handbook to assure it is remaining current. I understand that I am to comply with and follow these additional, altered or modified rules.

I further understand that if there are any sections of the Handbook that conflict with my collective bargaining agreement or contract, the collective bargaining agreement or contract will prevail.

I understand that if any provision of this Handbook or any application of this Handbook to any employee or group of employees is held invalid by operation of law or by a Court or other tribunal of competent jurisdiction, such provision shall be inoperative but all other provisions shall not be affected thereby and shall continue in full force and effect.

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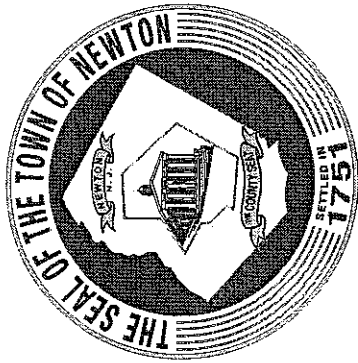
Employee's Printed Name

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Employee's Signature

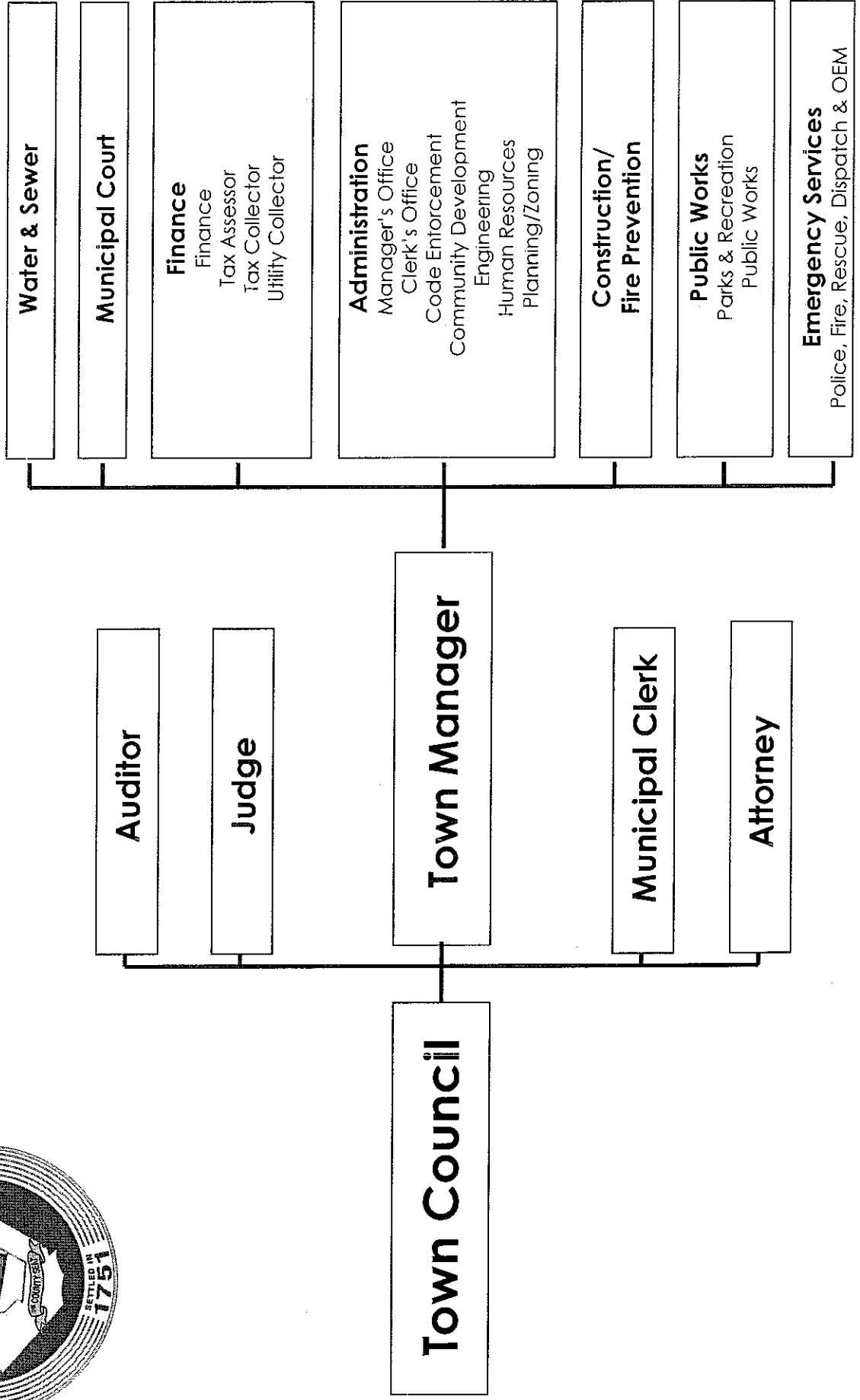
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Date



# TOWN OF NEWTON

## Organizational Chart



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**ARTICLE I**  
**GENERAL PROVISIONS**

This handbook is generated as a guide for employees, volunteers and elected officials of the Town of Newton. The New Jersey Civil Service Commission shall provide the basic framework for employment with the Town. This handbook is subject to changes and interpretations by the Mayor and Council and made in the best interest of all concerned. Changes to said handbook will be forwarded to all employees upon adoption by the Council. The administration of these policies is the responsibility of the Town Manager and Department Heads.

In all sections that are in conflict with union contracts, the union contracts shall take precedence and be binding upon the union members, and the conflicting sections shall be void for the affected union members.

**1.1 - Declaration of Policy**

The purpose of this handbook shall be:

- a) To provide all employees with the proper supervision, instructions and the best possible working conditions, so they may render the best possible service.
- b) To the maximum extent possible, to base promotions, salary, and job security on: ability, job performance, experience, character, dependability and leadership competencies.
- c) To make the best possible use of employees' skill and abilities.
- d) To consider qualified Town employees first when there is an opportunity for advancement, in accordance with New Jersey Civil Service Commission policies.
- e) To treat every employee with respect and consideration.
- f) To expect all employees to consistently perform to the best of their ability in the areas of:

Job Knowledge, Fiscal Responsibility, Communication, Productivity, Teamwork, Dependability, Integrity, Leadership, Creativity, and Customer Service, while conducting themselves appropriately and treating others with courtesy and respect.

g) To impress upon all employees that, at all times, they are serving the taxpayers of the Town of Newton and must therefore provide exceptional customer service, both internally and externally.

## **1.2 - Appearance**

Employees are required to present themselves in a neat, clean, and orderly fashion, of proper fit, and wear clothing appropriate relative to the work performed on the job. The Town Manager has the right to establish guidelines, procedures, and standards for the dress and appearance of employees.

Uniforms will be supplied to certain employees as necessary to perform their job responsibilities.

Staff is expected at all times to present a professional image to Town residents, visitors, customers, or the general public including proper appearance and maintenance of work areas.

Depending on the nature of their job, certain staff may be required to meet special dress, grooming, and hygiene standards, such as wearing uniforms or protective clothing. At the discretion of the Town Manager, the Town may, such as during unusually hot or cold weather or during special occasions, allow staff to dress in a more casual fashion than is normally required. On these occasions employees are still expected to present a neat appearance and are not permitted to wear ripped, frayed or disheveled clothing, or tight, revealing or otherwise inappropriate attire.

The following provides examples of appropriate and inappropriate clothing; however, the list is not inclusive of all apparel:

### **Appropriate**

Dresses, skirts, suits  
Dress pants, Khakis or corduroys  
Skorts, Capris  
Polo collar knit or golf shirts  
Oxford shirts, Turtlenecks  
  
Short –sleeve blouses or shirts  
Blazers or sport coats  
Jackets or sweaters

### **Inappropriate**

Sundresses, miniskirts  
Sweatpants, leggings  
Shorts, low rise or hip hugger pants or jeans  
T-shirts or sweatshirts  
Shirts with inappropriate/offensive verbiage or imagery  
Beachwear  
Exercise wear  
Crop tops, Midriffs, spaghetti strap tops

At the discretion of the Town Manager, employees will be permitted to dress casually on Fridays, or the day before a holiday. Employees are permitted to wear blue jeans and sneakers on dress down days; however, departments that require uniforms must wear uniforms every day for public notice and safety.

Violations of the policy can range from inappropriate clothing items to offensive perfumes and/or body odor. If a staff member comes to work in inappropriate dress or with inappropriate hygiene, the staff member will be required to go home, change or shower, and return to work. Time away from the job to change or shower will not be paid time off.

### **1.3 - Customer Service**

Town employees are hired to serve the public. The public has the right to expect prompt, efficient, effective, and courteous service. An employee of the Town of Newton represents the Town. It is imperative when dealing with the public and each other that all employees exhibit a helpful and pleasant demeanor.

To the extent that it is possible, employees should avoid arguments with customers. Should a conflict arise, employees should be non-confrontational and request a supervisor's assistance in finding an acceptable solution for all persons involved.

### **1.4 - Ethics Policy**

The Town conducts its business fairly, impartially, in an ethical and proper manner, and in compliance with all laws and regulations.

The Town is committed to conducting its business with integrity underlying all relationships, including those with citizens, customers, suppliers and communities, and amongst fellow employees. The highest standards of ethical business conduct are required of Town employees in performance of their responsibilities. Employees will not engage in conduct or activity that may raise questions as to the Town's honesty, impartiality or reputation, or otherwise cause embarrassment to the Town. Employees will avoid any action, whether or not specifically prohibited in the personnel policies, which might result in or reasonably be expected to create an appearance of:

- Using public office or public position for private gain;
- Giving preferential treatment to any person or entity;
- Losing impartiality;
- Adversely affecting the confidence of the public in the integrity of the Town.

Every employee has the responsibility to ask questions, seek guidance, report suspected violations, and express concerns regarding compliance with this policy.

### **1.5 - Hours of Work**

(a) Hours of work and the work week vary among departments as follows:

(1) DPW/Parks and Rec.:	40 hours per week
7:00am to 3:30pm	Monday through Friday
(2) Water and Sewer:	40 hours per week
8:00am to 4:30pm	Monday through Friday
(3) Office:	35 hours per week
8:30am to 4:30pm	Monday through Friday

(b) Starting and stopping times and days of work may be modified by the Town Manager to accommodate special conditions (e.g. time of year) or special needs (e.g. event, function, or emergency) of the various departments.

(c) Coffee breaks and lunch breaks, and the length of said breaks may be established by Department Heads or the Town Manager to accommodate the needs of the various departments.

### **1.6 - Open Public Meetings Act Procedure Concerning Personnel Matters**

Discussions by the governing body or any body of the Town concerning appointment, termination, terms and conditions of employment, performance evaluation, promotion or discipline of any current or prospective officer or employee shall be in closed session unless the individual requests in writing that the discussion be held in open session. Such requests must be granted.

Prior to the discussion by the governing body or any body of the Town concerning such matters, the Clerk or Town Manager shall notify the affected person(s) of the meeting date, time and place, the matters to be discussed, and the person's right to request that the discussion occur in open session.

In the event more than one person is affected by the discussion and one of the affected persons does not request that the discussion be in open session, then the discussion shall be in closed session. If the individual(s) does not request that the discussion be held in open session, the governing body or other body of the Town may, at its sole discretion, invite the affected individual(s) to attend the applicable portion of the closed session.

## **1.7 - Supervisory / Managerial Leadership Responsibilities**

Each Department Head will be responsible for ensuring that the policies, guidelines, and requirements of this handbook are performed and followed. Each Department Head shall critically analyze all operations and functions, so as to ascertain possible instances of non-compliance with this handbook and shall initiate a comprehensive program to remedy any defect found to exist. Each Department Head will complete employee performance evaluations for all employees on an annual basis. For new employees or those needing performance training, evaluations will be completed on a 3 and/or 6-month basis until performance has reached an acceptable level.

## **1.8 - Town Property**

Town employees are responsible for the safekeeping of all Town property and equipment placed in their custody. Employees will be held accountable for lost or damaged equipment or property when failure to exercise reasonable care results in unnecessary loss or damage. The employee may be held personally and financially responsible for reimbursing the Town or through disciplinary action, up to and including termination.

Lost, stolen, or damaged property, equipment, or supplies are to be reported to your supervisor immediately.

Town property or equipment is not to be removed from the workplace without the express permission of the Town Manager.

**ARTICLE II**  
**EMPLOYMENT LAWS**

**2.1 - Americans with Disabilities Act (ADA)**

The Americans with Disabilities Act (ADA) requires employers to reasonably accommodate qualified individuals with disabilities. It is the policy of the Town of Newton to comply with all federal and state laws concerning the employment of persons with disabilities.

It is our policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions and privileges of employment. The Town will reasonably accommodate qualified individuals with a disability so they can perform the essential functions of a job.

An individual who can be reasonably accommodated for a job without undue hardship will be given the same consideration for a position as any other applicant.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace—when such threat cannot be eliminated by reasonable accommodation—will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employee's immediate employment situation.

The Town Manager and his designees are responsible for implementing this policy including resolution of reasonable accommodation, safety and undue hardship issues.

As used in this policy, the following terms have the indicated meaning and will be adhered to in relation to the ADA policy.

"Disability" means a physical or mental impairment that substantially limits one or more major life activities of the individual; a record of such an impairment; or being regarded as having such an impairment. Major life activities include the following:

- In general—Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

- Major bodily functions—A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

“Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation

“Qualified individual” means an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires.

“Reasonable accommodation” may include making existing facilities readily accessible to and usable by individuals with disabilities, job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

“Undue hardship” means an action requiring significant difficulty or expense by the employer.

In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include, but are not limited to:

- The nature and cost of the accommodation;
- The overall financial resources of the Town, the number of persons employed at the Town; the effect on expenses and resources or the impact of such accommodation upon the operation of the Town;
- The type of operations of the Town, including the composition, structure and functions of the workforce.

“Essential functions of the job” refers to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified. For example: after exhausting all paid and unpaid time off including but not limited to leaves of absence the employee must be able to work the normal or modified work hours schedule.



All decisions with regard to reasonable accommodation shall be made by the Town Manager in accordance with all applicable laws. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The ADA does not require the Town to offer permanent transitional duty, relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

## **2.2 - Anti-Harassment Policy**

The Town promotes a productive work environment and does not tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment.

(1) Employees are expected to maintain a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated.

(2) Each supervisor and manager has a responsibility to keep the workplace free of any form of harassment, in particular, sexual harassment (see Sexual Harassment Policy). No supervisor or manager is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.

(3) Other sexually harassing or offensive conduct in the workplace, whether committed by supervisors, managers, non-supervisory employees, or non-employees, is also prohibited.

(4) Any employee who believes that a supervisor, manager, other employee, or non-employee's actions or words constitute unwelcome harassment has a responsibility to report/complain about the situation as soon as possible. Correspondingly, the Town expects any supervisor, manager, or employee who is given information indicating that this policy has been violated by any person to report such information to the proper level of authority within the Town. The report/complaint should be made to the employee's supervisor; or to the department head or Human Resources. If the complaint involves the department head the complaint should be made to the Town Manager. Complaints about the Town Manager should be made to the Town Attorney. Employees always have a viable means to report violations of this policy to upper management, and will not be retaliated against for reporting violations at any level.

(5) Complaints of harassment will be handled and investigated promptly and in as impartial and confidential a manner as possible. Employees are required to cooperate in any investigation. A timely resolution of each complaint should be reached and communicated to the parties involved.

(6) Any employee, supervisor, or manager who is found to have violated the harassment policy may be subject to appropriate disciplinary action, up to and including termination. The Town prohibits any form of retaliation against employees for bringing bona fide complaints or providing information about harassment.

### **2.3 - Conflict of Interest Policy**

Employees, including Town officials and volunteers, must conduct business according to the highest ethical standards of public service. Employees are expected to devote their best efforts to the interests of the Town. Violations of this policy will result in appropriate discipline including termination.

The Town recognizes the right of employees to engage in outside activities that are private in nature and unrelated to Town business. However, business dealings that appear to create a conflict between the employee and the Town's interests are unlawful under the New Jersey Local Government Ethics Act. Under the Act, certain employees and officials are required to annually file with the Town Clerk a State mandated disclosure form. The Town Manager will notify employees and Town officials subject to the filing requirements of the Act.

A potential or actual conflict of interest occurs whenever an employee, including a Town official, is in a position to influence a Town decision that may result in a personal gain for the employee or an immediate relative including a spouse or significant other or civil union partner, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood, civil union, or marriage residing in an employee's household. Employees are required to disclose possible conflicts so the Town may assess and prevent potential conflicts.

If there are any questions whether an action or proposed course of conduct would create a conflict of interest, immediately contact the Town Manager or the Town Attorney to obtain clarification.

Employees must obtain authorization in advance from the Town Manager in order to hold outside employment as long as it does not interfere with their Town responsibilities. Employees are prohibited from engaging in outside employment activities while on the job or using Town time, supplies or equipment in the outside employment activities. The Town Manager shall require employees to restrict outside employment if the quality of Town work diminishes.

Any employee who holds an interest in, or is employed by, any business doing business with the Town must submit a written notice of these outside interests to the Town Manager.

## **2.4 - Local Finance Board**

The Local Finance Board in the Division of Local Government Services in the Department of Community Affairs shall have jurisdiction to govern and guide the conduct of local government officers and employees regarding the code of ethics. Therefore, in accordance with N.J.S.A. 40A:9-22.1 through 40A:9-22.5, local government officers and employees of the Town of Newton under the jurisdiction of the Local Finance Board shall comply with the following provisions:

- (a) No local government officer, or employee, or member of his/her immediate family, shall have an interest in a business organization or engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of his/her duties in the public interest;
- (b) No independent local authority shall for a period of one year following the termination of office of a member of that authority:
  - (1) award any contract which is not publicly bid to a former member of that authority; or
  - (2) allow a former member of that authority to represent, appear for, or negotiate on behalf of any other party before the authority; or
  - (3) employ for compensation (except pursuant to open competitive examination in accordance with Title IIA of the New Jersey Statutes and the rules and regulations promulgated pursuant thereto) any former member of that authority. The restrictions contained in this subsection shall also apply to any business organization in which the former authority member holds an interest.

- (c) No local government officer or employee shall use or attempt to use his/her official position to secure unwarranted privileges or advantages for himself/herself or others;
- (d) No local government officer or employee shall act in his/her official capacity in any matter where he/she, a member of his/her immediate family, or a business organization in which he/she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his/her objectivity or independence of judgment;
- (e) No local government officer or employee shall undertake any employment or service, whether compensated or not, which may reasonably be expected to prejudice his/her independence of judgment in the exercise of his/her official duties;
- (f) No local government officer or employee, member of his/her immediate family, or business organization in which he/she has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing him/her, directly or indirectly, in the discharge of his/her official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elected public office, if the local government officer has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the local government officer in the discharge of his duties;
- (g) No local government officer or employee shall use, or allow to be used, his/her public office or employment, or any information not generally available to the members of the public, which he/she receives or acquires in the course of and by reason of his office or employment, for the purpose of securing financial gain for himself/herself, any member of his/her immediate family, or any business organization with which he/she is associated;

- (h) No local government officer or employee or business organization in which he/she has an interest shall represent any person or party other than the local government in connection with any cause, proceeding, application, or other matter pending before any agency in the local government in which he serves. This provision shall not be deemed to prohibit one local government employee from representing another local government employee where the local government agency is the employee and the representation is within the context of official labor union or similar representational responsibilities;
- (i) No local government officer shall be deemed in conflict with these provisions if, by reason of his/her participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him/her as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group;
- (j) No elected local government officer shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to, or accepted by the officer or a member of his immediate family, whether directly or indirectly, in return therefor; and
- (k) Nothing shall prohibit any local government officer or employee, or members of his or her immediate family, from representing himself/herself, or themselves, in negotiations or proceedings concerning his/her, or their own interests.
- (l) The foregoing shall not affect the right of a part-time municipal employee from working part-time for another governmental entity.

## **2.5 - Financial Disclosure Statements**

As set forth in N.J.S.A. 40A:9-22.6, certain local government officers and employees of the Town of Newton must file financial disclosure statements.

## **2.6 - Confidentiality**

Some of the business conducted by the Town, such as awarding of contracts, acceptance of bids, etc. is proprietary and/or confidential in nature. It is therefore essential that Town employees not discuss in public what happens during the workday or discuss Town business with non-employees. While some of the Town's actions are public actions which, under the law, are subject to public disclosure, the decision to disclose such actions rest solely with the Town Council and the Town Manager.

## **2.7 - Equal Employment Opportunity Policy**

- (a) It is the policy of the Town to ensure equal opportunity for all persons, regardless of race, color, creed, national origin, ancestry, nationality, political affiliation, age, marital status, sex, affectional or sexual orientation, atypical heredity, domestic partnership status, civil union status, cellular or blood trait, religion, genetic information, disability (including AIDS or HIV infection), gender identity or expression, physical or mental disability that does not interfere with the ability to do the work required, liability for service in the Armed Forces of the United States and/or any other characteristic protected by law.
- (b) Age or sex shall be a factor for employment only where there are bona fide occupational qualifications as provided by law.
- (c) In compliance with the Americans with Disabilities Act and the New Jersey Law Against Discrimination, the Town does not discriminate based on disability. The Town will endeavor to make every work environment handicap accessible and all future construction and renovation of facilities will be in accordance with applicable barrier-free Federal and State regulations and the Americans with Disabilities Act Accessibility Guidelines.

It is the policy of the Town to comply with all relevant and applicable provisions of the Americans with Disabilities Act and the New Jersey Law Against Discrimination. We will not discriminate against any qualified employee or job applicant with respect to any terms, conditions, or privileges of employment on the basis of a known disability. We will also make reasonable accommodations to known physical or mental limitations of all employees and 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 undue hardship on the Town.

The Town Manager shall initiate an interactive dialogue with disabled employees and prospective employees to identify reasonable accommodations. All decisions with regard to reasonable accommodation shall be made by the Town Manager. Employees who are assigned to a new position as a reasonable accommodation will receive the salary for their new position. The Americans with Disabilities Act does not require the Town to offer permanent transitional duty, relocate essential job functions, or provide personal use items such as eyeglasses, hearing aids, wheelchairs, etc.

- (d) The policy established herein shall be applied to all employment practices such as recruitment, selection, appointment, placement, promotion, demotion, transfer, training, salaries and wages, benefits, working conditions, reductions in force, recalls, disciplinary and dismissal actions, job performance evaluations and the utilization, accessibility and accommodation to all municipal buildings and facilities within the Town.
- (e) The Town Manager or his designee will be the Town's Affirmative Action Public Agency Compliance Officer and Equal Employment Opportunity Officer (PACO/EEOC Officer), and shall be the person to receive any complaints of alleged discrimination from contractors, employees, and applicants respectively. Upon receipt of a complaint, the Town Manager or his designee shall immediately meet with the appropriate Department Head concerning the nature and content of the complaint.
- (f) It is the responsibility of the PACO/EEOC Officer to investigate the validity of an alleged complaint and to prepare a report of findings and determination, to be reviewed by the Mayor and Town Council for appropriate action if deemed necessary. If the Town Manager is the focus of the complaint, the Town Council of the Town of Newton shall, as a Board, function as the PACO/EEOC Officer.
- (g) The Town of Newton will comply with all State and Federal wage and hour laws, the Americans with Disabilities Act, State and Federal overtime pay laws, the Public Employee Occupational Safety and Health Act, New Jersey Workers' Compensation Act, State unemployment laws, State and Federal family leave acts, State and Federal anti-discrimination laws, State and Federal environmental laws, and all other applicable State and Federal laws. If any employee believes an action of the Town violates State or Federal law, the employee has an obligation to bring the alleged violation to the attention of his or her supervisor. If the supervisor is not responsive, the employee should bring the alleged violation to the Human Resource Coordinator or Town Manager.

(h) Required Federal and State notices shall be posted, as appropriate, in the following municipal locations: Municipal Building 2<sup>nd</sup> Floor lunchroom, Police Department, Department of Public Works Garage, Morris Lake Filtration Plant, and Wastewater Treatment Facility.

## **2.8 - "Whistle Blower" Policy (CEPA)**

Employees have the right under the "Conscientious Employee Protection Act (CEPA)" to complain about any activity, policy, or practice the employees reasonably believe is in violation of a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal. This right shall be communicated to all employees in an annual letter outlining the specific employee complaint procedure and in a posted notice. A written acknowledgement that the employee has received, read, and understood this letter will be included in the employee's official personnel file. The annual letter and notice shall be in English and Spanish and must contain the name of the person who is designated to receive written notification of policies or practices that might violate CEPA. This right will also be communicated in the Employee Handbook. All complaints will be taken seriously and promptly investigated.

The Town shall not take any retaliatory action or tolerate any reprisal against an employee for any of the following:

- a) Disclosing or threatening to disclose to a supervisor, Department Head, the Town Manager, other official, or to a public body, as defined in the Conscientious Employee Protection Act (N.J.S.A. 34:19-1 et seq.) an activity, policy, or practice that the employee reasonably believes is in violation of a law, a rule or regulation promulgated pursuant to law; or
- b) Providing information to or testifying before any public body conducting an investigation, hearing, an inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
- c) Providing information involving deception of, or misrepresentation to, any employee, former employee, retiree, or pensioner of the Town; or
- d) Providing information regarding any perceived criminal or fraudulent activity, policy, or practice of deception or misrepresentation which the employee reasonably believes may defraud any employee, former employee, retiree, or pensioner of the Town; or



- e) Objecting to or refusing to participate in any activity, policy, or practice that the employee reasonably believes is a violation of a law, rule or regulation promulgated pursuant to law, is fraudulent or criminal, or is incompatible with a clear public policy mandate concerning the public health, safety, welfare or protection of the environment.

In accordance with the statute, the employee must bring the violation to the attention of the Town. However, disclosure is not required where (1) the employee is reasonably certain the violation is known to one or more officials; (2) where the employee reasonably fears physical harm; or (3) the situation is an emergency in nature. Employees are encouraged to complain in writing using the Employee Complaint form, but may make a verbal complaint at their discretion. Under the law, the employee must give the Town a reasonable opportunity to correct the activity, policy, or practice. The administration of whistle blower complaints is not subject to the limitations in the Grievance Policy.

Employees who make unsubstantiated allegations to slander the Town or a Town employee will not be tolerated. Individuals who make false accusations used to harm the Town and/or any of its employees or volunteers may be subject to disciplinary action including and up to termination.

**ARTICLE III**  
**EMPLOYMENT**

**3.1 - Civil Service**

"Career service" means those positions and job titles subject to the tenure provisions of Title II A, New Jersey Statutes.

(a) "Unclassified service" means offices and positions not subject to the provisions of the Civil Service law or Commission rules. Lists of all unclassified titles shall be maintained for the State and local governments respectively, and shall include all offices and positions:

- (1) Enumerated in N.J.S.A. 11:4-4 and 11:22-2 or placed in the Unclassified service by any other statute; or
- (2) For which a statute prescribed a fixed term or provides that the appointee shall serve at the pleasure of the Appointing Authority; or
- (3) Which the Commission may so determine to be Unclassified pursuant to N.J.S.A. 11:7-11 to 11:7-13 and 11:22-52. The lists shall include the citation authorizing the Unclassified status of the office or position.

Most full-time and many part-time employees are subject to Civil Service testing before or after they are hired to fill a public position. When a position is advertised, an employee must file an application to take the Civil Service exam or risk loss of his or her position. The New Jersey Civil Service Commission will notify the employee of the date, testing time, and place. Testing areas are located in various locations throughout the State of New Jersey. It is the responsibility of the employee to arrange transportation to the test site at no cost to the Town. It is also the responsibility of the employee to pay any required application filing fees.

Employees who have been certified, appointed, and have satisfactorily completed their working test period have attained permanent status. After permanent status has been established, an employee can be removed from his or her position for cause only by decision of the Town Manager and only in accordance with Civil Service law, local ordinances, and State and Federal regulations.

### **3.2 - Driver's License Policy**

Any employee whose work requires the operation of a Town of Newton municipal vehicle must hold a valid New Jersey State Driver's License.

All new employees who will be assigned work entailing the operating of a Town of Newton municipal vehicle will be required to submit to a New Jersey Motor Vehicle Commission driving records check as a condition of employment. A report indicating a suspended or revoked license status may be cause to deny or terminate employment.

Periodic checks of employee's drivers' licenses through visual and formal New Jersey Motor Vehicle Commission review checks shall be made by Department Heads or Division Supervisors. Any employee who does not hold a valid New Jersey driver's license will not be allowed to operate a Town of Newton vehicle until such time as a valid New Jersey driver's license is obtained.

Any employee performing work which requires the operation of a Town of Newton municipal vehicle must notify the immediate supervisor in those cases where a license is expired, suspended, revoked, and/or who is unable to obtain an occupational permit from the New Jersey Motor Vehicle Commission. Employees who incur any loss of driving privileges while employed by the Town are required to notify their supervisor within the first working day following the suspension or revocation of such privileges.

An employee who fails to immediately report such revocation or suspension to their supervisor and continues to operate a Town of Newton municipal vehicle shall be terminated immediately and without notice.

Any information obtained by the Town of Newton in accordance with this section shall be used by the Town of Newton only for carrying out its lawful functions and for other lawful purposes in accordance with the Driver's Privacy Protection Act (18 U.S.C. § 2721 et seq.).

### **3.3 - Employee Records**

Employee files are maintained by the Town Manager's Office/Human Resources and are considered confidential. The records may include information regarding employment, benefits, salary administration, and other confidential information communicated to the Town relative to the employees' employment status and/or payroll.

Managers and supervisors other than the Town Manager's Office/Human Resources may only have access to personnel file information on a need-to-know basis. For example a manager or supervisor considering hiring a former employee or someone from another department may be granted access to the file, or limited parts of it in accordance with anti-discrimination laws.

Personnel files are to be reviewed in the Town Manager's Office/Human Resources. Personnel files may not be taken outside of this department. Employees may review the contents of their personnel file by appointment with the Town Manager's Office/Human Resources, but not those of other employees. The employee shall have the right to a written statement for submission into his or her file to rebut or clarify information prepared by the Town, but may not remove any information contained in the file.

In the course of their duties, representatives of government or law enforcement agencies may be allowed access to file information. This decision will be made at the discretion of the Town Manager or his designee in response to the employee's request, a valid subpoena, or valid court order.

Personnel file access by current employees and former employees upon request will generally be permitted within three (3) days of the request.

### **3.4 - Employment Verification and Reference Procedure**

Inquiries and written requests for employment verification regarding a current or former employee must be referred to the Town Manager or his designee. Employees may not issue a reference letter or provide any information with regard to an active, retired, or former employee in any written or verbal format.

In response to a request for employment verification, the Town Manager or his designee will only verify an employee's name, dates of employment, job title, and department. If the employee gives written authorization the Town may provide their final salary. No other data or information will be furnished unless the Town is required to release the information by law.

### **3.5 - Medical Examinations**

The Town Manager, at his discretion, may require a physical examination by a professional doctor prior to employment. The cost of the examination will be paid by the Town. Full-time employees of the Police Department, the Water and Sewer Department, and the Public Works/Parks and Recreation Department are required to take such examinations unless the requirement is waived by the Town Manager.

### **3.6 - Part-Time Employees**

Part-time employees work a reduced work schedule which is approved by the Town Manager. Part-time employees work under 35 hours per week. Their schedules are determined by the department heads and any changes in their work schedule must be approved by their supervisor/manager.

1. **Inclement Weather** - In the event of inclement weather, the Town will notify all non-emergency employees if the office closes. Part-time employees will not be paid for any time the office is closed due to weather. Employees may be given the opportunity to make up the time provided the time is made up in the same pay cycle. Non-emergency employees are not permitted to work on days the office is closed.
2. **Time Off** - Any time off for personal or vacation must be approved in advance by the employee's supervisor or manager. Time off for sick must be called in each day. Employees are expected to tell their supervisor or manager when they are going to be out sick and when they expect to return to work. Any time off for vacation, personal, sick, or holidays is considered unpaid leave. Any employee that is out sick in excess of 3 consecutive days, or more than five (5) days in any calendar year, will be required to submit a doctor's note. Part-time employees are not paid for holidays and are not permitted to work when the office is closed. However, they may make up time lost with the approval of their supervisor/manager.
3. **Salary Plan** - All employees are paid on a bi-weekly schedule. Part-time employees are paid on an hourly basis. Timesheets must be submitted no later than Monday morning of the pay week by 9:00 AM unless otherwise required by Human Resources. Any employees who submit timesheets later will not receive their pay until the next pay cycle. Payroll is run Monday morning following the end of the pay cycle. Checks and direct deposit stubs are distributed to employees the Thursday following the end of the pay cycle. Part-time employees are paid straight time for hours worked with no allowance or overtime pay until they reach 40 hours during a work week, at which time they will be paid time and one-half their hourly rate. Seasonal employees, such as temporary Recreation help, shall receive straight time for all hours worked.

4. **Benefits - Employee Assistance Program (EAP):** All part-time employees are eligible to utilize the Employee Assistance Program. The EAP offers counseling services 24 hours per day / 7 days per week. The EAP provides valuable services at no cost to employees and their families in the form of short-term counseling, legal, and financial consultations through Law Access, Work/Life resources, and referrals through Work/Life Standard. The Town of Newton's current EAP is:

**Alliance Work Partners, 800-343-3822**  
**[www.alliancewp.com](http://www.alliancewp.com)**

The Town of Newton reserves the right to terminate or modify this program at any time.

5. **Pension** – Many part-time employees are eligible to participate in the State pension system provided certain minimum requirements are met. Eligibility rules and regulations are described in the Public Employees' Retirement System (PERS) Handbook available online at [www.state.nj.us/treasury/pensions](http://www.state.nj.us/treasury/pensions). If qualified, you must complete and file an Enrollment Application to become enrolled in the appropriate retirement system.

- Employee Pension Contribution: As of October 1, 2011, 6.5% of pensionable wages for PERS employees (increases gradually over seven years to 7.5% by July 2018); 10% for PFRS employees.
- Vesting: You are 100% vested in the PERS after you have attained 10 years of credited service. Vesting means that you are guaranteed the right to receive a retirement benefit if all eligibility requirements are met.

6. **Workers' Compensation** – see Workers' Compensation Policy.

### **3.7 - Recruitment**

Available work positions will be posted so employees of the Town may apply along with any applications from qualified persons so that all may be considered for the position. If deemed necessary by the Town Manager, the job opening will also be advertised outside the Town in the appropriate newspapers, trade publications, magazines, websites, on the municipal website, etc. Advertising will be done in accordance with all applicable Civil Service Commission requirements and at the discretion of the Town Manager.

### **3.8 - Working Test Period**

Every new employee will be subject to a 90-day test period. The purpose of the test period is to give the Department Head and the Town Manager an opportunity to observe the individual and decide whether the employee merits permanent status.

At the Town Manager's discretion, an employee may be dismissed at the end of a working test period for unsatisfactory completion of the working test period.

### **3.9 - Compensation**

All personnel are paid bi-weekly with the pay date on Thursdays, or the closest day thereto if said pay day falls on a holiday. All payments are made by check or direct deposit, accompanied by a stub showing detailed deductions from employee wages.

### **3.10 - Pay Plans**

1. **Base Salary Plan** - The minimum and maximum salary for each full-time and part-time position is established by ordinance. All full-time exempt employees' calculate their biweekly salary based on their annual salary divided by the number of pays per calendar year. For example: if an employee's annual salary is \$26,000 and there are 26 pays in the year, their biweekly pay would be \$1,000.00 ( $\$26,000/26=\$1,000.00$ ). Part-time non-exempt employees biweekly salary is based on an hourly rate multiplied by the number of hours worked each pay period.
2. **Cafeteria Plan** - The Town Council has adopted a "Cafeteria Plan" within the meaning of Section 125 of the Internal Revenue Code of 1986, as amended, which shall be known as the Town of Newton Employees' Cafeteria Plan. The benefits which an employee elects to receive under the Plan will be included or excludable from the employee's income under Section 125(a) and other applicable sections of the Internal Revenue Code of 1986 under the Plan, as amended. A full copy of the Plan and a summary Plan description is on file in the Municipal Clerk's office.

### **3.11 - Call-Back**

In the event a non-union employee is called back to work outside of his or her regularly scheduled hours, he or she shall be paid a minimum of two hours of compensatory time. Overtime performed immediately before or immediately after a meal recess shall not be subject to the minimum. Except in the case of an emergency, only the Town Manager or the employee's Department Head has the right to call out another employee for overtime. Call-back provisions for unionized employees shall be stipulated in the collective bargaining agreements of the respective unions.

### **3.12 - Longevity Pay**

In addition to designated salary or hourly wages, all full-time permanent employees may be eligible for additional longevity pay at the following rates:

<b><u>Amount Equal To:</u></b>	<b><u>Total Cumulative Service w/ Town of Newton:</u></b>
2 percent	5 years
4 percent	10 years
6 percent	15 years
8 percent	20 years
10 percent	25 years

This pay is to be effective the first pay in January 1<sup>st</sup> or the first pay in July 1<sup>st</sup> following the anniversary date of employment. The following exceptions apply to full time permanent employees by work areas:

- Non-union employees hired after January 1, 2002 are not eligible for longevity pay.
- CWA employees hired after January 1, 2003 are not eligible for longevity pay.
- UPSEU employees hired after August 1, 2004 are not eligible for longevity pay.



### **3.13 - Overtime**

(a) Full-time employees working as Police, Public Safety Telecommunicators, Water and Sewer employees and Department of Public Works/Parks and Recreation employees, paid an hourly rate, shall receive time and one-half their hourly rate for hours in excess of 40 hours of work per week, as described in Article I, subject to the applicable bargaining agreements in force. This class of employees, except for sworn Police Department personnel and Public Safety Telecommunicators who receive their normal pay if they are scheduled to work on a holiday, shall receive holiday pay at the rate of time and one-half their hourly rate for work performed during normal working hours on any legal holiday established by the Town Council, subject to the applicable bargaining agreements in force.

1) The hourly rate is based on their annual base salary only (excludes other allowances such as longevity, education, etc ) divided by the number of pays in the year divided by their normal weekly hours. For example: if an employee works 80 hours biweekly and earns \$26,000 per year plus \$1,000 longevity per year. The overtime would be calculated:  $26,000/26 \text{ pays}/80 \text{ hours} = 12.50/\text{hour}$ . The overtime rate would be  $\$18.75$  or  $(\$12.50 \text{ per hour multiplied by } 1.5 = \$18.75)$ .

(b) Part-time employees will be paid on a straight time basis for hours worked, with no allowance for over-time pay until they reach 40 hours during a work week, at which time they will be paid time and one-half their hourly rate. Seasonal/Temporary Recreation employees shall receive straight time for all hours worked.

(c) Administrative, executive, and professional personnel, as designated by the Town Manager, shall receive no payment for work in excess of normal hours. Compensatory time shall be earned for time in excess of the normal work week, as specified in Article V. Not more than 15 (fifteen) hours of compensatory overtime may be carried from pay to pay. Carryover compensatory overtime from one calendar year to the next may not exceed 8 (eight) hours. Exceptions to these provisions may be made, on a case-by-case basis, by the Town Manager, or as per a union bargaining agreement.

(d) All Department Heads and other employees as designated by the Town Manager whose positions require additional evening hours, will be compensated through their annual salary and will no longer be eligible for compensatory time related to these specific duties.

### **3.14 – COBRA**

Congress passed the Consolidated Omnibus Budget Reconciliation Act (COBRA) in 1986. It adds amendments to the Employee Retirement Income Security Act, the Internal Revenue Code and the Public Health Service Act to provide continuation of group health coverage.

COBRA set forth regulations that give employees and their families, who lose their health benefits (medical, prescription, dental, and/or vision) because of unemployment, the right to choose to continue group health benefits provided by their group health plan. These health care benefits may be extended for limited periods of time under certain circumstances, according to the COBRA regulations.

The COBRA regulations state that circumstances such as voluntary or involuntary job loss; reduction in the number of hours an employee works; transition and life events such as death, divorce, and unemployment or dependent child no longer eligible for coverage may make individuals eligible for continuing health care benefits. Qualified individuals will be required by the Town to pay the entire health insurance premium for medical and prescription insurance, dental insurance, and/or vision insurance should they elect to continue any one or all of the health care plans offered plus an additional 2% for the administrative costs of the plan(s).

Plan participants and beneficiaries will be sent a COBRA election notice within 14 days of the date of the event or notification of the event. The Town will notify the health plan administrators within 30 days after an employee appears eligible. The individual has 60 days to decide whether to elect COBRA continuation health coverage and 45 days after electing coverage to pay the initial premium.

### **3.15 - Employee Assistance Program (EAP)**

All employees are eligible to utilize the Employee Assistance Program. The EAP offers counseling services 24 hours per day 7 days per week. The EAP provides valuable services at no cost to employees and their families in the form of short-term counseling, legal, and financial consultations through Law Access, and Work/Life resources and referrals through Work/Life Standard. The Town of Newton's current EAP is:

**Alliance Work Partners, 800-343-3822**  
**[www.alliancewp.com](http://www.alliancewp.com)**

The Town of Newton reserves the right to terminate or modify this program at any time.

### **3.16 – Residency Requirements**

In May of 2011, P.L. 2011, c. 70 was signed into law. The law requires that certain public employees must reside in the state, or move to New Jersey within a year of taking a public position. Current employees living out of state would not have to meet the residency requirement, and would be able to move to a new public position, for example, in another municipality, without being required to move to New Jersey, as long as there is no break in service greater than seven (7) days. For new employees, the law took effect September 1, 2011. Employees whose first effective day of employment fell on or after September 1, 2011 must live in New Jersey or move to the state within a year.

**ARTICLE IV**  
**GROUP HEALTH INSURANCE / PENSION / WORKERS' COMPENSATION**

After two (2) months of full-time employment or being sworn into office (unless provided for by separate contractual agreement), any new employee, or elected official, or employee working a minimum of thirty-five (35) hours per week, becomes eligible for the following coverage through the **North Jersey Municipal Employee Benefits Fund (NJMEBF)**:

1. Hospitalization
2. Medical/Surgical
3. Major Medical which includes a Prescription Plan
4. Dental
5. Vision (not through NJMEBF)

**4.1 - Medical and Prescription**

This coverage includes Employee (single), Employee and Spouse/Partner, Parent/Child(ren), and Family (Employee/Spouse/Partner & Child(ren)). The Town shall pay the cost of insurance coverage for the employee or elected official and their eligible dependants subject to the employee contribution requirements of Chapter 78, P.L. 2011.

Chapter 78, P.L. 2011 impacts healthcare plans and employee contributions towards same. Therefore, all employees not covered by an existing collective bargaining agreement are required to contribute a percentage of their health care premium or 1.5% of base salary\*, whichever is greater. Employees who are covered by an existing collective bargaining agreement will begin paying same when their contract expires. The percentage will be based on the employee's base salary on a sliding scale.

\* The law establishes a "floor" for employee contributions so that no employee will pay an amount that is less than 1.5% of the employee's compensation. The calculation of the minimum 1.5% is based on an employee's base contractual salary. In most instances, that means the salary on which pension contributions are based. However, for employees hired after July 2007 for whom pensionable salary is limited to the salary on which Social Security contributions are based, the employee's total base salary would be used. As an employee receives salary increases during the year, the amount of contribution will be adjusted upwards accordingly.

The percentage will be phased in over a four-year term as follows:

- Year 1 –  $\frac{1}{4}$  of the percentage
- Year 2 –  $\frac{1}{2}$  of the percentage
- Year 3 –  $\frac{3}{4}$  of the percentage
- Year 4 –  $\frac{4}{4}$  of the percentage

At no time will an employee pay less than the 1.5% of base salary for health benefits. But in no event will the employee be required to pay the percentage of the premium plus 1.5% of their salary.

The employee contribution, based on cost of coverage, is as follows:

**Individual Coverage**

<b>Salary Range</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>
less than 20,000	1.13%	2.25%	3.38%	4.5%
20,000-24,999.99	1.38%	2.75%	4.13%	5.5%
25,000-29,999.99	1.88%	3.75%	5.63%	7.5%
30,000-34,999.99	2.50%	5.00%	7.50%	10.0%
35,000-39,999.99	2.75%	5.50%	8.25%	11.0%
40,000-44,999.99	3.00%	6.00%	9.00%	12.0%
45,000-49,999.99	3.50%	7.00%	10.50%	14.0%
50,000-54,999.99	5.00%	10.00%	15.00%	20.0%
55,000-59,999.99	5.75%	11.50%	17.25%	23.0%
60,000-64,999.99	6.75%	13.50%	20.25%	27.0%
65,000-69,999.99	7.25%	14.50%	21.75%	29.0%
70,000-74,999.99	8.00%	16.00%	24.00%	32.0%
75,000-79,999.99	8.25%	16.50%	24.75%	33.0%
80,000-94,999.99	8.50%	17.00%	25.50%	34.0%
95,000 and over	8.75%	17.50%	26.25%	35.0%

### **Member & Spouse/Partner or Member & Child(ren) Coverage**

<b>Salary Range</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>
less than 25,000	0.88%	1.75%	2.63%	3.5%
25,000-29,999.99	1.13%	2.25%	3.38%	4.5%
30,000-34,999.99	1.50%	3.00%	4.50%	6.0%
35,000-39,999.99	1.75%	3.50%	5.25%	7.0%
40,000-44,999.99	2.00%	4.00%	6.00%	8.0%
45,000-49,999.99	2.50%	5.00%	7.50%	10.0%
50,000-54,999.99	3.75%	7.50%	11.25%	15.0%
55,000-59,999.99	4.25%	8.50%	12.75%	17.0%
60,000-64,999.99	5.25%	10.50%	15.75%	21.0%
65,000-69,999.99	5.75%	11.50%	17.25%	23.0%
70,000-74,999.99	6.50%	13.00%	19.50%	26.0%
75,000-79,999.99	6.75%	13.50%	20.25%	27.0%
80,000-84,999.99	7.00%	14.00%	21.00%	28.0%
85,000-99,999.99	7.50%	15.00%	22.50%	30.0%
100,000 and over	8.75%	17.50%	26.25%	35.0%

**Family Coverage (Employee & Spouse/Partner and Child(ren))**

<b>Salary Range</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>
less than 25,000	0.75%	1.50%	2.25%	3.0%
25,000-29,999.99	1.00%	2.00%	3.00%	4.0%
30,000-34,999.99	1.25%	2.50%	3.75%	5.0%
35,000-39,999.99	1.50%	3.00%	4.50%	6.0%
40,000-44,999.99	1.75%	3.50%	5.25%	7.0%
45,000-49,999.99	2.25%	4.50%	6.75%	9.0%
50,000-54,999.99	3.00%	6.00%	9.00%	12.0%
55,000-59,999.99	3.50%	7.00%	10.50%	14.0%
60,000-64,999.99	4.25%	8.50%	12.75%	17.0%
65,000-69,999.99	4.75%	9.50%	14.25%	19.0%
70,000-74,999.99	5.50%	11.00%	16.50%	22.0%
75,000-79,999.99	5.75%	11.50%	17.25%	23.0%
80,000-84,999.99	6.00%	12.00%	18.00%	24.0%
85,000-89,999.99	6.50%	13.00%	19.50%	26.0%
90,000-94,999.99	7.00%	14.00%	21.00%	28.0%
95,000-99,999.99	7.25%	14.50%	21.75%	29.0%
100,000-109,999.99	8.00%	16.00%	24.00%	32.0%
110,000 and over	8.75%	17.50%	26.25%	35.0%

The amount paid by employees and retirees towards health care contributions in the future is subject to legislative modification by the State of New Jersey.

**4.2 - Dental**

This coverage includes Employee (single), Employee and Spouse/Partner (husband/wife, parent/child(ren), etc.) and Family. The Town shall pay the cost of insurance coverage for the employee or elected official and their eligible dependents subject to the employee contribution requirements of Chapter 78, P.L. 2011.

**4.3 - Vision**

This coverage includes Employee, Employee/Spouse/Partner, Parent/Child(ren) and Family. The Town shall pay the full cost of individual or dependent insurance coverage for the employee or elected official and their eligible dependents.



#### **4.4 - Pension**

Employees are eligible to participate in the State pension plan provided they work a certain number of hours per week and earn a certain salary level. Employees participate in one of the two State Pension Plans: PERS or PFRS. Certain employees hired on or before July 1, 2007 may qualify for the DCRP program depending on their date of hire, annual salary (as established as a "maximum compensation" limit) and the pension plan they are enrolled in (PERS or PFRS). Eligibility rules and regulations are described in the Public Employees' Retirement System (PERS) Handbook available online at [www.state.nj.us/treasury/pensions](http://www.state.nj.us/treasury/pensions). You must complete and file an Enrollment Application to become enrolled in the appropriate retirement system, if qualified.

Although most employees are required to enroll in the retirement system when they are hired, in some instances you may not qualify for enrollment in the system until you have completed one year of employment from your date of hire.

Employee Contributions (As of October 1, 2011):

- Employee PERS Pension Contribution: 6.5% of pensionable wages (increases gradually over seven years to 7.5% by July 2018)
- Employee PFRS Pension Contribution: 10% of pensionable wages
- Part-time employees contribute based on actual earnings verses annual pensionable earnings

Pension contribution levels are established by the State of New Jersey and may be changed at any time by same. Vesting: An employee is 100% vested after he/she has attained 10 years of credited service. Vesting means that an employee is guaranteed the right to receive a retirement benefit if all eligibility requirements are met. If an employee terminates employment, or is terminated or laid off before becoming 100% vested, the employee will be entitled to all pension contributions made by said employee through his/her payroll deductions.

#### **4.5 - Voluntary Benefits**

The Town may at its discretion add, offer, adjust, or eliminate a variety of voluntary benefits to meet individual needs of its employees. Participation in any of these benefits is a personal decision as it is voluntary. Employee contributions are made through biweekly payroll deductions.

#### **4.6 - Workers' Compensation**

- (a) In the event an employee becomes injured or disabled by reason of a work-related injury or illness, and is unable to perform the essential functions of the job, then, in addition to any sick leave benefits otherwise provided for herein, he or she may be entitled to full pay for a period of up to one year.
- (b) Any employee, who is injured, whether slightly or severely, while working, must make an immediate report to his or her Department Head. Within twenty-four (24) hours the employee must complete the Town of Newton Workers' Compensation Injury Report and file it with Human Resources.
- (c) For any injury/illness on the job, the department head or supervisor must complete the Supervisor Report of Accident Form and the Town of Newton Incident Report Form within 24 hours of the incident.
- (d) Failure to immediately report any injury may result in the failure of the employee to receive compensation under this section.
- (e) The employee shall be required to present evidence, via a certificate of a physician designated by the insurance carrier, that he or she is unable to work, and the Town may reasonably require the employee to present an updated certificate from time to time.
- (f) If the Town does not accept the certificate of the physician designated by the insurance carrier, the Town shall have the right, at its own expense, to require the employee to obtain a physical examination and certification of fitness by a physician appointed by the Town.
- (g) In the event the Town-appointed physician certifies the employee is fit to return to duty, injury leave benefits granted under this section shall be terminated.
- (h) The Town, at its option, and upon certification by the Town-appointed physician, may extend the disability pay for no more than one (1) additional year. The Town-appointed physician must certify that the employee is incapable of performing his or her duties for the additional time period.
- (i) In the event any employee is granted said injury leave, the Town's sole obligation shall be to pay the employee the difference between his or her regular pay and any compensation, disability, or other payments received from any other sources provided by the Town.

- (j) At the Town of Newton's option, the employee shall either surrender and deliver any compensation, disability, or other payments to the Town and receive his entire salary payment, or the Town shall pay the difference.

**ARTICLE V**  
**TIME OFF**

**5.1 - Holidays**

(a) All full-time permanent personnel are granted 12 1/2 paid holidays annually. These holidays are as follows:

New Year's Day	Veterans' Day
Dr. Martin Luther King, Jr. Day	Thanksgiving Day
Presidents' Day	Day after Thanksgiving
Good Friday	December 24 (Afternoon-
Memorial Day	provided such day
Independence Day	does not fall on a
Labor Day	Saturday or Sunday)
Columbus Day	Christmas Day

(b) If a holiday falls on a Saturday or Sunday, it shall be observed on either the preceding Friday or the following Monday. The Monday Holiday Law shall also be observed for those holidays so designated.

(c) In the event an official holiday is observed during an employee's vacation, he shall be entitled to an additional vacation day, and should an official holiday occur while an employee is on sick leave, he shall not have that holiday charged against his sick leave.

**5.2 - Personal Days**

All employees may take up to three (3) personal days each calendar year based on their normal work day hours not to exceed ten (10) hours per day. These days will be charged against accumulated sick leave. They cannot be accumulated year to year; however any unused personal hours may be carried over into sick leave not to exceed three (3) days. These three (3) personal days are considered a part of an employee's accumulated sick leave, not in addition to same.

### **5.3 - Sick Leave**

- (a) In the first year of employment, a permanent full-time employee shall be entitled to one day of sick leave for each month of employment commencing the first of the month following their date of hire. A sick day is based on the number of hours worked given a normal work day. On January 1<sup>st</sup> following one year of employment, sick leave shall accumulate on the basis of one and one-quarter (1 1/4) days per month, or fifteen (15) days per calendar year. Sick leave may be accumulated from year to year and shall include the current year accrual.
- (b) If an employee is absent from work due to illness for a period of three (3) consecutive work days, or more than five (5) days in any calendar year, he or she will be required to furnish a medical certification from a physician in support of the employee's absence from work, unless approved intermittently under the Family Medical Leave Act (FMLA).
- (c) When any employee is absent from work due to illness, he or she is expected to report this fact to his or her Department Head prior to the start of their shift, unless the illness prevents this. If this procedure is not followed, a medical certification from a physician will be required for a valid charge to be made against accumulated sick leave. Department Heads are required to notify the Town Manager of their absence prior to the start of their shift, unless the illness prevents this.
- (d) Sick leave must be used while an individual is still employed. Any unused sick leave is forfeited upon termination of employment for reasons other than retirement.
- (e) Upon retirement, unless separately provided for in a collective bargaining agreement or individual employment contract, employees hired before January 1, 2011 shall be entitled to monetary compensation representing a percentage of unused sick time, based on years of service with the Town of Newton as follows:

**Years of Service w/ Town of Newton:**

10 years  
15 years  
20 years  
25 years

**Percentage of Sick Time:**

5% of accrued sick time  
10% of accrued sick time  
15% of accrued sick time  
25% of accrued sick time

Non-union employees hired before January 1, 2011 who have more than 25 years of service with the Town of Newton will receive an additional one percent (1%) for each year of service over 25, up to a maximum payout of 35% of accrued sick time.

**Non-union employees hired on or after January 1, 2011 will continue to use the formula in Section 5.3 (e) above to determine the sick leave payout, with said payout at the time of retirement not to exceed \$5,000.** The terms and conditions of sick leave payouts at the time of retirement may be subject to legislative modification by the State of New Jersey.

(f) Employees with perfect attendance (no sick or personal hours used within the previous year) will be rewarded by adding an additional 3 days to their accumulated sick time in the current year. The hours are based on the number of hours normally worked within a normal work day. An employee who normally works 8 hours per day would be rewarded with an additional 24 hours in their sick time allocation.

#### **5.4 - Vacation Leave**

(a) In the first year of employment, a permanent full-time employee shall be entitled to one day of vacation leave for each month of employment commencing the first of the month following their date of hire. **A vacation day is based on the number of hours worked given a normal work day.** The number of years of service is based on the current year minus the hire date year. The vacation schedule below will be used in determining the number of vacation hours each calendar year (unless provided for in separate contractual bargaining agreement or individual employment contract):

<b><u>Years of Service w/ Town of Newton:</u></b>	<b><u>Amount of Vacation Leave:</u></b>
One month to completion of Fifth year	One day per month (12 days)
Sixth year to completion of Tenth year	One and one-fourth days per month (15 days)
Eleventh year to completion of Fifteenth year	One and one-half days per month (18 days)
Over fifteen years	One and three-fourths days per month (21 days)

Each vacation day is based on the number of hours worked during a normal work day. Employees are encouraged to take vacation during the calendar year in which it is earned. Vacation time shall not be accumulated for more than is earned in the current and preceding calendar year. No one may borrow vacation time from the year following the current calendar year.

- (b) Vacation time as earned may be taken at the convenience of the departmental work schedule and with the approval of the Department Head and/or Town Manager. Employees must submit a Request for Leave Form to their supervisor five (5) business days in advance. The Department Head will then submit to the Office of the Town Manager for approval. In case of emergency the five (5) business day advance notice may be waived by the Town Manager.
- (c) An employee may not use more than ten (10) consecutive vacation days (total does not include weekends) without written approval from his or her Department Head and the Town Manager.
- (d) An employee that terminates his or her employment while having unused vacation days will be paid for all unused and accrued vacation leave time. The vacation pay will be calculated using the **employee's base hourly rate**. If the employee has taken more vacation time than has been accrued they will be required to have the amount deducted from their last paycheck or send the Town of Newton a check for reimbursement of same.

## **5.5 - Funeral Leave**

- (a) In the event of a death in the immediate family, all employees will be granted time off without loss of pay, from the day of death up to and including the day of the funeral, but not to exceed three (3) work days.
- (b) "Immediate family" means an employee's husband, wife, civil union partner, fiancé, fiancée, father, mother, father-in-law, mother-in-law, step father, step mother, grandfather, grandmother, grandfather-in-law, grandmother-in-law, grandchild, child, step child, foster child, spouse's child, sister, brother, step sister, step brother, sister-in-law, or brother-in-law of the employee.

It shall also include relatives of the employee residing in the employee's household. Reasonable verification of the event may be required by the Town Manager or his designee.

(c) In the event of a death in the immediate family, which would cause the employee to travel a considerable distance or would otherwise entail additional time off, a maximum of five (5) total days may be granted in unusual or extraordinary circumstances at the sole discretion of the Town Manager.

### **5.6 - Jury Duty**

(a) Any regular full-time employee who loses time from his job because of jury duty shall be paid by the Town the difference between his daily base rate of pay (up to a maximum of the normal number of hours per day) and the daily jury fee, subject to the following conditions:

- (1) The employee must notify his superior immediately upon receipt of a summons for jury duty.
- (2) The employee has not voluntarily sought jury service.
- (3) The employee is not attending jury duty during vacation and/or other time off from Town employment.
- (4) The employee submits adequate proof of the time served on the jury and the amount received for such service.

(b) If on any given day, an employee is attending jury duty and is released by the court prior to 11:00am, that employee shall be required to return immediately to work to receive pay for that day.

### **5.7 - Military Leave**

(a) In compliance with N.J.S.A. 38:23-1, employees who are members of the National Guard and Reserve components of the Armed Forces must be given time off, with full pay, to attend to required duties. Such leaves of absence shall not exceed 30 work days in any calendar year. Any leave of absence for such duty in excess of 30 work days shall be without pay but without loss of time.

(b) Said military leave shall be in addition to vacation and sick leave, and compensation is not to be offset by any military wages earned. Department Heads may reschedule an employee's hours and days of work in order to enable the employee to attend drills and still fulfill employment responsibilities without the need for additional time off.



## **5.8 - Family and Medical Leave (FMLA) Policy**

**Policy:** Employees of the Town who have worked for a certain period of time and otherwise qualify may be eligible for paid or unpaid leaves of absence for family and medical reasons pursuant to the Federal Family Medical Leave Act (FMLA), the New Jersey Family Leave Act (NJFLA), and the New Jersey Family Temporary Disability Leave Act (NJFTDLA, also known as the Paid Family Leave Act). Please see the Human Resources Coordinator for a flyer describing the most current features of these programs, which differ in terms of benefits offered. For example, the FMLA and NJFLA offer unpaid job-protected leave, while the NJFTDLA offers paid leave without a requirement for job protection on return unless the employee is also covered under the NJFLA/FMLA.

Pursuant to the Family and Medical Leave Act of 1993 (FMLA), employees of the Town of Newton who have worked for at least twelve (12) months and have worked at least 1,250 hours over the previous twelve (12) months, are eligible for unpaid, job-protected leave of up to twelve (12) weeks each year for family and medical reasons. The Town will measure the 12 week period as a rolling 12 month period measured backward from the date an employee uses any leave under this policy.

Each time an employee takes leave, the Town will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An unpaid leave may be taken for the following reasons:

1. The birth of an employee's child and the care of the child. This provision is applicable to both mothers and fathers.
2. The placement of a child with the employee for adoption or foster care.
3. The care of the employee's spouse, child or parent, who has a serious health condition.
4. A serious health condition that renders the employee unable to perform his job.
5. Qualifying emergency/exigency leave for families of members of the National Guard and Reserves when the covered military member is on active duty or called to active duty in support of a contingency operation.

6. Military caregiver leave (also known as covered service member leave) to care for an ill or injured service member. This leave may extend to up to 26 weeks in a single 12 month period for an employee to care for a spouse, son, daughter, parent or next of kin of the covered service member.

Under the FMLA, a child includes biological, adopted and foster child, stepchild, legal ward, or a "child" of a person acting in the capacity of a parent. The term "parent" includes biological parents, as well as a person who acted in the capacity of a parent toward the employee. Siblings and in-laws are not covered by the Act. A "serious health condition" means a mental or physical illness, injury or impairment which involves in-patient care at a medical care facility, or continuing treatment by a health care provider. Additionally, an employee's "serious health condition" means the employee is unable to perform the functions of his job.

It is not required that the leave be taken all at one time. Intermittent leave or reduced leave (less than 12 weeks) can be taken if the employee or a covered relation has a serious health condition, provided intermittent or reduced leave is medically necessary. In addition, an employee with more than one qualifying event within a 12 month period is not entitled to a separate 12 week period of leave for each event.

If a husband and wife both work for the Town and each wishes to take a Family Medical Leave, the husband and wife may only take a combined total of 12 weeks of leave for circumstances (1)-(5) and a combined total of 26 weeks for circumstance (6).

### **Use of Paid and Unpaid Leave**

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all paid vacation, personal or sick leave prior to being eligible for unpaid leave. Sick leave may be run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. For example, if an employer provides six weeks of pregnancy disability leave, the six weeks will be designated as FMLA leave and counted toward the employee's 12-week entitlement.

The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement. An employee who is taking leave for the adoption or foster care of a child must use all paid vacation, personal or family leave prior to being eligible for unpaid leave.

An employee who is using military FMLA leave for a qualifying emergency must use all paid vacation and personal leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid vacation, personal leave, or sick leave (as long as the reason for the absence is covered by the company's sick leave policy) prior to being eligible for unpaid leave.

### **Procedure**

The employee shall be required to submit to the Town Manager a written FMLA request indicating the amount of leave to be taken and the reason for the leave. If the leave involves an illness, the Town will require a certification for the employee's serious health condition or the serious health condition of a family member. The employee must submit the certification within 15 days from the date the Town requests the certification. Failure to produce the certification may result in denial of the Family Medical Leave. The certification will include:

- (1) The date on which the serious health condition commenced.
- (2) The probable duration of the condition.
- (3) The appropriate medical facts within the knowledge of the health care provider regarding the condition.
- (4) Where applicable, a statement that the employee is needed to care for a covered relation and the amount of time needed to care for said person.

The medical certification for intermittent or reduced leave shall include:

1. The dates on which treatment is expected to be given and the duration of such treatment.
2. A statement of the medical necessity for the intermittent or reduced leave schedule and the expected duration.
3. Where applicable, a statement that an intermittent or reduced leave schedule is necessary to care for a covered relation or to assist in the recovery and the expected duration and schedule of the leave.

The Town may require subsequent recertification on a reasonable basis. Failure to provide any certification is grounds for denial of the leave. If the Town has doubt as to the validity of the certification provided, the Town may require, at its expense, that the employee obtain a second opinion from a health care provider selected by the Town. If the second opinion differs from the first, a third mutually agreeable health care provider shall be selected, whose opinion shall be binding.

If the leave is foreseeable, the employee shall be required to provide notice at least 30 days prior to the beginning of the leave. The Town has the option of requiring that an employee utilize accrued vacation, sick and personal leave time for leaves under the FMLA with such time running concurrently with the family leave.

### **5.9 - General Leave**

The Town Manager may grant an employee a leave of absence without pay for a period of up to thirty (30) days. The Town Manager and Town Council must both approve a leave of absence for a longer period of time. A leave of absence longer than twelve (12) months must be approved by the New Jersey Civil Service Commission. The Leave of Absence Request Form may be found in this handbook in the Appendix section.

## **ARTICLE VI** **DISCIPLINARY ACTION**

An employee may be disciplined by a Department Head or the Town Manager. Discipline will be in accordance with Civil Service regulations, general law, Town policy compliance, and this chapter. The Disciplinary Action may be any one of the following actions, or a combination of the following actions, for the causes stated in this section. No employee shall be suspended or dismissed without the approval of the Town Manager.

1. Verbal reprimand.
2. Written reprimand.
3. Suspension from duty.
4. Dismissal.

### **6.1 - Causes of Disciplinary Action**

The causes for which disciplinary action may be invoked include, but are not limited to, the following:

1. Neglect of duty.
2. Incompetence or inefficiency.
3. Insubordination or serious breach of discipline.
4. Use of intoxicants, narcotics, or controlled substances without a prescription; being intoxicated or narcotized while on duty.
5. Possession, sale, transfer, or use of intoxicants or illegal drugs on Town property and at any time during work hours.
6. Entering the building without permission when the building is closed.
7. Soliciting on Town premises during work time.
8. Carrying weapons of any kind on Town premises and/or during work hours unless carrying a weapon is a function of job duties.
9. Violation of established safety and fire regulations.
10. Chronic tardiness.
11. Unauthorized absence from work area, and/or roaming or loitering on premises during scheduled work hours.
12. Defacing walls, bulletin boards, or any other Town or supplier property.
13. Unauthorized disclosure of confidential Town information.
14. Gambling on Town premises.
15. Horseplay, disorderly conduct, and use of abusive and/or obscene language on Town premises.
16. Deliberate delay or restriction of work effort, and/or incitement of others to delay or restrict their work effort.
17. Violating any Town rules or policies.

18. Violation of Federal, State, or Town laws, rules or regulations concerning drug and alcohol use and possession.
19. Misuse of public property, including motor vehicles.
20. Unauthorized use of phones, cell phones, computers, fax machines, Internet, email, and voicemail.
21. Chronic or excessive absenteeism.
22. Disorderly or immoral conduct while on duty.
23. Fighting or creating a disturbance.
24. Sleeping while on duty.
25. Inappropriate touching of an employee, volunteer, or customer.
26. Absence without leave.
27. Using leave for purposes other than that for which it is granted.
28. False statements, misrepresentation, or fraud in application forms or any other manner or matter concerning employment.
29. Willful violation of any of the provisions of civil service statutes, rules or regulations, or other statutes relating to the employment of public employees.
30. Conviction of any criminal act or offense.
31. Negligence of or willful damage to public property or waste of public supplies.
32. Conduct unbecoming an employee in the public service.
33. Rude or disrespectful conduct toward the public.
34. Harassment of co-workers, and/or volunteers, and/or visitors.
35. Theft or attempted theft of property belonging to the Town, fellow employees, volunteers, or visitors.
36. Infringement of policies defined in this chapter.
37. Use or attempted use of one's authority or official influence to control or modify the political actions of any person in the service, or engaging in any form of political activity during working hours.
38. Other actions disruptive to the effective, efficient, or economic operation of Town affairs.
39. Unauthorized outside employment while on duty and working for the Town.
40. Unauthorized use of Town equipment and property.
41. Conducting personal business while on Town paid time.
42. Inability to perform duties.

## **6.2 - Appeal of Disciplinary Action**

Any employee disciplined under the provisions of this section may file a grievance as outlined in section Article VII of this guide, or to the New Jersey merit system board, pursuant to N.J.A.C. 4A:2-1.1 et seq.

### **6.3 - Unionized Employees**

Employees who are covered by the police and other labor contracts are guided by the procedures outlined in their respective contracts pertaining to disciplinary action.

**ARTICLE VII**  
**GRIEVANCE PROCEDURES**

The term "grievance" means a complaint by an employee that there has been an inequitable, improper, or unjust application, interpretation or violation of a policy or administrative decision affecting working conditions of an employee

**7.1 - Purpose**

The purpose of this procedure is to secure at the lowest possible level equitable solutions to disputes affecting working conditions of the employee.

**7.2 - Procedures**

- (a) An aggrieved employee shall institute action under the provisions hereof within five (5) calendar days of the occurrence complained of or within five (5) calendar days after he or she could reasonably be expected to know of its occurrence. Failure to act within said five days shall be deemed to constitute an abandonment of grievance.
- (b) An employee processing a grievance shall be assured freedom from restraint, interference, coercion, discrimination, or reprisal.
- (c) In the presentation of the grievance, the employee shall have the right to present his or her own appeal or to designate a representative to appear with him/her at any step in his/her appeal.
- (d) Whenever the employee appears with the representative, the Town shall have the right to designate a representative to participate in any stage of the grievance procedure.
- (e) An employee shall first discuss his or her grievance orally with the Department Head and file with the Department Head a brief written statement of the grievance. A decision in writing shall be rendered within five (5) calendar days of receipt of the grievance by the Department Head.
- (f) If the grievance is not resolved to the employee's satisfaction within five days from the decision referred to in paragraph (e) above; the written grievance and decision shall be forwarded to the Town Manager. A decision in writing shall be rendered by the Town Manager within five days of receipt of the grievance and decision. The Town Manager at his discretion, may request oral or written testimony with regard to any grievance or decision.



- (g) The employee may go no further unless the matter is subject to review by the Civil Service Commission.
- (h) If the subject of the grievance is the Town Manager, the employee will first discuss his or her grievance orally with the Town Manager, and provide a brief written statement of the grievance. A decision in writing shall be rendered within five days of receipt of the grievance by the Town Manager.
- (i) If the grievance is not resolved to the employee's satisfaction within five days from the Town Manger's determination, the grievance and decision shall be forwarded to the Town Council.
- (j) Within thirty (30) calendar days from the receipt of the written grievance and decision, the Town Council will hold a hearing at which all parties in interest shall have a right to be heard.
- (k) Within ten (10) calendar days from the hearing (unless a different period of time is mutually agreed upon), the Town Council shall advise the employee in writing of the Council's decision and shall forward a copy to the Town Manager.
- (l) All employees covered under collective bargaining agreements are subject to the grievance procedure in their respective bargaining agreements which supersede this Article.
- (m) All meetings and hearings on this procedure shall include only the parties in interest and their designated representatives.

**ARTICLE VIII**  
**ON-THE-JOB**

**8.1 - Code of Conduct**

Town of Newton will comply with all applicable laws and regulations, and expects its employees, managers, and volunteers to conduct business in accordance with the letter and spirit of relevant laws and refrain from dishonest or unethical conduct.

Employees shall act in a manner which will inspire public trust in their integrity, impartiality, and devotion to the best interests of the Town, its customers, and citizens during both working and nonworking hours

To ensure ethical and impartial business, it is prohibited for Town employees and volunteers to:

1. Offer, accept or solicit money, property, service or other items of value by way of gift, favor, inducement, or loan with the intent that the offer would influence or the recipient would be influenced by such conduct in the discharge of public duties.
2. Use their official position, uniform, or badge to secure special advantage in business, personal gain, or other benefit derived from such relationship.
3. Use any Town-owned facility, building, equipment, materials, or vehicle for their personal use or benefit, or for the personal use or benefit of any other individual. No employee shall have unauthorized possession of Town property.
4. Invest or hold a financial interest either directly or indirectly in any business entity, transaction or business endeavor that would create a conflict between the Town employee's duty to uphold the public trust and the individual's private interest.

Town employees may be offered honorariums provided they are not being paid during the time in which the honorarium will be received.

In general, the use of good judgment, based on high ethical principles, will be the guide with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter must be disclosed to the immediate supervisor and/or the Department Head. The Department superior shall immediately inform Human Resources for the purpose of precluding any real or apparent conflict of interest.

The Town conducts its business fairly, impartially, in an ethical and proper manner, and in compliance with all laws and regulations.

(1) The Town is committed to conducting its business with integrity underlying all relationships, including those with citizens, customers, suppliers, and communities, as well as amongst employees and volunteers. The highest standards of ethical business conduct are required of Town employees and volunteers in performance of their responsibilities. Employees and volunteers will not engage in conduct or activity that may raise questions as to the Town's honesty, impartiality or reputation or otherwise cause embarrassment to the Town. Employees and volunteers will avoid any action, whether or not specifically prohibited in the personnel policies, which might result in or reasonably be expected to create an appearance of:

- Using public office or public position for private gain.
- Giving preferential treatment to any person or entity.
- Losing impartiality.
- Adversely affecting the confidence of the public in the integrity of the organization.

(2) Every employee and volunteer has the responsibility to ask questions, seek guidance, report suspected violations, and express concerns regarding compliance with this policy without fear of retaliation.

(3) The Town Manager's Office is responsible for providing policy guidance and issuing procedures to assist employees and volunteers in complying with the Town's expectations of ethical business conduct and uncompromising values. This policy constitutes the standards of ethical business conduct required of all employees. Department Heads are responsible for supporting their implementation and monitoring compliance.

## **8.2 - Damage to Municipal Property**

- (a) Whenever any employee or volunteer damages any municipal property, a full written report shall be made and given to the Department Head, with a copy forwarded to the Town Manager's office.
- (b) When any municipally owned vehicle is involved in an accident, the Police Department must be notified immediately so they may conduct an on-the-scene investigation and prepare an accident report as required. The driver must also file a full report (See Appendix) as required in subsection (a). The driver must also go for a drug/alcohol test immediately following the accident, with the cost to be borne by the Town of Newton.

### **8.3 - Drugs and Alcohol Policy**

The Town of Newton is committed to operating under the condition of safety for its employees and the general public. Persons who are under the influence of alcohol or illegal drugs while working pose a serious safety and health risk to themselves, to other employees, volunteers, and to the general public.

#### **1. Drug/Alcohol Testing.**

Pre Employment: All potential employees offered a position with the Town of Newton must submit to a drug/alcohol test as a condition of employment.

Reasonable Cause/Post Accident: All employees and volunteers are subject to reasonable cause and post-accident testing for illegal drug use/alcohol intoxication. Other State and Federal laws which may apply to drug/alcohol testing, such as the commercial driver's license drug and alcohol testing provision, will apply to Town of Newton employees and volunteers affected by the laws.

**2. Drug/Alcohol Testing Requirements and Procedures.** In the event there exists reasonable evidence that the actions, appearance, or conduct of the employee or volunteer are indicative of drug or alcohol use, a drug/alcohol test will be required as a condition of employment/volunteering. The management representative observing the behavior will receive approval from the Town Manager or someone acting in that capacity during the Manager's absence, to request the employee/volunteer testing be administered. Any drug/alcohol testing required by the Town will be conducted by a laboratory licensed by the state. All expenses related to the test will be incurred by the Town. All testing results will remain confidential. Employee/Volunteer must sign a written consent form prior to the release of testing results.

**3. Positive Test Results or Refusal of Drug or Alcohol Screening.** Any employee/volunteer who tests positive will be given the opportunity to explain the positive result. Any employee/volunteer who tests positive or refuses to be tested will be subject to dismissal or other disciplinary actions available by law, contract, or Civil Service requirements. Any potential employee/volunteer who tests positive or refuses to be tested will not be granted employment/volunteer status by the Town of Newton.

4. **Preliminary Acquisition Procedures:** Before a drug or alcohol test, the Department Head or the Town Manager shall prepare a confidential report that documents the basis for reasonable suspicion or, in the case of an accident, specifies the accident. This report may be as brief or as lengthy as necessary. The Town Manager or designee shall base his decision on the contents of this confidential report. Every employee/volunteer or potential employee/volunteer has the option to complete a medical questionnaire which clearly describes all medications, both prescribed by a physician or available over-the-counter (non-prescription), which the employee/volunteer or potential employee/volunteer ingested during the prior thirty (30) days. Results of such test work will be retained in a separate employee/volunteer file.

**Laboratory method:** The Town of Newton will determine the appropriate testing facility for alcohol/drug testing for Town employees/volunteers. All uniformed Police will be tested using the New Jersey State Toxicology Laboratory within the Division of Criminal Justice.

An employee/volunteer or potential employee/volunteer required to submit to a drug or alcohol test shall report to the Town's approved facility for testing within the time period directed and shall follow the sampling procedures required by the approved facility. Failure to comply with time deadlines or the facility's sampling requirements will result in disciplinary action or rejection of job/volunteer application as appropriate.

**Specimen Acquisition Procedure:** As determined by the appropriate lab testing facility.

**Drug/Alcohol Screen Results:** The approved facility will notify the submitting agency of the results of the analysis immediately upon completion. The laboratory will report as positive only those samples which have been confirmed to be positive for the presence of illegal drugs or alcohol. The laboratory will follow up all notifications with written reports. The Town Manager will notify the employee/volunteer or potential employee/volunteer of the results of the analysis as soon as possible after notification by the laboratory. The Town Manager will provide a copy of the laboratory report to the employee/volunteer or potential employee/volunteer if so requested.

## **8.4 – Computer / Technology / Email Use Policy**

The Town's intentions for publishing a Computer / Technology / Email Use Policy are not to impose restrictions that are contrary to the Town's established culture of openness, trust and integrity. The Town is committed to protecting Newton's employees, partners and the Town's constituency from illegal or damaging actions by individuals either knowingly or unknowingly.

Internet / Intranet / Extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail, WWW browsing and FTP are the property of Newton. These systems are to be used for business purposes in serving the interests of the municipality, and of our constituency in the course of normal operations.

Effective security is a team effort involving the participation and support of every Town employee and affiliate who deals with information and or information systems. It is the responsibility of every computer user to know these guidelines and to conduct their activities accordingly.

Email, voicemail, and Internet messages are official documents subject to the provisions of the **Open Public Records Act, which means any and all information transmitted to and from the Town of Newton is public information and may be discoverable in any legal action.** This policy has been adopted to protect the integrity of Newton's computer network and limit the use of email and Internet services to business related purposes only.

Email, voicemail, computer hardware and software, and Internet access are for official business use only to assist in conducting Town of Newton business. These systems, including the equipment and the data stored in the system, are and remain at all times the property of the Town of Newton. Email, voicemail and the Internet are for official business. **Use for non-business purposes is strictly prohibited.**

The following guidelines have been established for using the Internet and email in an appropriate, ethical and professional manner.

**Personal Use:** Personal use of email, internet and computer equipment for non-business purposes is strictly prohibited. Some examples of this misuse include but are not limited to:

- Excessive sending or receipt of emails that are unrelated to Town business, including but not limited to jokes, images, etc.
- At any time, soliciting non-Town business for personal gains or profit.
- Using the Internet or email for any illegal purpose.

- Representing personal opinions as those of the Town of Newton.
- "Surfing" the World Wide Web for entertainment during business hours.
- Using a work email account to subscribe to email lists or services that are not work-related.

**Inappropriate messaging:** Internet and email access may not be used for transmitting, retrieving or storing of any communications of a defamatory, discriminatory, or harassing nature, or materials that are obscene or X-rated.

No messages with derogatory or inflammatory remarks about persons protected by anti-discriminatory laws shall be transmitted. Harassment of any kind is prohibited.

**Interference with Network:** Intentionally interfering with the normal operation of Newton's computers and or network with the intention of hindering others in the use of the network is strictly prohibited.

**Harassing or Illegal Activities:** Disparaging, abusive, profane, or offensive language; materials that would adversely or negatively reflect upon the Town of Newton or be contrary to the Town of Newton's best interests; and any illegal activities -- including piracy, hacking, extortion, blackmail, copyright infringement, and unauthorized access to any computers on the Internet or email -- are forbidden.

**Copyright:** Copyrighted materials belonging to entities other than the Town of Newton may not be transmitted by employees on the Town's network. All employees obtaining access to other companies' or individual's materials must respect all copyrights and may not copy, retrieve, modify, or forward copyrighted materials, except with permission or as a single copy to reference only. If you find something on the Internet that may be interesting to others, do not copy it to a network drive. Instead, give the URL (uniform resource locator or "address") to the person who may be interested in the information and have that person look at it on his/her own.

**Disrupting Others:** Do not use the system in a way that disrupts its use by others. This includes excessive dial-in usage, sending or receiving many large files, and "spamming" (sending email messages to hundreds of users).

**Downloading:** The Internet is full of useful programs that can be downloaded, but some of them may contain computer viruses that can extensively damage our computers. Be sure to virus-check downloaded files immediately. All requests to download software from the Internet should be made to the Town's network administrators (Town Manager, his designee, or the Police Support Services Division Lieutenant) to determine if the downloading is acceptable, whether a contract is required and/or whether the software is available through other means.

**Sender Responsibility:** Each employee is responsible for the content of all text, audio, video, or images that he/she places or sends over the Town's Internet and email system. No email or other electronic communications may be sent which hides the identity of the sender or represents the sender as someone else. Also, be aware that the Town of Newton's name is attached to all messages so use discretion in formulating messages.

**Proprietary Information:** Email is not guaranteed to be private or confidential. All electronic communications are the Town of Newton's property. Therefore, the Town reserves the right to examine, monitor, and regulate email messages, directories and files, as well as Internet usage.

**Authorized Access:** Only authorized employees are allowed access to the Internet through Newton's Internet provider. Use of any other commercial service provider (unless departmentally authorized) while connected to the Town of Newton network is prohibited.

**Access to Public Records:** Subject to the provisions of the Open Public Records Act, all emails, voicemail and Internet messages are official documents, and therefore employees shall not have an expectation of "privacy" with respect to their use of Newton's email and Internet facilities. Any and all messages, data, images, or other information received, transmitted, or archived using Newton's Internet facilities may be accessed, copied, and used by network administrators, supervisors, managers, and others, even if the information is marked "private", is protected by a password, or has been "deleted". Any such messages, data, and images may be subject to disclosure to third parties, i.e. regulators, law enforcement agencies, and the courts. Please note that even when a message has been "deleted" it is still possible to re-create the message. The Town of Newton reserves the right to monitor, at any time, Internet usage including the Web sites that are accessed and any information that may have been downloaded.



While voicemail, electronic mail, and Internet may accommodate the use of passwords for security, confidentiality cannot be guaranteed. Messages and downloaded data may be reviewed by someone other than the intended recipient. All passwords must be made known to Newton's network administrators.

**Anonymous Senders:** Exercise good judgment in opening any electronic mail from anonymous senders, especially those with "attached" files, which may also contain destructive computer viruses.

**Town of Newton's Right to Monitor and Consequences:** The Town reserves the right to monitor, obtain, review, and disclose all email messages, computer files, voicemail and Internet messages on the computer and communications systems of the Town as deemed necessary and appropriate. By using Town email, computer systems, voicemail, and the Internet, each user agrees that the Town has unrestricted access and the right to disclose all information communicated or stored on the email, computer systems, voicemail, and the Internet for any security, health, employment, or other legitimate business reasons. Legitimate reasons also include systems maintenance, message routing, retrieval of business information, trouble-shooting hardware and software problems, preventing system misuse, protecting confidential proprietary information, insuring compliance with software license policies, and complying with legal and regulatory requests for information. Email shall not be used to harass, torment or disparage another party. Offensive and harassing communications are unacceptable and prohibited.

Any employee who violates this policy may be subject to disciplinary action up to and including termination of employment. The Town of Newton retains the right to report any illegal violations to the appropriate authorities.

If you have questions regarding the appropriate use of email, voicemail, computer hardware/software, or the Internet, please contact your Department Head, Human Resource Coordinator, or Town Manager.

## **8.5 - Employee Evaluations**

Performance management is the foundation of performance excellence. The employee evaluation process is a tool that measures performance of employees. The process includes setting clear and specific performance expectations for each employee and providing periodic informal and formal feedback about the employee's performance relative to job responsibilities and department goals.

Each supervisor or department head is required to provide written employee evaluations to each of their employees during the months of November and December each year. A standardized evaluation form will be used for all written evaluations. Employees are evaluated on the following performance categories: Job Knowledge, Fiscal responsibilities, Communication, Productivity, Teamwork, Dependability, Integrity, Leadership, Creativity and Customer Service. Supervisors meet face to face to provide the evaluation feedback. Employees have the right to respond to their evaluation in writing which will be included in their personnel file.

Employees who receive an overall below expectation or unsatisfactory performance rating shall be evaluated every 3-6 months until the rating is at a "meets expectation" rating.

## **8.6 - Employee Training**

It is the desire of the Town of Newton to recognize the initiative and abilities of its employees. It, therefore, encourages and supports employees to undertake additional training courses that will enable them to better perform the duties of their positions. In order to encourage an effective employee training program, it is necessary to distinguish among the various types of educational opportunities available to employees and to encourage participation under the following conditions:

1. **Training Required for the Position:** The Town will reimburse 100% of an employee's tuition costs and mileage costs (the latter at the prevailing business rate established by the IRS) upon the satisfactory completion ("B" or better) of all courses which employees **are required** to take in order to obtain any specialized training, certifications, licenses and/or registrations needed to perform the duties **required** of their position. Prior approval to take said courses is required from the Town Manager.
2. **Non-Uniformed Staff (Courses to Increase Employee Value to the Town):** For other than uniformed police, the Town will reimburse 50% of the employee's tuition costs (only) upon satisfactory completion ("B" or better) of any Town approved courses which may tend to increase the employee's value to the Town, but do not fall under the category of subsection (1). Prior approval to take said courses is required from the Town Manager.
3. **Non-Uniformed Staff (Specialized or College Courses):** For other than uniformed police, the Town will reimburse 25% of the employee's tuition costs for Town approved specialized courses or college credit courses, upon the employee's satisfactory completion ("B" or better) of such courses. Prior approval to take said courses is required from the Town Manager.

4. **Workshops, Conferences and Seminars:** The Town will pay the attendance fee and the prevailing IRS mileage business rate for employee attendance at workshops, conferences, and seminars that have received the prior approval of the Town Manager.

**Education Incentive Rewards** - As an incentive reward, the Town Manager **may grant an employee a one-time monetary reward not to exceed \$250** (unless otherwise provided for in a separate collective bargaining agreement or individual employment contract) for each course completed **as required** toward licensing or certification relative to their current position or future advancement goals within the Town of Newton. This education incentive award is a one-time adjustment to regular earnings through payroll. It is not added to base pay and therefore does not impact the employee's overtime rate or pensionable earnings.

At the discretion and review of the Town Manager a lump sum salary increase may be awarded to individual full-time employees who become successfully "**certified**" in positions designated by State statute, the administrative code, or other authority as being a requirement of an employee's municipal profession. The purpose of the increase is to reward an employee for successful completion of mandated course work and testing required for certification. Not all certifications may qualify for an increase in salary and are limited to those recognized by the State of New Jersey. The certification increase is considered compensation and, therefore, will be part of an employee's salary base. The amount of the increase is at the discretion of the Town Manager and is dependent on the nature of the certification and whether the employee will advance to the title of the certifiable position or hold the certificate as an enhancement to present position. **In no event will the lump sum salary increase exceed \$2,500 unless otherwise provided for in a collective bargaining agreement or separate contract.**

### **8.7 - Gifts and Gratuities**

No Town employee or volunteer shall accept any gift, gratuity, loan, fee or other thing of value from a resident or business, the acceptance of which might tend to include or might be perceived to influence (directly or indirectly) the actions of the employee/volunteer or any other employee/volunteer in any matter of Town business. Employees and volunteers have an obligation and are required to report to the Town Manager any offer of a donation, gratuity, contribution or gift, including meals and entertainment that is in violation of this policy.

During the holidays, the Town often receives food or plants/flowers from the general public or vendors as a sign of appreciation of service or continued business. Food will be permitted provided it is shared throughout the organization and no one person exclusively receives or benefits from the gift. Plants/flowers may be displayed in the municipal building and shall not be taken home by any municipal employee or volunteer.

### **8.8 - Inclement Weather**

The Town offices will be considered open in the event of snow or bad weather unless employees are otherwise notified. Every effort should be made on the part of the Town staff to report to work. An employee who does not report to work will be considered absent. The lost time will be entered on their timesheet as vacation, personal or comp hours taken or the lost time will be deducted from the regular pay at the discretion of the Town Manager.

When the municipal offices are closed due to inclement weather, only essential employees (Public Works, Police, Water and Sewer, and Public Safety Telecommunicators) will be required to report for duty. In addition, under special circumstances, the Town Manger may authorize other employees to work when the office closes. Only full-time employees who were scheduled to work will be paid at their regular rate for the scheduled hours. Announcements concerning an office closure will be made via a telephone chain initiated through the Office of the Town Manager and shall also be posted on the Town website.

### **8.9 - Job-Incurred Injury / Accident**

Any job-incurred injury or accident involving Town equipment must be reported **immediately** to the Department Head. Within twenty-four (24) hours, the employee must file a written report at the Finance office. (See Workers' Compensation Policy for more details)

### **8.10 - Political Activity**

It is the policy of the Town of Newton to appoint, promote, demote, and remove all employees without regard to political considerations.

Employees and volunteers of the Town shall serve all Town residents equally. The political opinions or affiliations of any residents shall in no way affect the amount or quality of service the resident receives from the Town.

Town employees and volunteers shall not engage in any political activities while performing their public duties and are prohibited from using Town time, supplies, or equipment in any political activity. Town employees and volunteers shall not engage in any political activities during working hours; nor shall employees or volunteers at any other time participate in political activities so as to impair their usefulness in the position in which they are employed.

Employees and volunteers shall not directly or indirectly use or seek to use the authority or influence of their position to control or modify the political action of another person.

Nothing in this section shall be construed to prevent Town employees and volunteers from becoming or continuing to be members of any political party, club, or organization; attending political meetings off Town property during non-working hours; expressing views on political matters outside of working hours and off Town property; circulating petitions on public questions; and/or voting with complete freedom in any election.

Any violations of this policy should be reported to a supervisor, Department Head, Town Manager, or Town Attorney.

### **8.11 - Reimbursement for Expenses**

Any employee who is authorized by their Department Head to expend cash for supplies or to attend a meeting on Town business will be reimbursed for legitimate expenses provided they present a detailed voucher and supporting receipts. Vouchers shall not be processed without the appropriate supporting documentation of expenditures.

The Town of Newton is exempt from sales tax and the Department Head pre-approving the purchase of supplies by an employee or volunteer should provide the employee or volunteer with a copy of the Town's tax exempt certificate.

### **8.12 - Safety**

The safety of employees, volunteers, and the public is of extreme importance. People are critical to accomplishing future successes, and safeguarding their welfare, morale, productivity and good will is, therefore, essential. To that end, a formal loss control program has been established and implemented. This program will be designed to help identify and control those hazardous conditions or procedures which can produce injuries, interrupt production, or damage property. Safety committee meetings will be held quarterly at the discretion of the Town Manager or his designee and shall be attended by all Department Heads.

Developing and maintaining a safe work environment requires the cooperation and diligence of all employees. The Town Manager and Department Heads are expected to take an active role in the development of safe methods and practices for work performed in their areas of responsibility. Employees are required to attend all safety training programs, to adhere to established safety procedures and to report or correct any unsafe conditions they encounter. Maintaining a good record of safety is a worthwhile goal that benefits everyone. It is important for employees to know their responsibilities for safely performing their jobs and to make it a point to work safely every day.

### **8.13 - Sexual Harassment**

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as, to the federal government.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, an elected or appointed official, volunteer, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

The Town is committed to maintaining a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in an atmosphere that promotes equal opportunities and prohibits discriminatory practices, including sexual harassment. At the Town, sexual harassment, whether verbal, physical or arising out of the work environment outside the plant, at Town sponsored social functions, or elsewhere, is unacceptable and will not be tolerated. It is also illegal.

Work place or work-related sexual harassment of employees is unlawful and will not be tolerated by the Town. To achieve the goal of providing a work place free from sexual harassment, the Town has included in this policy definitions and examples of conduct which will not be tolerated, and has provided a procedure by which employees who believe they have encountered sexual harassment can complain. Because the Town takes sexual harassment seriously, it will respond promptly to complaints of sexual harassment by conducting an investigation and, where it is determined that such inappropriate conduct has occurred, the Town will act promptly to eliminate the conduct and impose such corrective action as is necessary.

Please note that while this policy sets forth the Town's goals of promoting a work place that is free of sexual harassment, the policy is not designed nor intended to limit the Town's authority to discipline or take remedial action for work place conduct which it deems unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

This policy shall apply to all employees of the Town, both in the uniform and non-uniformed services, and to any individuals who serve as volunteers. This policy shall replace all prior policies and procedures which may have been used to report, investigate, and remediate sexual harassment complaints.

**Definition** - For purposes of this policy, sexual harassment is defined as unwelcome and unwanted sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature when: (1) submission to or rejection of this conduct by an individual is used explicitly or implicitly as a factor in decisions affecting hiring, evaluation, promotion, or other aspects of employment; or (2) this conduct substantially interferes with an individual's employment or creates an intimidating, hostile, or offensive work environment.

Examples of sexual harassment include, but are not limited to, unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; repeated sexual jokes, flirtations, advances or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual proficiency or sexual deficiencies; leering; whistling; touching; pinching; assault; coerced sexual acts; suggestive insulting, obscene comments or gestures; telephone voicemails, electronic mail (e-mail) messages or cellular telephone texts, photos, videos or voicemails of a sexual nature; and display in the work place of sexual suggestive objects or pictures.

This behavior is unacceptable in the work place itself and by any owner, employee or volunteer in any business related setting outside the workplace, including but not limited to other work-related settings such as business trips and business-related social events.

### **Individuals Covered By The Policy**

This policy covers all employees and volunteers of the Town. The Town will not tolerate sexual harassment, whether engaged in by fellow employees, management personnel, or supervisors; or by other non-employees who conduct business with this Town. In addition, the Town will not tolerate sexual harassment engaged in by an individual who is not an employee of the Town (e.g., customer, vendor, supplier, independent contractor, etc.) to the extent that it affects any employee of the Town. Any employee who has been subject to sexual harassment by such a person may complain to his or her direct supervisor. The supervisor shall immediately report the incident to the Human Resource Coordinator or Town Manager or Chief of Police who shall conduct an investigation into the incident of alleged sexual harassment, and will take any action he deems appropriate after evaluating all the circumstances. The Town encourages reporting of all incidents of sexual harassment, regardless of who the offender may be, in accordance with the method set out below.

### **How To Report A Complaint**

The following steps should be followed to report the sexual harassment complaint:

1. Notification to Department Head, Human Resource Coordinator, Town Manager, or Chief of Police. An individual who believes he or she has been subject to sexual harassment should report the incident to any one of these management representatives. The employee will be required to complete and submit a Complaint Form (see Appendix).
2. Confidentiality. The Town will attempt to conduct the investigation into the complaint in a confidential manner to insure the privacy of the persons involved. However, no guarantee of secrecy can be made due to the number of people employed at the Town and the nature of the employment atmosphere in general. Both the accuser and accused individuals are reminded of the confidential nature of the process.
3. Description of Misconduct. An accurate record of objectionable behavior is necessary to resolve a formal complaint of sexual harassment. The reporting individual must reduce all complaints of sexual harassment to writing on the authorized Complaint Form.



4. Time for Reporting a Complaint. Prompt reporting of complaints is strongly encouraged, as it allows for rapid response and resolution of objectionable behavior or conditions for the reporting individual and any other affected employees. Although there shall be no express time limits for initiating a complaint for sexual harassment, every effort should be made to file a complaint or report an incident of sexual harassment as soon as possible, preferably within 48 hours after any incident occurs. By doing such, the facts and potential supporting witness statements are readily available.
5. Protection Against Retaliation. The Town will not retaliate against an individual who makes a report of sexual harassment, nor permit any employee to do so. Retaliation is a very serious violation of this policy and should be reported immediately to the employee's immediate supervisor. Any individual found to have retaliated against an individual for reporting sexual harassment, or against anyone participating in the investigation of a complaint, will be subject to appropriate disciplinary procedures as described below.

### **Investigation Of The Complaint**

1. Confidentiality. Any allegation of sexual harassment brought to the attention of the Town will be promptly investigated. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.
2. Identification of Investigators. Complaints will be initially investigated by the Town Manager or his/her designee.
3. Investigation Process. The investigation process may include any or all of the following:
  - Identification of the alleged harasser.
  - Gathering facts connected with the alleged incident, including the interviewing of the reporting individual, the alleged harasser, and any witnesses who were determined to have observed the alleged incident.
  - Determination of the frequency and type of alleged harassment and, if possible, the dates and locations where alleged harassment occurred.
  - Determination as to whether the reporting individual consulted anyone else about the alleged harassment.
  - Development of a thorough understanding of the relationship, degree of control and amount of interaction between the alleged harasser and reporting individual.

- Determination whether the reporting individual knows of or suspects that there are other individuals who have been harassed by the alleged harasser.
- Determination whether the reporting individual informed other managers of the situation and what response, if any, reporting individual received from these individuals.

### **Resolution Of The Complaint**

Upon completing the investigation, the investigator will report to the Town Manager. The Town Manager will review the investigation and findings and decide upon appropriate action to be taken. The Town Manager will communicate his findings and intended actions to the reporting individual and alleged harasser.

If the Town finds that harassment occurred, the harasser will be subject to appropriate disciplinary procedures up to and including termination.

Individuals found to have engaged in misconduct constituting sexual harassment shall be disciplined.

If an investigation results in a finding that the reporting individual falsely and maliciously accused another of sexual harassment, the reporting individual will be subject to appropriate actions, up to and including termination.

Any allegation of sexual harassment brought to the attention of the Town involving the Town Manager will be investigated by the Human Resource Coordinator and Chief of Police, with the findings to be reported directly to the Town Council and Town Attorney for their review.

### **Maintaining Written Records**

The Town shall maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained in a confidential manner to the extent practical and appropriate in the Town Manager's Office/Human Resources.

### **8.14 - Smoking Policy**

The Town is committed to providing a safe and healthy workplace and to promoting the health and well being of its employees and volunteers. In order to assist in providing a healthy work environment, the following smoking policy has been adopted and shall apply to all:

It is the policy of the Town to prohibit smoking (lighting, smoking, or carrying an unlit or lighted or smoldering cigar, cigarette, pipe, or electronic cigarette, of any kind, or the use of chewing tobacco or other tobacco product), in order to provide and maintain a safe and healthy work environment for all.

**The Smoke-Free Workplace policy applies to:**

1. All areas of buildings occupied by Town employees and volunteers.
2. All Town-sponsored off-site conferences and meetings.
3. All vehicles owned or leased by the Town.
4. All visitors (customers, vendors, consultants, contractors, and/or the general public) to Town premises.
5. All temporary or seasonal employees.

**Smoking is permitted:**

1. 25 feet from the entrance to any municipal facilities.

Employees on site at a customer or vendor facility must adhere to the site's smoking policy.

**8.15 - Telephone / Cellular Phone Use**

Many Town employees meet the public on the telephone each working day. When the telephone rings it must be answered promptly and courteously. The person at the other end of the phone will base his or her opinion about the attitude of the government on how the telephone call is handled. Personal calls, while on occasion are necessary, are to be kept to a minimum. The use of hand-held cell phones, or any electronic equipment used for the purposes of texting or emailing, while driving Newton vehicles or while driving on Newton business, is strictly prohibited. Employees required to use the telephone or a cellular phone as part of their job should note the following:

1. Do not rely upon voicemail to accept calls when present.
2. Do not tie up telephone with personal calls.
3. Be certain that someone is always in the office to answer the telephone.
4. Answer promptly.
5. Identify your office and yourself by your first and/or last name.
6. Speak directly and pleasantly on the telephone.
7. Keep call as brief as possible.
8. Hang up the receiver gently.
9. Always be courteous.
10. Make written notes if necessary.
11. Do not send, forward or leave inappropriate communications of any kind (i.e. texts, pictures, picturemails, VoiceSMS, voicemails, tweets, social media postings, etc.).

The Town Manager, at his discretion, may provide cellular phones to municipal employees or volunteers who are deemed to have an appropriate work need for same. The Town shall bear the cost of the hardware and monthly contracts for these cellular phones. The Town Manager may also offer a stipend to municipal employees or volunteers who wish to use their personal cellular phone for municipal purposes. The Town Manager reserves the right to terminate this personal cellular phone stipend at any time without cause. Municipal employees and volunteers who decide to use their personal cellular phone for municipal purposes are responsible for any appropriate legal or tax documentation of same, and must be advised that any communications that occur via said personal devices may be subject to the Open Public Records Act (OPRA).

### **8.16 - Transitional Duty**

(a) It is the purpose of this section to establish the authority for transitional duty assignments and procedures for granting transitional duty. All Town employees not covered by a separate departmental transitional duty policy, or in conflict with a collective bargaining agreement, who are suffering from a medically certified illness, injury, disability, or disability requiring treatment by a licensed health care provider and who, because of injury, illness or disability, are temporarily unable to perform some or all of their regular assignments, but are capable of performing alternate duty assignments, shall be eligible for transitional duty under the provisions of this section.

(b) Transitional duty positions are limited in number and variety. Therefore:

1. Assignments may be changed at any time upon approval of the treating physician if deemed in the best interest of the employee or the Town of Newton.
2. No specific Town of Newton position shall be established for use as a transitional duty assignment, nor shall any existing position be designated or used exclusively for personnel on transitional duty.
3. Employees may not refuse transitional duty assignments that are supported by and consistent with the recommendations of an attending physician or certified health care provider.
4. Transitional duty assignments are strictly temporary and normally should not exceed three (3) months in duration. After three (3) months, personnel on transitional duty who are not capable of returning to their original duty assignments may present to the Town Manager or his designee a request for extension of transitional duty, with supporting documentation from their health care professional, or pursue other options provided by employment provisions of the Town of Newton, or Federal or State law.

(c) Transitional duty assignments may be drawn from a range of areas, inside or outside of the employee's department, that include, but are not limited to, the following:

1. Administrative functions.
2. Clerical functions.
3. Desk assignments.
4. Report taking.
5. Communications.

Decisions regarding transitional duty assignment shall be made based upon the availability of the appropriate assignment and the physical limitations of the employee.

(d) A request for transitional duty assignment shall be submitted to the employee's immediate supervisor. The request must be accompanied by a statement of medical certification to support the requested reassignment which must be signed by the treating physician. This statement of medical certification must include assessment of the nature and probable duration of the disability, the prognosis for recovery, nature of work restrictions, and acknowledgment by the physician of familiarity with the transitional duty assignment and the fact that the employee can physically assume the transitional duties involved.

The request for transitional duty and the physician's statement shall be forwarded to the Town Manager who shall:

1. Direct the Department Head to assign the employee to the proper transitional duty assignments or require the employee to submit to an independent medical examination by a physician. In the event the opinion of the second physician differs from the opinion of the employee's physician, the employee will be bound by the results of the second medical examination, or the employee may request a third opinion, the cost of which shall be paid by the employee. The employee and the Town shall cooperate and act in good faith in selecting the third physician, and both parties shall be bound by that medical decision.
2. An employee who has not requested transitional duty may be recommended for such assignment by submission of a request from the employee's Department Head or the Town Manager. Such request shall be accompanied by an evaluation of the employee conducted by a physician expressing the need for transitional duty. Notice shall be provided to the employee of the proposed transitional duty assignment, together with the justification for the recommendation.

3. The employee may challenge the proposed reassignment using established grievance procedures.
4. Pending the results of the grievance procedure, an employee may be reassigned to transitional duty if, in the opinion of the employee's Department Head or Town Manager, failure to reassign may jeopardize the safety of the employee or the safety of other employees of the Town.
5. As a condition of continued transitional duty, employees shall be required to submit periodic physical assessments of their condition as required by the Town Manager.

### **8.17 - Vehicle Use**

Use of a vehicle is often necessary to perform Town duties. Some employees or volunteers may be assigned a Town vehicle while others use their personal cars and are reimbursed on a mileage use basis. Town-owned vehicles are to be used only on official business and any violation of this may be cause for a disciplinary action unless previously agreed upon via resolution, ordinance, agreement, or contract.

Employees and volunteers who use Town vehicles must remember to set an example of courteous, considerate, and safe driving. Employees and volunteers driving a Town vehicle are not entitled to any special privileges, and each employee and volunteer will be held responsible for any traffic citations received while on duty.

All employees and volunteers in positions in which use of a Town vehicle is expected are required to possess a valid New Jersey driver's license. If the vehicle being operated requires a CDL level license, the employee must possess a valid New Jersey CDL license. The Town also reserves the right to check the driving abstract of any employee who will be driving vehicles covered under the Town's motor vehicle insurance policy.

Employees and volunteers driving personal vehicles for Town business shall be reimbursed in accordance with IRS standard allowance in effect unless otherwise provided for in a separate contractual arrangement with the Town or via resolution or ordinance.

Costs such as tolls, parking, etc., shall be reimbursed conditioned upon the submission of receipts. All reimbursement for driving personal vehicles on Town business must be submitted to the Finance Department on a monthly basis. Failure to submit personal vehicle reimbursement vouchers on a timely basis may jeopardize reimbursement.

Employees and volunteers who use their vehicles for Town business on a regular basis may be authorized a mileage allowance for travel. This allowance may be granted only after the recommendation of the Town Manager and the approval of the Town Council.

### **8.18 - Workplace Violence**

The Town of Newton will not tolerate workplace violence. Violent acts or threats made by an employee or volunteer against another person or property are cause for immediate dismissal and will be fully prosecuted. This includes any violence or threats made on Town property, at Town events or under other circumstances that may negatively affect the Town's ability to conduct business.

Prohibited conduct includes:

- Causing physical injury to another person.
- Making threatening remarks.
- Aggressive, hostile, or bullying behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.
- Intentionally damaging employer property or property of another employee or volunteer.
- Possession of a weapon while on Town property or while on Town business except with the authority of the Police Chief.
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Any potentially dangerous situations must be immediately reported. The Town will actively intervene in any potentially hostile or violent situation.

### **8.19 – Work from Home Policy**

The Town Manager, at his discretion, may afford certain Department Heads, or non-union full or part-time staff, the ability to work from home on routine matters, special projects, or on an as-needed basis.

The ability to work from home is a privilege that cannot be abused and may therefore be terminated, modified, or revoked by the Town Manager at any time without cause.

**ARTICLE IX**  
**SEPARATION FROM EMPLOYMENT**

**9.1 - Job Abandonment**

Employees who fail to report to work or contact their supervisor for two (2) consecutive workdays shall be considered to have abandoned the job without notice effective at the end of their normal shift on the second day. The supervisor shall notify the Town Manager's Office at the expiration of the second workday and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are ineligible to receive accrued benefits and are ineligible for rehire.

**9.2 - Layoff Reduction in Force**

- (a) The Town Manager may layoff an employee for purposes of efficiency or economy, or other valid reason requiring a reduction of the number of employees pursuant to the provisions of N.J.A.C. 4A:8-1.1, et seq.
- (b) No permanent employee shall be laid off until all other employees in the same department who are emergency employees, temporary employees, provisional employees, and those serving their working test period are first separated from employment.
- (c) Whenever possible, such employee shall be demoted, in lieu of layoff, to some lesser office or position.
- (d) Seniority is measured with time employed with the Town of Newton rather than time in title as per N.J.A.C. 4A:8-2.4(a).
- (e) If the work force is increased within 18 months after a layoff, employees will be recalled according to seniority. Notice of recall shall be sent to the employees at their last known address by registered mail.

**9.3 - Retirement**

When planning for a successful retirement an employee should allow enough time to review benefits and options. An employee should inquire about retirement at least six (6) months before the planned retirement date. This allows the Town to plan for the employee's departure as well. A retiring employee with more than ten years of service credit may be eligible for continued life insurance coverage through the Public Employees' Retirement System (PERS).



Retiring employees who qualify due to age and service requirements may be eligible for Medical and/or Dental Retiree Insurance coverage. Eligibility rules and regulations are described in the PERS Handbook available online at [www.state.nj.us/treasury/pensions](http://www.state.nj.us/treasury/pensions).

A retiring employee may also be compensated by the Town for unused vacation and sick time as described in this handbook, or in the appropriate collective bargaining agreement or individual contract.

Town of Newton Medical and Dental Retiree Insurance Coverage:

- Employees hired prior to December 31, 2010 and are not retired on a disability pension must be at least age 50 and have 25 years or more service credit in a retirement system administered in a New Jersey municipality or by the State of New Jersey and have a minimum of 15 years of service with the Town of Newton.
- Employees hired on or after January 1, 2011 and are not retired on a disability pension must be at least age 62 and have 25 years or more service credit in a retirement system administered in a New Jersey municipality or by the State of New Jersey and have a minimum of 15 years of service with the Town of Newton.
- Medical and Dental Retiree Insurance is limited to employee and spouse only. If the employee pre-deceases the spouse, the spouse will continue single coverage until death or re-marriage.

#### **9.4 - Voluntary Resignation**

Employees are required to give at least two (2) weeks written notice of resignation. All resignations will be reviewed by the Town Manager. All employees who fail to adhere to this section are considered to have resigned not in good standing, pursuant to N.J.A.C. 4A:2-6.1 and 6.2., and may forfeit their unused earned vacation time without payment or recourse.

#### **9.5 - Return of Property**

The separating employee must return all Town of Newton property at the time of separation including but not limited to uniforms, cell phones, keys, books, PCs, software, printers, fax machines, and identification cards. Failure to return any item(s) may result in deductions from final paycheck. An employee will be required to sign the Wage Deduction Authorization Agreement to deduct the costs of such items from their final paycheck.

APPENDIX A

TOWN OF NEWTON  
REQUEST FOR LEAVE FORM

DEPARTMENT: \_\_\_\_\_ EMPLOYEE NAME: \_\_\_\_\_

PERMISSION IS HEREBY REQUESTED FOR TIME OFF FOR:

A. \*SICK LEAVE: \_\_\_\_\_ DAYS \_\_\_\_\_ HOURS

B. VACATION LEAVE: \_\_\_\_\_ DAYS \_\_\_\_\_ HOURS

C. PERSONAL LEAVE: \_\_\_\_\_ DAYS \_\_\_\_\_ HOURS

D. COMP TIME LEAVE: \_\_\_\_\_ DAYS \_\_\_\_\_ HOURS

E. OTHER (EXPLAIN): \_\_\_\_\_ DAYS \_\_\_\_\_ HOURS

DATE (S) OF LEAVE

DATES OF LEAVE: \_\_\_\_\_

EMPLOYEE SIGNATURE: \_\_\_\_\_

DEPARTMENT HEAD / SUPERVISOR

OFFICE OF THE TOWN MANAGER

APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_ APPROVED: \_\_\_\_\_ DENIED: \_\_\_\_\_

DATE: \_\_\_\_\_ DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

\*\*\*\*\*

NOTES:

**VACATION REQUESTS:** SHOULD BE RECEIVED BY THE OFFICE OF THE TOWN MANAGER AT LEAST FIVE BUSINESS (5) DAYS PRIOR TO THE START OF VACATION

**SICK LEAVE REQUESTS:** SHOULD BE COMPLETED AND SUBMITTED IMMEDIATELY UPON YOUR RETURN TO WORK. **\*IF THE REASON FOR SICK LEAVE IS A QUALIFYING EVENT UNDER THE FAMILY AND MEDICAL LEAVE ACT, SEE HR COORDINATOR TO COMPLETE REQUIRED FORMS.**

**APPENDIX B**

**TOWN OF NEWTON  
REQUEST FOR FAMILY OR MEDICAL LEAVE**

**Please Print**

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Department: \_\_\_\_\_ Title: \_\_\_\_\_

Status: \_\_\_\_\_ Full Time \_\_\_\_\_ Part Time \_\_\_\_\_ Temporary

Hire Date: \_\_\_\_\_ Length of Service: \_\_\_\_\_

**Have I received any time off for FMLA during the last 12 months?** \_\_\_\_\_ Yes \_\_\_\_\_ No  
If yes, number of days: \_\_\_\_\_

**I request family or medical leave for one or more of the following reasons:**

**A. Because of the birth of my child and in order to care for him or her.**

Expected Date of Birth: \_\_\_\_\_ Actual Date of Birth: \_\_\_\_\_

Leave to Start: \_\_\_\_\_ Expected Return Date: \_\_\_\_\_

**B. Because of the placement of a child with me for adoption or foster care.**

Date of Placement: \_\_\_\_\_

Leave to Start: \_\_\_\_\_ Expected Return Date: \_\_\_\_\_

**C. In order to care for a seriously ill immediate family member, including a civil union partner, who has a serious health condition.**

Describe: \_\_\_\_\_

\_\_\_\_\_

Leave to Start: \_\_\_\_\_ Expected Return Date: \_\_\_\_\_

**D. For a serious health condition that makes me unable to perform my job.**

Describe: \_\_\_\_\_

\_\_\_\_\_

Leave to Start: \_\_\_\_\_ Expected Return Date: \_\_\_\_\_

**APPENDIX B**

\_\_\_\_ Requested intermittent leave schedule (if applicable: subject to Employer's approval.)

\_\_\_\_\_  
\_\_\_\_\_

**I understand and agree to the following provisions:**

- I have worked for my employer at least one year and at least 1,000 hours (for New Jersey leave) and at least 1,250 hours (for Federal leave) in the previous 12 months.
- The period of leave must be supported by a physician's certificate.
- My health benefits will be continued on the same conditions as coverage would have been provided had I been continuously employed during leave.
- I will not accrue vacation, sick or personal days, but will receive seniority credit, during leave.
- If I fail to return to work after the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that would entitle me to Medical Leave or other circumstances beyond my control, and if my Employer requires it, I will be financially responsible for the medical insurance premiums the company paid while I was on leave.
- I am required to use all accrued vacation and personal days during the leave and the use of accrued time will not extend the leave period.
- After exhausting accrued time, I will not be paid for the remainder of the leave.
- If an extension past 12 weeks is necessary, I understand that I must submit medical verification of the need prior to the expiration of the leave and understand that the Town reserves the right to deny my request for extended leave.
- Must contact the HR Coordinator in the event that the status of my leave has changed, i.e. may return earlier or later than expected.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**Leave Approval (To Be Completed by Employer)**

\_\_\_\_ Employee submitted a Physician's Certification for the serious illness of self/dependent.  
\_\_\_\_ Employee has worked for 1 yr. w/ a minimum of 1000 hours over the last 12 consecutive months.

\_\_\_\_ Full day leave: \_\_\_\_\_ Intermittent or reduced day leave: \_\_\_\_\_

Department Head Signature: \_\_\_\_\_ Date: \_\_\_\_\_

HR Coordinator Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Town Manager Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Notes: \_\_\_\_\_

\_\_\_\_\_

APPENDIX C

TOWN OF NEWTON  
REPORT OF PERSONAL INJURY / VEHICLE ACCIDENT

TO BE COMPLETED BY EMPLOYEE / INJURED:

Employee or Non-Employee? \_\_\_\_\_

Name: \_\_\_\_\_ Dept. (If EE): \_\_\_\_\_

Address: \_\_\_\_\_ Birth Date: \_\_\_\_\_

\_\_\_\_\_ Title: \_\_\_\_\_

S. S. #: \_\_\_\_\_ Accident Date: \_\_\_\_\_ Time: \_\_\_\_\_

If Employee, normal work schedule: Days: \_\_\_\_\_ Hours: \_\_\_\_\_

Home Phone # \_\_\_\_\_ Cell Phone # \_\_\_\_\_

ACCIDENT INFORMATION

Location of Accident: \_\_\_\_\_

Was Police Report Made \_\_\_\_\_ Yes \_\_\_\_\_ No If yes, include a copy.

Name of Investigating Officer: \_\_\_\_\_

PERSONAL INJURY

Description of Accident:

1. Circumstances leading up to the accident: \_\_\_\_\_

\_\_\_\_\_

2. Object or Substance, Machine or Tool That Directly Injured Person(s):

\_\_\_\_\_

\_\_\_\_\_

3. Description of Injury and Parts of Body Affected: \_\_\_\_\_

Physician Treated: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Hospital Treated: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

APPENDIX C

Initial Treatment (Check One)

- No Medical Treatment
- Minor: Clinic or Hospital
- Hospitalized greater than 24 hours

- Minor: Treatment by Employer
- Emergency Care
- Future Major Medical/Lost Time Anticipated

Witnesses:

Name: \_\_\_\_\_ Phone No. \_\_\_\_\_

Name: \_\_\_\_\_ Phone No. \_\_\_\_\_

Name: \_\_\_\_\_ Phone No. \_\_\_\_\_

**MOTOR VEHICLE ACCIDENT & INJURY**

Description of Accident: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Description of Damage: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Parties Involved: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Driver's License Number: \_\_\_\_\_ State: \_\_\_\_\_

Insured Vehicle: \_\_\_\_\_ Yes \_\_\_\_\_ No

Vehicle No: \_\_\_\_\_

Make: \_\_\_\_\_ Model: \_\_\_\_\_

Witnesses or Passengers \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**APPENDIX C**

**LOST OR DAMAGED PROPERTY**

**Description of Property:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Owner's Name & Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Description of Damage:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Where Can Damage Be Seen?** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Estimate Report Done:** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No** If yes, please include a copy.

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**APPENDIX D**

**SUPERVISOR'S MOTOR VEHICLE ACCIDENT INVESTIGATION**

Company Name: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Vehicle # \_\_\_\_\_ Mileage: \_\_\_\_\_

Driver: \_\_\_\_\_ Date of Accident: \_\_\_\_\_ Time of Accident: \_\_\_\_\_

Reported to Police: Yes [ ] No [ ] Where: \_\_\_\_\_ Copy Attached? \_\_\_\_\_

Location of Accident (Street, Intersection, Town): \_\_\_\_\_

Accident Type:      Head On [ ]              Sideswipe [ ]              Intersection [ ]              Backing [ ]  
                            Rear End [ ]              Off the Road [ ]              Other: \_\_\_\_\_

Weather/Time Factors -- Snow [ ] Ice [ ] Rain [ ] Darkness [ ] None [ ] Other: \_\_\_\_\_

Accident Description: \_\_\_\_\_

Contributing Vehicle Conditions (worn tires, brakes, inoperable lights, signals, etc.): \_\_\_\_\_

Contributing Road Conditions (unpaved, poorly lighted, etc.): \_\_\_\_\_

Other Contributing Factors (Either driver -- following too close, passing or turning improperly, excessive speed):

Corrective Measures (either already taken or will be/should be taken): \_\_\_\_\_

Preventable? (In your opinion, did the driver exercise every reasonable precaution to prevent the accident) -- Yes [ ] No [ ]

Other (Comments): \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Department Head Comments: \_\_\_\_\_

Department Head Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Dear Town of Newton Employee,

Under the "Conscientious Employee Protection Act (CEPA)," you have the right to complain about any activity, policy or practice that you reasonably believe is in violation of a law, rule, or regulation promulgated pursuant to law without fear of retaliation or reprisal. All complaints will be taken seriously and promptly investigated.

You also have the right to:

- Disclose to a supervisor, Department Head, the Town Manager, the Town Attorney, other official or to a public body, as defined in the Employment Protection Act (N.J.S.A. 34:19-1 et seq.) an activity, policy, or practice that you reasonably believe is in violation of a law, a rule, or regulation promulgated Pursuant to law; or
- Provide information to, or testify before, any public body conducting an investigation, hearing, or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law; or
- Provide information involving deception of, or misrepresentation to, any employee, former employee, retiree or pensioner of the Town; or
- Provide information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which you reasonably believe may defraud any employee, former employee, retiree or pensioner of the Town; or
- Object to or refuse to participate in any activity, policy, or practice that you reasonably believe is a violation of a law, rule or regulation promulgated pursuant to law; is fraudulent or criminal; or is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment.

You must bring the violation to the attention of the Town. However, disclosure is not required where (1) you are reasonably certain the violation is known to one or more officials; (2) where you reasonably fear bodily harm; or (3) the situation is emergent in nature. To the maximum extent feasible, the confidentiality of all such complaints will be maintained on a need-to-know basis. However, investigation of such complaints may require disclosure to the accused party and other witnesses in order to gather pertinent facts. Under the law, you must give the Town a reasonable opportunity to correct the activity, policy or practice.

I hereby acknowledge that I received, read and understood this letter.

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

The original signed copy of this letter must be filed in the employee's personnel folder

## APPENDIX E

Estimado Empleado del Municipio de Newton,

Bajo "el Acta de Protección al Empleado Conciencioso (APEC)," usted tiene el derecho a quejarse de cualquier actividad, práctica o política que usted crea razonablemente esté en violación de una ley, regla, o regulación promulgada de acuerdo a la ley, sin miedo a venganza o represalia. Toda queja será tomada en serio y prontamente investigada. Usted también tiene el derecho a:

- revelar a un supervisor, Jefe de Departamento, Gerente del Municipio, Abogado del Municipio, u otro funcionario o ente público, de acuerdo a la definición en el Acta de Protección al Empleado (N.J.S.A. 34:19-1 y seq.), cualquier actividad, práctica o política que usted razonablemente crea está en violación de una ley, regla o regulación promulgada de acuerdo a la ley;
- proporcionar información, o a declarar ante cualquier ente público envuelto en una investigación, audiencia, o inquisición de cualquier violación de ley, regla o regulación promulgada de acuerdo a la ley;
- proporcionar información que implique engaño, o falsificación a cualquier empleado, antiguo empleado, jubilado o pensionado del Municipio;
- proporcionar información relacionada con cualquier actividad, práctica o política criminal o fraudulenta, percibida como engaño o falsificación, que pueda defraudar a cualquier empleado, antiguo empleado, jubilado o pensionado del Municipio;
- oponerse o rehuse a participar en cualquier actividad, práctica o política que esté en contra de una ley, regla o regulación promulgada de acuerdo a la ley; que usted perciba como fraudulenta o criminal, o sea incompatible con un claro encomendado de la política pública en relación a la salud pública, seguridad, bienestar, o protección del ambiente.

Usted debe hacer llegar dicha violación a la atención del Municipio. Sin embargo, no es necesario que la identidad del informante sea revelada mientras (1) usted tenga la certeza de que uno o mas funcionarios tienen conocimiento de dicha violación; (2) usted tema la posibilidad de daños corporales; (3) la situación sea emergente en naturaleza. A menos de que sea totalmente necesario, la confidencialidad de todas tales quejas no será divulgada. Sin embargo, la investigación de tales quejas puede requerir que la identidad del informante sea revelada al acusado y a otros testigos, a fin de recopilar los hechos pertinentes. Conforme a la ley, usted debe darle al Municipio la oportunidad de corregir dicha actividad, práctica o política.

Por este medio reconozco que he recibido, leído y entendido esta carta.

Nombre: \_\_\_\_\_

Fecha: \_\_\_\_\_

Firma: \_\_\_\_\_

La copia original firmada de esta carta debe ser archivada en la carpeta de personal del empleado.

**APPENDIX E**

**TOWN OF NEWTON EMPLOYEE COMPLAINT FORM**

(Attach additional sheets if necessary)

**Date:** \_\_\_\_\_

**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:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**APPENDIX E**

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

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**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.**

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**What is your requested remedy for this complaint?**

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**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 offenses. 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: \_\_\_\_\_

**APPENDIX F**

**TOWN OF NEWTON SEXUAL HARASSMENT COMPLAINT FORM**

(Attach additional sheets if necessary)

Date: \_\_\_\_\_

NAME: \_\_\_\_\_ DEPARTMENT: \_\_\_\_\_

TITLE: \_\_\_\_\_ SUPERVISOR: \_\_\_\_\_

Individuals who allegedly committed the acts being complained of:

---

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Describe the nature and dates of the acts allegedly committed by each individual (include where the alleged acts occurred, date/time of incident(s), etc.):

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Identify all persons with knowledge of the complained conduct:

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

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**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 offenses. 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: \_\_\_\_\_

# TOWN OF NEWTON, NJ EMPLOYEE PERFORMANCE EVALUATION



The goal of the municipal organization is to enhance the quality of life for our residents through the delivery of exceptional services. The success of the organization is contingent upon not just the quantity but quality of work, initiative, reliability, job knowledge, self-discipline, communication skills and leadership of all municipal staff members.

Communication, both upward and downward, is essential to an effective evaluation program. Once annually, Department Heads are required to counsel staff members as to what is expected of them and to discuss job responsibilities which are necessary to meet both department objectives and the Town's mission.

Results of this review will have no effect on current salary or future contractual obligations. However, results may be considered when future advancement opportunities arise for various employees.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Department

\_\_\_\_\_  
Date

Evaluation Period \_\_\_\_\_  
From

\_\_\_\_\_ To

## APPENDIX G

### Rating

- 5 **OUTSTANDING** - Performance exceeded the position requirements in all key areas evaluated and was characterized by major, outstanding achievement seldom accomplished within the organization.
- 4 **EXCEEDS EXPECTATIONS** - Performance exceeded the position requirements in most key areas evaluated and was characterized by significant achievements not typically accomplished by most employees within the organization
- 3 **MEETS EXPECTATIONS** - Performance met the position requirements in the key areas evaluated and may have exceeded requirements in some areas
- 2 **BELOW EXPECTATIONS** - Performance met some, but not all, of the position requirements in the key areas evaluated. Additional coaching or more frequent reviews of performance may be required.
- 1 **UNSATISFACTORY** - Performance is not meeting requirements in the key areas evaluated. Significant short-term improvement is required for continued employment in the current position with the understanding that additional coaching, including the use of a formal performance improvement program, will be necessary

#### 1. **JOB KNOWLEDGE:**

**Factors to be considered include work skills, judgment, attention to detail, meeting deadlines, actual output and production, ability to multi-task and efficient use of time.**

Rating: \_\_\_\_\_

Dept. Head Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

#### 2. **FISCAL RESPONSIBILITY:**

**Factors to be considered include ability to work within a budget, ability to get the best possible value from allocated funds, ability to find funding for special projects and general attitude toward use of public funds.**

Rating: \_\_\_\_\_

Dept. Head Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

## APPENDIX G

### 3. COMMUNICATION:

Factors to be considered should include employee's ability to express him/herself in a clear, concise, professional manner, appropriate for his/her position, either orally or in written format. This also includes the employee's ability to avoid communication that has an adverse effect on general morale, professionalism and productivity.

Rating: \_\_\_\_\_

Dept. Head Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

### 4. PRODUCTIVITY:

Factors to be considered should include how an employee sets and achieves high standards of performance, maximizing use of technology, has minimal errors in his/her work product, and understands and executes policies and procedures within job scope.

Rating: \_\_\_\_\_

Dept. Head Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

### 5. TEAMWORK:

Factors to be considered should include employee's ability to demonstrate flexibility by adapting to changing situations while keeping the interests of Newton a priority; working collaboratively with others in the organization as well as with professionals, business owners and town volunteers; willingness to assist other departments when necessary.

Rating: \_\_\_\_\_

Dept. Head Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



6. **DEPENDABILITY:**

Factors to be considered should include employee's willingness to consistently put forth sufficient effort to produce quality work, and the performance of duties with a minimum of supervision. Also includes the employee's attendance, punctuality and promptness at meetings and meeting deadlines.

Rating: \_\_\_\_\_

Dept. Head Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. **INTEGRITY:**

Factors to be considered should include employee's willingness to give complete, truthful answers to questions, take responsibility for his/her actions, standing by his/her word, and being genuinely forthright in all actions and statements.

Rating: \_\_\_\_\_

Dept. Head Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

8. **LEADERSHIP:**

Factors to be considered should include how the employee treats, supports, develops, trains and sets an example for subordinates and peers. Also should include how an employee steps up in the absence of a supervisor or designated leader.

Rating: \_\_\_\_\_

Dept. Head Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

APPENDIX G

9. CREATIVITY:

Factors to be considered are employee's willingness and ability to seek out and find new and innovative methods for solving problems in his/her position including but not limited to shared services, technological improvements and process efficiencies.

Rating: \_\_\_\_\_

Dept. Head Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

10. CUSTOMER SERVICE:

Factors to be considered should include employee's ability to deal with the public in a "customer oriented manner" and portray Newton in a positive light. Also should reflect recognition of a sincere interest in the community by a high level of effort put forth into community activities. Also should include availability to public via in-person, phone or email interaction.

Rating: \_\_\_\_\_

Dept. Head Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

EMPLOYEE COMMENTS: \_\_\_\_\_

\_\_\_\_\_

Total Ratings Points for Categories 1 - 10: \_\_\_\_\_

Total Ratings Points Divided by the Number of Rated Categories: \_\_\_\_\_

\*\*\*\*\*

*Employee's signature does not constitute agreement with the aforementioned ratings, but rather an acknowledgment that the review has been discussed with the Employee.*

Employee's Name Signature Date

Reviewer's Name Signature Date

TOWN MANAGER'S SIGNATURE Date