



TOWN OF NEWTON

**PERSONNEL POLICIES AND
PROCEDURES MANUAL
AND
EMPLOYEE HANDBOOK**

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December 2024

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:

- **THIS HANDBOOK IS NOT A CONTRACT OF EMPLOYMENT, EITHER EXPRESSED OR IMPLIED. THERE IS NO FIXED DURATION TO THE EMPLOYMENT RELATIONSHIP AND EMPLOYMENT IS AT-WILL.**
- 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 Resources levels. My door is always open.



Thomas S. Russo, Jr., MPA, CPM, Harvard PLC
Town Manager

ACKNOWLEDGEMENT

I acknowledge, by my signature below, that I have received 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 agree to comply with the policies and procedures of the Town as set forth in this Handbook, as it may be revised.

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.

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, or elimination of the rules, policies, and procedures contained in this Handbook may be made by the Town at any time and for any reason, without notice, 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.

Employee's Printed Name

Employee's Signature

Date

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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 based upon recommendations of the Town Manager and Town Attorney and made in the best interest of all concerned. Changes to the policies in this handbook will be forwarded to all upon adoption by the Council. The administration of these policies is the responsibility of the Town Manager and Department Heads.

THIS HANDBOOK IS NOT A CONTRACT OF EMPLOYMENT, EITHER EXPRESSED OR IMPLIED. THERE IS NO FIXED DURATION OF EMPLOYMENT, AND EMPLOYMENT IS AT-WILL. THE POLICIES AND PROCEDURES IN THIS HANDBOOK ARE DESIGNED TO SERVE AS GUIDELINES. THEY ARE NOT INTENDED TO CREATE ANY CONTRACT OR BINDING AGREEMENT WITH RESPECT TO ANY EMPLOYMENT-RELATED BENEFIT OR PROCEDURE.

The Town may, from time to time, at its sole discretion, change, supplement, or revise the Handbook, or the benefits, policies, procedures, and other information contained therein, without prior notice. No oral statement by an employee or official of the Town shall be construed as giving rise to or creating a contract of employment. No oral statement shall be construed as an alteration or modification of the context of the Handbook.

To the maximum extent permitted by law, Town employment is “employment at will.” Unless otherwise provided by applicable Federal and State law, by individual employment contract, or by an applicable collective negotiations agreement, the Town or the employee can terminate employment at any time and for any reason, with or without notice, and with or without cause.

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 make the best possible use of employees' skill and abilities.
- c) To consider qualified Town employees first when there is an opportunity for advancement, in accordance with New Jersey Civil Service Commission policies.
- d) To treat every employee with respect and consideration.

- e) 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, Accountability, Leadership, Creativity, and Customer Service, while conducting themselves appropriately and treating others with courtesy and respect.

- f) 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 and wear clothing of proper fit appropriate relative to the work they perform. Uniforms are required for certain jobs and positions and are to be worn in accordance with applicable departmental standards. All other employees are required to dress in a manner that is normally acceptable in establishments providing comparable services and consistent with applicable safety standards. Employees shall not wear jeans, athletic clothing, shorts, sandals, flip-flops, T-shirts, novelty buttons, baseball hats, or similar items of casual attire that do not present a businesslike appearance, without advance approval from the Town Manager. The Town will make reasonable religious accommodations that do not violate safety standards. Administrative staff is expected to present a professional image to Town residents, visitors, customers, or the general public including the proper appearance and maintenance of work areas.

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 at all times.

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 including the New Jersey Local Government Ethics Act.

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 per the discretion of the Department Head and Town Manager. The municipal offices at Town Hall are typically open from 8:30am to 4:30pm, Monday through Friday (for staff), and from 9:00am to 4:00pm, Monday through Friday (for the general public).
- (b) Starting and stopping times and days of work may be modified solely at the discretion of the Town Manager.
- (c) 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. Lunch hours should occur for staff somewhere between 11:00am and 2:00pm to ensure continuity of municipal operations.
- (d) Summer hours may be implemented solely at the Town Manager's discretion with notification by the Town Manager to the Town Council.

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 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 the discussion occur in open session. Said notification and discussion shall follow all appropriate State and Civil Service guidelines.

In the event more than one person is affected by the discussion and one of the affected persons does not request the discussion be in open session, then the discussion shall be in closed session. If the individual(s) does not request 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 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 90-day and/or 180-day basis until performance has reached an acceptable level. Nothing herein guarantees any terms of employment or alters the at-will status of employees.

1.8 - Town Property

Town employees and volunteers are responsible for the safekeeping of all Town property and equipment placed in their custody. Employees/volunteers will be held accountable for lost or damaged equipment or property when failure to exercise reasonable care results in unnecessary loss or damage. An employee or volunteer may be held personally and financially responsible for reimbursing the Town and/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/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 Policy/New Jersey Pregnant Worker's Fairness Act

In compliance with the Americans with Disabilities Act, (ADA) and the New Jersey Law Against Discrimination (LAD), the Town does not discriminate against any employee or job applicant with respect to any terms, conditions, or privileges of employment based on disability, pregnancy, pregnancy related medical condition, or childbirth ("Disabilities").

The Town will make reasonable accommodations to all employees and applicants with disabilities, provided the individual is otherwise qualified to safely perform the essential functions of the job; the accommodation does not impose an undue hardship on the Town; and the accommodation will be effective in allowing the employee to safely perform the essential job functions.

The Town Manager and/or his designee shall engage in an interactive dialogue with a Disabled employee or prospective employee to identify reasonable accommodations.

All decisions with regard to reasonable accommodation shall be made by the Town Manager and/or his designee. The Town does not offer permanent "light duty" to reallocate essential job functions, or provide personal items such as eyeglasses, hearing aids, wheelchairs, etc.

Employees should also offer assistance, to the extent possible, to any member of the public who requests or needs an accommodation when visiting Town facilities. Any questions concerning proper assistance should be directed to the Town Manager and/or his designee.

2.2 Contagious or Life Threatening Illnesses Policy

This policy provides guidance for dealing with work situations involving employees who have contracted communicable illnesses such as, by way of example:

- Measles;
- Influenza;
- Viral Hepatitis-A (infectious hepatitis);
- Viral hepatitis-B (serum hepatitis);
- Shingles;
- Human Immunodeficiency Virus (HIV infection);
- AIDS;

- AIDS-Related Complex (ARC);
- Severe Acute Respiratory Syndrome (SARS);
- Tuberculosis;
- COVID-19

This policy does not replace, and it is to be read in conjunction with Town policies on sick leave, family and medical leave, disabilities, and attendance.

The Town will not discriminate against any employee solely because employee has contracted a communicable illness. The Town shall make reasonable accommodations to known physical and mental limitations of all employees, provided the individual is otherwise qualified to safely perform the essential functions of the job and also provided the accommodation does not impose an unreasonable hardship on the Town.

However, all employees, including those suffering from communicable illnesses, are expected to be able to perform the essential functions of their jobs (with or without reasonable accommodation where such is required by law) without posing a direct threat to the health and safety of themselves or others.

The Town recognizes its obligation to provide a safe and healthy work environment for all employees. Therefore, the Town will obtain appropriate medical direction, when necessary, to ensure an employee's communicable condition does not pose a significant risk of substantial harm to him/herself or to other employees.

Employees are required to notify the Town at the earliest possible time if he/she believes he/she has an illness that is medically recognized as being readily contagious and/or which poses a health hazard to other employees or to the public at large.

The Town will make reasonable decisions involving persons who have communicable illnesses based on current and well-informed, competent medical advice and opinion concerning the illness in question, the risks of transmitting the illness to others, the employee's symptoms, work and medical histories, and a careful weighing of the identified risks and the available options for minimizing them. In appropriate cases, the employee may be instructed not to report to work until medical clearance to return to duty is received.

In cases of a public health emergency declared by the federal, state, or local government, the Town shall comply with all applicable emergency orders and directives in accordance with applicable law. Guidance and instruction shall be provided to employees as warranted under the circumstances. The Town also reserves the right to adopt specific policies to deal with pandemic/epidemic conditions or other public health emergencies.

The Town Manager has been designated as the Town's contact person regarding this policy.

2.3 - Anti-Harassment and Anti-Discrimination Policy

The Town of Newton is committed to providing a work environment free of discrimination. The Town will not tolerate harassment of or by Town employees or volunteers towards anyone, including any supervisor, co-worker, or non-employee, including vendors and citizens.

Applicability

This policy applies to all people employed by the Town of Newton, members of the Governing Body, appointed officials, and volunteers working on behalf of the Town, and prohibits such conduct by or towards all such officials, employees, and volunteers.

Independent contractors, vendors, consultants, and all other parties engaged in a professional business relationship with the Town are also expected to abide by this policy. In addition, no Town employee or volunteer shall be required to withstand behavior from the public in the course of their employment which violates this policy.

Purpose

The policy is designed to ensure all employees and volunteers of the Town a work environment free from any type of discrimination based upon a protected status, including freedom from sexual harassment. The purpose of this policy is to inform employees that harassment based upon a protected status is prohibited, to educate employees and volunteers about harassment based upon a protected status, and to provide employees and volunteers with a procedure to bring complaints to management's attention.

Provisions

All Town employees, volunteers, and officers are expected to avoid any behavior or conduct of a harassing or discriminatory nature. The Town prohibits any form of harassment or discrimination related to an employee's or volunteer's actual or perceived protected group status, including race (inclusive of traits historically associated with race, including but not limited to hair texture and type), creed, color, national origin, ancestry, religion, age, marital status, civil union status, domestic partnership status, affectional or sexual orientation, genetic information, sex, gender identity or expression, disability (including perceived disability, physical, mental and/or intellectual disabilities, AIDS, or HIV infection), political affiliation (to the extent protected by law), atypical hereditary cellular or blood trait, or because of the liability for service in the Armed Forces of the United States, veteran status, citizenship status, pregnancy, or any other group protected by law. Harassment includes, but is not limited to:

1. Treating an individual less favorably based on a person's protected group status;
2. Using derogatory or demeaning slurs to refer to a person's protected group status;
3. Calling another by an unwanted nickname which refers to one or more protected group statuses, or telling ethnic jokes that harass an employee or volunteer or create a hostile work environment;
4. Using derogatory references regarding a protected group status in any job-related communication;
5. Engaging in threatening, intimidating, or hostile acts in the workplace, based on a protected group status; or
6. Displaying or distributing material in the workplace that contains language or derogatory or demeaning images, based on any protected group status.

Any form of harassment or discrimination related to an employee's or volunteer's protected group status violates this policy. This policy applies to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, recall, termination, compensation, fringe benefits, working conditions, and career development. Violations of this policy will result in appropriate disciplinary action up to and including termination of employment or volunteer status.

(1) Employees are expected to maintain a productive work environment free from harassing or disruptive activity.

(2) Each supervisor and manager has a responsibility to keep the workplace free of any form of harassment, including sexual harassment (see Sexual Harassment Policy). No supervisor, manager, or Town officer 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 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 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 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 or a member of the Governing Body, 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 an impartial and confidential manner. 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.

(7) The steps set forth in Section 2.5 (Harassment and Sexual Harassment Complaint Procedure) should be followed in order to report a harassment complaint pursuant to this Section.

2.4 - Sexual Harassment Policy

The Town prohibits sexual harassment of an employee by another employee, Town official (including elected officials), any supplier, volunteer, business invitee, or any other person, including non-employees in the workplace or at any location at which and during which a Town sponsored activity takes place. Sexual harassment of non-employees by our employees is also prohibited and to be prevented.

Unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or visual conduct are expressly prohibited.

Other prohibited conduct includes but is not limited to: offering employment benefits in exchange for sexual favors; visual conduct (leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters); verbal sexual advances, propositions or requests; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexual epithets, derogatory jokes; gossip regarding one's sex life; unwelcome flirtations, whistling, brushing up against the body, touching, punching, blocking normal movement; sexually degrading words used to describe an individual; suggestive or obscene letters, caricatures, or representations of persons using electronically or physically altered photos, drawings, or images; notes or invitations; and/or, physical conduct (touching, assault, impeding, or blocking normal movement).

If an employee is witness to or believes the employee has experienced conduct prohibited by this policy, they must immediately notify their supervisor or other appropriate person. See the Employee Complaint Policy. Notification to appropriate personnel of any prohibited conduct is essential to the success of this policy. The Town cannot resolve an issue unless it is reported. Therefore, it is the responsibility of all employees to bring prohibited conduct to the attention of management so necessary steps are taken to correct them.

Violation of this sexual harassment policy will subject employees to disciplinary action, up to and including immediate discharge.

2.5 – Harassment and Sexual Harassment Complaint Procedure

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.

The following steps should be followed to report a Harassment Complaint or Sexual Harassment Complaint as set forth in Sections 2.3 and 2.4:

1. Notification to Department Head, Human Resources Director, Town Manager, or Chief of Police. An individual who believes he or she has been subject to harassment as defined in Sections 2.3 or 2.4 should report the incident to any one of these management representatives or to a Department Head or member of Administration with whom the individual feels comfortable. The employee should complete and submit a Complaint Form (see Appendix G), and oral complaints shall also be fully investigated.
2. Confidentiality. The Town will attempt to conduct the investigation into the complaint in a confidential manner to ensure the privacy of the persons involved. Both the accuser and accused individuals are reminded of the confidential nature of the process; however, no guarantee of secrecy can be made.
3. Description of Misconduct. An accurate record of objectionable behavior is necessary to resolve a formal complaint of sexual harassment.
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 harassment as defined in Sections 2.3 or 2.4, every effort should be made to file a complaint or report an incident as soon as possible, preferably within 48 hours after any incident occurs. By doing so, 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 harassment pursuant to Sections 2.3 or 2.4, 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 an incident of harassment, or against anyone participating in the investigation of a complaint, will be subject to appropriate disciplinary procedures.

Investigation Of The Complaint

Identification of Investigators. Complaints will be initially investigated by the Town Manager or his designee.

Investigation Process. The Town will conduct an investigation into the harassment complaint to determine the merits of the allegations. The investigation shall be completed in an amount of time reasonable to resolve the issue and minimize the effects of such investigation on the parties involved. 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 general findings and intended actions to the reporting individual and alleged harasser.

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

Individuals found to have engaged in misconduct constituting harassment as it is defined in this policy shall be disciplined.

If an investigation results in a finding that the reporting individual falsely and maliciously accused another of harassment, the reporting individual will be subject to appropriate actions, up to and including termination. Good faith complaints will not constitute a false and malicious accusation, even if they are eventually found unsubstantiated.

Any allegation of harassment brought to the attention of the Town involving the Town Manager will be investigated by the Town Attorney and/or Labor Attorney, with the findings to be reported directly to the Town Council 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.

Legal Effect

This Policy Prohibiting Harassment is to be construed as a unilateral expression of the policy of the Town of Newton concerning harassment in the workplace. It is not intended to create any contractual rights or duties and any such intention or effect is disclaimed. This policy may be amended, supplemented, modified, and/or revised at any time.

Any employee or volunteer with questions regarding the Town's Policy Prohibiting Harassment should contact the Town Manager.

2.6 - Conflict of Interest Policy

The Town recognizes employees' right to engage in private outside activities which are unrelated to Town business. Employees are allowed to hold outside employment as long as it does not interfere with their Town responsibilities. 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 disclosure form.

The Town Clerk 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 or Town official is in a position to influence a Town decision that may result in a personal gain for the employee or Town official or relative. 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 to obtain clarification.

Employees are prohibited from engaging in outside employment activities while on the job or using Town/employment time, supplies or equipment for their outside employment. Any employees, or their relatives, who hold an interest in, or are employed by, any business doing business with the Town must submit a written notice of these outside interests to the Town Manager. The Town Manager must be advised of employment with another public agency. Further, any outside employment may not constitute a conflict of interest.

Employees may not accept donations, gratuities, contributions, or gifts that could be interpreted to affect their Town duties. Under no circumstances may an employee or Town official accept donations, gratuities, contributions, or gifts from a vendor doing business with or seeking to do business with the Town or any person or firm seeking to influence Town decisions. Employees are required to report any offer of a donation, gratuity, contribution, or gift including meals and entertainment that is in violation of this policy.

Employees shall not represent private interests before the Town Council or any Town board, commission, or agency. Employees shall not represent any private interest in any action or proceeding against the interests of the Town in any litigation to which the Town is a party.

This Policy shall be applied in a manner consistent with the New Jersey Local Government Ethics Act. In case of conflict, the provision of the New Jersey Local Government Ethics Act shall control.

2.7 - 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 (1) 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, employee, or volunteer, 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.

- (g) 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 the campaign contribution, if accepted, was given with the intent to influence the local government officer in the discharge of his duties;
- (h) 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;
- (i) 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;
- (j) 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;
- (k) 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
- (l) 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.

The foregoing shall not affect the right of a part-time municipal employee from working part-time for another governmental entity.

2.8 - 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.

2.9 - Confidentiality

Some of the business conducted by the Town, such as the awarding of contracts, acceptance of bids, etc. is proprietary and/or confidential in nature. It is therefore essential that Town employees do not discuss in public what happens during the workday or discuss Town business with non-employees. Town employees are prohibited from disclosing any confidential and/or proprietary information, unless required by law. 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.

2.10 - Equal Employment Opportunity Policy

The Town is committed to the principle of equal employment opportunity and anti-discrimination pursuant to Title VII of the 1964 Civil Rights Act and the New Jersey Law Against Discrimination. Under no circumstances will the Town discriminate on the basis of sex, race, creed, color, religion, national origin, ancestry, age, marital or political status, affectional or sexual orientation, domestic partnership status, civil union status, atypical heredity, cellular or blood trait, genetic information, disability (including AIDS or HIV infection), pregnancy (including pregnancy related medical condition), childbirth, breastfeeding, liability for service in the United States armed forces, gender identity or expression, and/or any other characteristic protected by law. The Town is also committed to providing equal pay as required by the federal Equal Pay Act and the Diane B. Allen Equal Pay Act. Decisions regarding the hiring, promotion, transfer, demotion, or termination are based solely on the qualifications and performance of the employee or prospective employee. If any employee or prospective employee feels they have been treated unfairly, they have the right to address their concern with their supervisor, or if they prefer their Department Head.

- (a) Age or sex shall be a factor for employment only where there are *bona fide* occupational qualifications.

(b) In compliance with the Americans with Disabilities Act, the New Jersey Pregnant Worker's Fairness Act and the New Jersey Law Against Discrimination, the Town does not discriminate based on disability, pregnancy, pregnancy related medical condition, or childbirth. 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.

The Town complies with all relevant and applicable provisions of the Americans with Disabilities Act and the New Jersey Law Against Discrimination. It 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 or perceived Disability.

It will also make reasonable accommodations to known physical or mental limitations of all employees and applicants with disabilities, provided the individual is otherwise qualified to safely perform the essential functions of the job and also provided the accommodation does not impose undue hardship on the Town.

When a request for a reasonable accommodation is made, the Town Manager or his designee shall initiate an interactive dialogue with disabled/pregnant employees and prospective disabled/pregnant employees to identify reasonable accommodations. In the case of an employee breastfeeding her infant child, the accommodation shall include reasonable break time each day to the employee and a suitable room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child. 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.

(c) 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.

- (d) The Town Manager or his designee will be the Town's Affirmative Action Public Agency Compliance Officer and Equal Employment Opportunity Officer (PACO/EEO 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.
- (e) It is the responsibility of the PACO/EEO 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/EEO Officer.
- (f) Required Federal and State notices shall be posted, as appropriate, in the following municipal locations: Municipal Building 2nd Floor lunchroom, Police Department, Department of Public Works Garage, Morris Lake Filtration Plant, Wastewater Treatment Facility, Firehouse 1, Firehouse 2, Fire Museum, Town Pool, and any other municipally-owned facility as needed.
- (g) The Town does not exclude people from employment or take any employment actions based upon any individual's criminal history, unless job-related and consistent with business necessity.

2.11 - "Whistle Blower" Policy (CEPA)

If any employee believes a Town action violates State or Federal law, the employee should 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 Resources Director or Town Manager.

The Town complies with the requirements of the New Jersey Conscientious Employee Protection Act ("CEPA"). Employees have the right 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 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 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.

Adverse Conduct or retaliation against employees who report unwelcome conduct to the Town or who cooperate in an investigation will not be tolerated. Adverse Conduct includes but is not limited to:

- any action that would discourage the employee from reporting harassment (including sexual harassment) or retaliation;
- shunning and avoiding an individual who reports harassment (including sexual harassment) or retaliation;
- express or implied threats or intimidation to prevent an individual from reporting harassment (including sexual harassment) or retaliation; and denying employment benefits because an applicant or employee report or encouraged another employee to report harassment (including sexual harassment) or retaliation or participated in the reporting and investigation process described below.

Any employee who has been subjected to retaliation, should report it in the same manner in which the employee would report a claim of perceived harassment under this policy.

Employees 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 (Appendix F), 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.

The Town of Newton has designated the Town Manager as the individual responsible to receive complaints and answer your questions or provide additional information regarding your rights and responsibilities under this Act.

2.12 – Domestic Violence Action Policy

This Domestic Violence Action Policy establishes procedures to identify, respond to, and correct employee performance issues that are caused by domestic violence. The purpose of this policy is also to encourage employees who are victims of domestic violence, and those impacted by domestic violence, to seek assistance from their human resources officers and provide a standard for human resources officers to follow when responding to employees.

Definitions

1) Domestic Violence - Acts or threatened acts, which are used by a perpetrator to gain power and control over a current or former spouse, family member, household member, intimate partner, someone the perpetrator dated, or person with whom the perpetrator shares a child in common or anticipates having a child in common if one of the parties is pregnant. Domestic violence includes but is not limited to the following: physical violence; injury; intimidation; sexual violence or abuse; emotional and/or psychological intimidation; verbal abuse; threats; harassment; cyber harassment; stalking; economic abuse or control; damaging property to intimidate or attempt to control the behavior of a

person in a relationship with the perpetrator; strangulation; or abuse of animals or pets.

2) Abuser /Perpetrator - An individual who commits or threatens to commit an act of domestic violence, including unwarranted violence against individuals and animals. Other abusive behaviors and forms of violence can include the following: bullying, humiliating, isolating, intimidating, harassing, stalking, or threatening the victim, disturbing someone's peace, or destroying someone's property.

3) Human Resources Officer (HRO) - An employee of a public employer with a human resources job title, or its equivalent, who is responsible for orienting, training, counseling, and appraising staff. Persons designated by the employer as the primary or secondary contact to assist employees in reporting domestic violence incidents.

4) Intimate Partner - Partners of any sexual orientation or preference who have been legally married or formerly married to one another, have a child or children in common, or anticipate having a child in common if one party is pregnant. Intimate partner also includes those who live together or have lived together, as well as persons who are dating or have dated in the past.

5) Temporary Restraining Order (TRO) - A civil court order issued by a judge to protect the life, health, or well-being of a victim. TROs can prohibit domestic violence offenders from having contact with victims, either in person or through any means of communication, including third parties. TROs also can prohibit offenders from a victim's home and workplace. A violation of a TRO may be a criminal offense. A TRO will last approximately 10 business days, or until a court holds a hearing to determine if a Final Restraining Order (FRO) is needed. In New Jersey, there is no expiration of a FRO.

6) Victim - A person who is 18 years of age or older or who is an emancipated minor and who has been subjected to domestic violence by a spouse, former spouse, or any other person who is a present household member or was at any time a household member. A victim of domestic violence is also any person, regardless of age, who has been subjected to domestic violence by one of the following actors: a person with whom the victim has a child in common; a person with whom the victim anticipates having a child in common, if one of the parties is pregnant; and a person with whom the victim has had a dating relationship.

7) Workplace-Related Incidents - Incidents of domestic violence, sexual violence, dating violence, and stalking, including acts, attempted acts, or threatened acts by or against employees, the families of employees, and/or their property, which imperil the safety, well-being, or productivity of any person associated with a public employee in the State of New Jersey, regardless of whether the act occurred in or outside the organization's physical workplace. An employee is considered to be in the workplace while in or using the resources of the employer. This includes, but is not limited to, facilities, work sites, equipment, vehicles, or while on work-related travel.

Persons Covered By This Policy

All employees are covered under this policy. Casual/seasonal employees, interns, volunteers, and temporary employees of any public employer at any workplace location are also covered under this policy.

Designated Human Resources Officer

The Town has designated the Human Resources Director as the HRO for the Town. The Town Manager is designated as the secondary HRO in the event the HRO is not available.

Managers and supervisors are often aware of circumstances involving an employee who is experiencing domestic violence. Managers and supervisors are required to refer any employee who is experiencing domestic violence or who report witnessing domestic violence to the designated HRO. Managers and supervisors must maintain confidentiality, to the extent possible, and be sensitive, compassionate, and respectful to the needs of persons who are victims of domestic violence.

This policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report. For example, if there is any indication a child may also be a victim, reporting is mandatory to the Department of Children and Families, Child Protection and Permanency, under N.J.S.A. 9:6-8.13.

Domestic Violence Reporting Procedures

Employees who are victims of domestic violence are encouraged to seek immediate assistance from their HRO. Employees who have information about or witness an act of domestic violence against an employee, are encouraged to report that information to the designated HRO, unless the employee is required to report the domestic violence pursuant to applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General

directives and guidelines that impose a duty to report, in which case the employee must so report to the appropriate authority in addition to reporting to the designated HRO. Nothing in this policy shall preclude an employee from contacting 9-1-1 in emergency situations. Indeed, HROs shall remind employees to contact 9-1-1 if they feel they are in immediate danger.

Each designated HRO shall:

- A. Immediately respond to an employee upon request and provide a safe and confidential location to allow the employee to discuss the circumstances surrounding the domestic violence incident and the request for assistance.
- B. Determine whether there is an imminent and emergent need to contact 911 and/or local law enforcement.
- C. Provide the employee with resource information and a confidential telephone line to make necessary calls for services for emergent intervention and supportive services, when appropriate. The HRO or the employee can contact the appropriate Employee Assistance Program to assist with securing resources and confidential services.
- D. Refer the employee to the provisions and protections of The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1 et seq. (NJ SAFE Act), referenced under Section VIII of this policy.
- E. If there is a report of sexual assault or abuse, the victim should be offered the services of the Sussex County Sexual Assault Response Team.
- F. Maintain the confidentiality of the employee and all parties involved, to the extent practical and appropriate under the circumstances, pursuant to this policy. (See Section VI).
- G. Upon the employee's consent, the employee may provide the HRO with copies of any TROs, FROs, and/or civil restraint agreements that pertain to restraints in the work place and ensure that security personnel are aware of the names of individuals who are prohibited from appearing at the work location while the employee who sought the restraining order is present. All copies of TROs and FROs must be kept in a separate confidential personnel file.
- H. The HRO shall provide reasonable accommodations that may be necessary as an employee experiences temporary difficulties fulfilling job responsibilities as a result of domestic violence and in accordance with this Policy.

Confidentiality Policy

In responding to reports of domestic violence, the HRO shall seek to maintain confidentiality to protect an employee making a report of, witnessing, or experiencing domestic violence, to the extent practical and appropriate under the circumstances and allowed by law. Thus, this policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines that impose a duty to report.

These records shall be considered personnel records and not government records available for public access under the Open Public Records Act. See, N.J.S.A. 47:1A-10.

This confidentiality policy shall not prevent disclosure where to do so would result in physical harm to any person or jeopardize safety within the workplace. When information must be disclosed to protect the safety of individuals in the workplace, the HRO shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing employee and others and comply with the law. The HRO shall provide advance notice to the employee who disclosed information, to the extent possible, if the disclosure must be shared with other parties in order to maintain safety in the workplace or elsewhere. The HRO shall also provide the employee with the name and title of the person to whom they intend to provide the employee's statement and shall explain the necessity and purpose regarding the disclosure. For example, if the substance of the disclosure presents a threat to employees, then law enforcement will be alerted immediately.

This policy does not supersede applicable laws, guidelines, standard operating procedures, internal affairs policies, or New Jersey Attorney General directives and guidelines where mandatory reporting is required by the appointing authority or a specific class of employees.

Confidentiality of Employee Records

To ensure confidentiality and accuracy of information, this policy requires the HRO to keep all documents and reports of domestic violence in a confidential personnel file separate from the employee's other personnel records. These records shall be considered personnel records and shall not be government records available for public access under the Open Public Records Act. See N.J.S.A. 47:1A-10.

The New Jersey Security and Financial Empowerment Act

The New Jersey Security and Financial Empowerment Act, N.J.S.A. 34:11C-1, et seq. (NJ SAFE Act), is a law that provides employment protection for victims of domestic or sexual violence.

The NJ SAFE Act allows a maximum of 20 days of unpaid leave in one 12-month period, to be used within 12 months following any act of domestic or sexual violence. To be eligible, the employee must have worked at least 1,000 hours during the 12-month period immediately before the act of domestic or sexual violence.

Further, the employee must have worked for an employer in the State that employs 25 or more employees for each working day during 20 or more calendar weeks in the current or immediately preceding calendar year. This leave can be taken intermittently in days, but not hours.

Leave under the NJ SAFE Act may be taken by an employee who is a victim of domestic violence, as that term is defined in N.J.S.A. 2C:25-19 and N.J.S.A. 30:4-27.26, respectively. Leave may also be taken by an employee whose child, parent, spouse, domestic partner, civil union partner, or other relationships as defined in applicable statutes is a victim of domestic or sexual violence.

Leave under the NJ SAFE Act may be taken for the purpose of engaging in any of the following activities, for themselves, or a child, parent, spouse, domestic partner, or civil union partner, as they relate to an incident of domestic or sexual violence:

- A. Seeking medical attention;
- B. Obtaining services from a victim services organization;
- C. Obtaining psychological or other counseling;
- D. Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase safety;
- E. Seeking legal assistance or remedies to ensure health and safety of the victim; or
- F. Attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence.

Public Employer Domestic Violence Action Plan

The Town's Domestic Violence Action Plan identifies, responds to, and corrects employee performance issues that are caused by domestic violence, pursuant to N.J.S.A. 11A:2-6a, and in accordance with the following guidelines.

Anti-Retaliation Provision

The Town will not retaliate against, terminate, or discipline any employee for reporting information about incidents of domestic violence, as defined in this Plan, if the victim provides notice to their HRO of their status as victims of domestic violence or if the HRO has a reason to believe the employee is a victim of domestic violence.

Distribution of this Policy

This Policy shall be provided to all employees upon execution and to all new employees upon hiring. Information and resources about this Policy will be placed in visible areas throughout the Town and placed in the Personnel Manual.

Resources and Appendix

This policy provides an Appendix listing resources and program information readily available to assist victims of domestic violence. The HRO shall provide this information to any victim of domestic violence at the time of reporting.

Compliance with Applicable Laws

This Policy complies with all applicable laws, guidelines, standard operating procedures, internal affairs policies, and New Jersey Attorney General directives and guidelines that impose a duty to report. To the extent the procedures set forth in this Policy conflicts with the Family Educational Rights and Privacy Act (FERPA), the provisions of FERPA control.

Policy Modification and Review

This Policy may be modified in order to comply with any additional requirements and or modifications by the Civil Service Commission and/or law.

2.13 Dating Policy

Romantic relationships among employees frequently lead to problems in the workplace. They may result in favoritism, discrimination, unfair treatment, friction among co-workers, or the perception that they generate such problems. Therefore, the Town has adopted the following policy.

No elected official, officer, or employee holding a supervisory, administrative, or managerial position and having the authority to affect or recommend changes in the terms and conditions of employment, shall engage in a romantic, dating, or intimate/sexual relationship with another employee of the Town whom he/she supervises, or whose terms and conditions of employment he or she can influence. Examples of terms and conditions of employment for purposes of this policy include but are not limited to promotion, evaluation, assignment, review or allocation of work, termination, training, discipline, and compensation.

Violations of this policy may be met with appropriate discipline, transfer, or other appropriate personnel action as the Town deems appropriate under the circumstances. No person who is currently on the payroll of the Town shall be placed or continued in a position that provides supervision over someone with whom that person has a romantic or dating relationship. Further, the Town reserves the right to address any workplace issues that may result from the relationship in a manner it deems appropriate.

Employees considering entering into a dating, romantic or intimate relationship with another Town employee, even in circumstances not prohibited under this policy, are strongly encouraged to review and consider all Town policies regarding workplace conduct, including but not limited to policies pertaining to sexual and other forms of workplace harassment, as well as the policy on conflicts of interest and nepotism, and to be guided accordingly. Further, all employees, irrespective of their personal relationship, are expected to conduct themselves in a professional manner while at work and during the Town's events and functions and refrain from overt displays of affection or emotion that are or may be perceived as inappropriate in a professional setting.

Employees may report violations of this Dating Policy to the Town Manager.

2.14 Protection and Safe Treatment of Minors

The Town is fully committed to protecting the health, safety, and welfare of minors who interact with officials, employees, and volunteers of the Town to the maximum extent possible and has adopted a policy which establishes the guidelines for officials, employees, and volunteers who set policy for the Town or who may work with or interact with individuals under eighteen (18) years of age, and those who supervise employees, and volunteers who may work with or interact with individuals under eighteen (18) years of age, with the goal of promoting the safety and wellbeing of minors.

- a) All prospective employees and volunteers shall undergo a thorough and complete background check, including but not limited to a fingerprint identification check, credit check, motor vehicle record check, reference check (personal and professional), and a check of the Megan's Law directory for New Jersey and any other state where the applicant previously resided. Written documentation of the background check shall be maintained by the Town.
- b) Background checks that disclose any negative or questionable results must be reviewed and approved by the Town Manager prior to the individual being hired and/or working with minors. Provisional hiring is not permitted.

- c) Prospective employees and volunteers may be required to complete training that may be adopted by the Town prior to starting employment or volunteer service. In addition, all volunteer coaches shall complete the Rutgers SAFETY Clinic course (Sports Awareness for Educating Today's Youth™), which is a three (3) hour program that meets the "Minimum Standards for Volunteer Coaches Safety Orientation and Training Skills Programs" under N.J.A.C. 5:52.
- d) The Town shall annually re-check and document the Megan's Law directory for New Jersey to make certain current employees are not listed.
- e) Once employed, authorized adults who are employed are required to notify the appropriate Human Resources representative of an arrest (charged with a misdemeanor or felony) or conviction for an offense within 72 hours of knowledge of the arrest or conviction.

As a government official, employee, or volunteer, all employees are legally required to report suspected child abuse. This requirement includes all governmental officials, employees and volunteers. It is recommended that, whenever possible, officials, employees, and volunteers report the suspected abuse simultaneously to the New Jersey Department of Children and Families and law enforcement.

ARTICLE III
EMPLOYMENT

3.1 - Civil Service

"Career service" means those positions and job titles subject to the tenure provisions of Title 11A, 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. 11A:3-5 or placed in the Unclassified service by any other statute; or
- (2) For which a statute prescribed a fixed term or provides 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.A.C. 4A:3-1.3. The lists shall include the citation authorizing the Unclassified status of the office or position.

Many 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 or volunteer whose work requires the operation of a Town of Newton municipal vehicle must hold a valid New Jersey State Driver's License or commercial driver's license (CDL) as appropriate.

All new employees or volunteers 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 or volunteer status. The Town will conduct an annual Motor Vehicle Report (MVR) for all employees and volunteers with access to a Town of Newton municipal vehicle.

Periodic checks of employee's or volunteer'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 or volunteer 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 or volunteer 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 or volunteers who incur any loss of driving privileges while employed by or volunteering for the Town are required to notify their supervisor within the first working day following the suspension or revocation of such privileges.

An employee or volunteer 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. Records relating to any medical condition will be maintained in a separate file. Electronic personnel and medical records will be protected from unauthorized access.

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, valid court order, to a potential future employer or other person requesting a verification of an employee's employment as described in the following section titled, "Requests for Employment Verification and Reference Procedure." Employees will be allowed to have a copy of any document they have signed relating to their obtaining employment.

Personnel file access by current employees and former employees upon request will generally be permitted within three (3) days of the request. Unless required by law or regulation, an employee or former employee will not be provided with copies of his or her personnel records.

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 unless authorized by the Town Manager. 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 after an offer of employment is made and prior to the individual commencing employment. This is done in order to ensure the individual can perform the duties of the position without injury to themselves or others. The same post-offer physical examination must be performed on all applicants for a particular position. The Town Manager may require periodic physical examinations to determine the employee's continued ability to perform the duties of the position. The cost of the examination will be paid by the Town. Employees of the Police Department and Department of Public Works 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 less than 30 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/Office Closure** – In the event of inclement weather or other unforeseen circumstances, the Town will notify all non-emergency employees if the office closes. Employees will be paid for the time they are regularly scheduled to work when the office is closed due to weather or other unforeseen circumstances. Non-emergency employees may be required to work remotely at the discretion of the Town Manager or his designee.

Leave Time – Vacation and Holidays. Effective January 1, 2018, part-time employees who are regularly scheduled to work a minimum of twenty (20) hours per week shall be entitled to six (6) paid vacation days and four (4) paid holidays each calendar year, prorated for the time employed. Employees seeking time off for religious observances may utilize the vacation and holiday days for such observances. Employees regularly scheduled to work less than twenty (20) hours per week shall not be entitled to any paid vacation or holidays.

2. Paid sick leave.

The following policy, which is based on the New Jersey Earned Sick Leave Law enacted in 2018, only applies to persons employed by the Town who are not eligible to receive paid sick leave of at least 40 hours per year under the Civil Service regulations or under a collective negotiations agreement. Employees covered by a collective negotiations agreement should refer to that agreement for paid sick leave rights.

After 120 calendar days of continuous employment, part-time employees who are regularly scheduled to work a minimum of twenty (20) hours per week shall be entitled to forty (40) hours of paid sick leave at the beginning of each calendar year. After 120 calendar days of continuous employment, part-time employees who are regularly scheduled to work less than twenty (20) hours per week will be eligible to earn one (1) hour of paid sick leave for every thirty (30) hours worked, up to a maximum of forty (40) hours of paid sick leave per each calendar year.

Earned sick leave shall begin to accrue on the date employment commences, and the employee shall be eligible to use earned sick leave beginning on the 120th calendar day after employment commences.

New Jersey's Paid Sick Leave Law allows employees to use paid sick time for covered events, including:

- Diagnosis, care, treatment of, or recovery from, a mental or physical illness, injury, or other adverse health conditions of the employee;
- Preventative medical care of the employee;
- Caring for a family member during diagnosis, care, treatment of, or recovery from, a mental or physical illness, injury, or other adverse health conditions;
- Preventative medical care of the family member;
- Absence(s) necessary due to the employee or employee's family member being a victim of domestic or sexual violence, if the earned sick leave is used for: Medical attention needed to recover from physical or psychological injury or disability caused by such violence; Services from a designated domestic violence agency or other victim services organization; Psychological or other counseling;
- Relocation; or Other legal services, including acquiring a restraining order or preparing for, or participating in, any civil or criminal legal proceeding in relation to such violence;

- Time needed after the closure of the employee's workplace or the school/place of care of the employee's children by order of a public official due to an epidemic or other public health emergency, or because of the issuance by a public health authority of a determination that the presence in the community of the employee, or a member of the employee's family in need of care by the employee, would jeopardize the health of others; and
- Time needed by the employee in connection with an employee's child to attend a school-related conference, meeting, function, or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the child's education, or to attend a meeting regarding care provided to the child in connection with the child's health conditions or disability.

For purposes of this Policy only, "family member" means a child, grandchild, sibling, spouse, domestic partner, civil union partner, parent, or grandparent of an employee, or a spouse, domestic partner, or civil union partner of a parent or grandparent of the employee, or a sibling of a spouse, domestic partner, or civil union partner of the employee, or any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

If an absence is foreseeable, employees shall provide at least seven (7) calendar days advance notice to his/her supervisor, in writing. If the reason for the use of paid time under this Policy is not foreseeable, the employee shall provide notice of the intention to use paid time under this Policy as soon as practicable.

No more than forty (40) hours of paid sick leave shall accumulate per year, and a maximum of forty (40) hours of paid sick leave may be carried over into the next calendar year. Each day of paid sick leave must be taken in full-day or half-day increments based upon the individual's normally scheduled work-day duration. Any time off request 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 employee who is out sick in excess of three (3) consecutive days, or more than five (5) days in any calendar year, will be required to submit a doctor's note. Accumulated but unused leave time for part-time employees shall be forfeited upon cessation of employment, and shall not be paid at time of resignation, retirement, dismissal, or termination.

- 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.

- 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

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

Vision Plan – Part-time employees who are benefit eligible (regularly scheduled to work a minimum of twenty (20) hours per week) may enroll in the Town Vision Plan.

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. If qualified, you must complete and file an Enrollment Application to become enrolled in the appropriate retirement system.

Employee pension contributions shall be made in accordance with current law.

Vesting: You are 100% vested in the PERS after you have attained 10 years of credited service. Vesting means you are guaranteed the right to receive a retirement benefit if all eligibility requirements are met.

Workers' Compensation – see Workers' Compensation Policy.

3.7 - Recruitment

Available work positions will be posted and/or distributed so employees of the Town may apply along with any applications from qualified persons so 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 other than police officers 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. Police officers working test period is governed by applicable State Statute and the Civil Service Commission.

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. Employees are not guaranteed any term of employment, and may be terminated at any time, including during 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. The Town Manager may award a salary increase to any employee within the salary ordinance, once per calendar year.

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 (2) 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 non-union employees hired before January 1, 2002 may be eligible for additional longevity pay at the following rates:

<u>Amount Equal To:</u>	<u>Total Cumulative Service w/ Town of Newton:</u>
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 1st or the first pay in July 1st 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, and longevity pay for CWA members is governed by the applicable union contract.
- UPSEU employees hired after August 1, 2004 are not eligible for longevity pay, and longevity pay for UPSEU members is governed by the applicable union contract.
- Longevity pay guidelines for PBA and SOA union members are governed by the terms and conditions of their respective contracts.

3.13 - Overtime Pay (Non-Union Employees)

The following rules will apply for non-union employees only. Employees covered by a collective bargaining agreement will receive overtime in accordance with the terms of the applicable contract.

- (a) Full-time non-exempt non-union employees 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. This class of employees 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.
- 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.
- (c) Employees who are exempt from overtime, 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. Not more than twenty-eight (28) hours of compensatory overtime may be carried from pay to pay. Carryover compensatory overtime from one calendar year to the next may not exceed twenty-eight (28) hours.

Exceptions to these provisions may be made, on a case-by-case basis, by the Town Manager.

- (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 are no longer 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 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). The Town has 30 days to notify the Plan Administrator of the qualifying event. A COBRA election notice will be provided to the qualified Beneficiaries within 14 days after the Plan receives notice of the qualifying event. The qualified Beneficiary will have 60 days 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

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

3.16 – Residency Requirements

The New Jersey First Act, N.J.S.A. 52:14-7, requires certain public employees must reside in the state, or move to New Jersey within a year of taking a public position. Employees living out of state as of September 1, 2011 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. Employees whose first effective day of employment falls 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

4.1 - Medical and Prescription

After three (3) months of full-time employment (unless provided for by separate contractual agreement), any new 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)**

Elected officials serving as Council members as of December 31, 2013, shall be entitled to maintain their insurance benefits, at the same coverage as of December 31, 2013, subject to the contribution requirements of Chapter 78, P.L. 2011. All officials newly elected into the office after December 31, 2013 shall not be entitled to any insurance coverage from the Town.

This coverage includes Employee (single), Employee and Spouse/Partner or Parent/Child(ren), and Family (Employee/Spouse/Partner & Child(ren)). The Town shall pay the cost of insurance coverage for the employee and their eligible dependents 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 or individual contract are required to contribute a percentage of their health care premium or 1.5% of base salary, whichever is greater.

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 current percentage for employee contributions towards health care premiums is as follows. Employees may pay a different contribution percentage only if agreed to by an individual contract in writing, or pursuant to a collective bargaining agreement.

Individual Coverage

Salary Range	Percentage
less than 20,000	4.5%
20,000-24,999.99	5.5%
25,000-29,999.99	7.5%
30,000-34,999.99	10.0%
35,000-39,999.99	11.0%
40,000-44,999.99	12.0%
45,000-49,999.99	14.0%
50,000-54,999.99	20.0%
55,000-59,999.99	23.0%
60,000-64,999.99	27.0%
65,000-69,999.99	29.0%
70,000-74,999.99	32.0%
75,000-79,999.99	33.0%
80,000-94,999.99	34.0%
95,000 and over	35.0%

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

Salary Range	Percentage
less than 25,000	3.5%
25,000-29,999.99	4.5%
30,000-34,999.99	6.0%
35,000-39,999.99	7.0%
40,000-44,999.99	8.0%
45,000-49,999.99	10.0%
50,000-54,999.99	15.0%
55,000-59,999.99	17.0%
60,000-64,999.99	21.0%
65,000-69,999.99	23.0%
70,000-74,999.99	26.0%
75,000-79,999.99	27.0%
80,000-84,999.99	28.0%
85,000-99,999.99	30.0%
100,000 and over	35.0%

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

Salary Range	Percentage
less than 25,000	3.0%
25,000-29,999.99	4.0%
30,000-34,999.99	5.0%
35,000-39,999.99	6.0%
40,000-44,999.99	7.0%
45,000-49,999.99	9.0%
50,000-54,999.99	12.0%
55,000-59,999.99	14.0%
60,000-64,999.99	17.0%
65,000-69,999.99	19.0%
70,000-74,999.99	22.0%
75,000-79,999.99	23.0%
80,000-84,999.99	24.0%
85,000-89,999.99	26.0%
90,000-94,999.99	28.0%
95,000-99,999.99	29.0%
100,000-109,999.99	32.0%
110,000 and over	35.0%

Full-time non-union employees hired after January 1, 2016, or current part-time non-union employees who become full-time after January 1, 2016, are required to take the lowest cost base medical plan plus pay the appropriate C78, P.L. 2011 costs. If a full-time non-union employee hired after January 1, 2016, or current part-time non-union employee who becomes full-time after January 1, 2016, elects a more expensive medical plan than the base medical plan, he/she shall be responsible for 100% of the additional premium cost in addition to the required C78, P.L. 2011 contribution.

By way of Town Resolution 101-2022, the maximum Chapter 78 contribution rate for all non-union staff and applicable retirees from a non-union position shall be set at twenty-five (25%) percent regardless of employee's salary level, the retiree's monthly retirement allowance level, or the type of insurance coverage.

For current staff and retirees covered by a collective bargaining agreement, changes to current staff and retiree contributions towards health care coverage shall be referenced in the applicable collective bargaining agreements.

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. For further details on benefits, please contact the Human Resources Director.

4.2 - Dental

This coverage includes Employee (single), Employee and Spouse/Partner or parent/child(ren) and Family. The Town shall pay the cost of insurance coverage for the employee and their eligible dependents subject to the employee contribution requirements of Chapter 78, P.L. 2011. Elected officials serving as Council members as of December 31, 2013, shall be entitled to maintain their dental insurance benefits, at the same coverage as of December 31, 2013, subject to the contribution requirements of Chapter 78, P.L. 2011. All officials newly elected into the office of Town Council member after December 31, 2013 shall not be entitled to any dental insurance coverage from the Town.

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 and their eligible dependents. Elected officials serving as Council members as of December 31, 2013, shall be entitled to maintain their vision insurance benefits, at the same coverage as of December 31, 2013, subject to the contribution requirements of Chapter 78, P.L. 2011. All officials newly elected into the office of Town Council member after December 31, 2013 shall not be entitled to any vision insurance coverage from the Town.

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. 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 (1) year of employment from your date of hire.

Employee Contributions:

- Employee PERS and PFRS contributions shall be made in accordance with current law.
- 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 injured party must fill out a Report of Personal Injury Form and the Department Head or Supervisor must complete the Supervisor's Accident Investigation 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 the employee is incapable of performing his or her duties for the additional time period.
- (i) The Town will only pay, either directly or through its Workers' Compensation insurer, those benefits that are specifically provided for under the Workers' Compensation Act for non-union employees, and the Town will not supplement these benefits with additional benefits or compensation. Employees covered by a collective bargaining agreement shall be subject to the provisions of such agreement.

ARTICLE V
TIME OFF

5.1 - Holidays

(a) All full-time permanent personnel are granted fifteen (15) paid holidays annually. These holidays are as follows:

New Year's Day	Columbus Day (Observed)
Dr. Martin Luther King, Jr. Day (Obs.)	November General Election Day
Presidents' Day	Veterans' Day
Good Friday	Thanksgiving Day
Memorial Day (Observed)	Day after Thanksgiving Day
Juneteenth (Federal Holiday)	Christmas Eve
Independence Day	Christmas Day
Labor Day	

(b) If a holiday falls on a Saturday or Sunday, it shall be observed on either the preceding Friday or the following Monday.

(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 full-time employees may take up to three (3) personal days each calendar year based on their normal workday 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 workday. On January 1st 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, full-time employees in good standing as determined by the Town Manager, 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, in good standing at the time of retirement as determined by the Town Manager, 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. As per State Statute, for any employee hired after May 21, 2010, the maximum payout for accrued sick time upon retirement shall be \$15,000.

5.4 - Vacation Leave

(a) In the first year of employment, a permanent full-time employee shall be entitled to one (1) 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 workday.** 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 collective bargaining agreement or individual employment contract):

<u>Years of Service w/ Town of Newton:</u>	<u>Amount of Vacation Leave:</u>
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 workday. 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. Every effort will be made by Department Heads to review time off requests in a timely fashion.
- (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) Any full-time employee who terminates his or her employment while having unused vacation days, and who is in good standing as per the Town Manager, will be paid for all unused and accrued vacation leave time. The vacation pay will be calculated using the **employee's base hourly rate** (which does not include longevity payments, education payments, or stipends, etc.). If the employee has taken more vacation time or sick leave 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. Part-time employees and employees who are not in good standing as per the Town Manager at the time their employment with the Town ceases do not receive payout of any unused and accrued vacation or sick leave time.

5.5 - Funeral Leave

- (a) In the event of a death in the immediate family, all employees will be granted three (3) days off without loss of pay, and all three (3) days must be taken within the time period beginning with the date of death until the date of the funeral or mourning service. "Immediate family" means an employee's husband, wife, civil union partner, fiancé, fiancée, father, mother, father-in-law, mother-in-law, stepfather, stepmother, grandfather, grandmother, grandfather-in-law, grandmother-in-law, grandchild, child, stepchild, foster child, spouse's child, sister, brother, stepsister, stepbrother, sister-in-law, brother-in-law, first cousin, aunt, or uncle, of the employee.
- (b) Funeral leave shall be available to an employee for the death of a relative of the employee residing in the employee's household. Reasonable verification of the event may be required by the Town Manager.

- (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 without loss of pay may be granted in unusual or extraordinary circumstances at the sole discretion of the Town Manager.

5.6 - Jury Duty

- (a) Any 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 Noon, that employee shall be required to return immediately to work to receive pay for that day.

5.7 - Military Leave

- (a) Pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA), any employee who gives notice of military service and is released from active duty under honorable circumstances shall return to work without loss of privileges or seniority within the following time limits: for service less than thirty-one (31) calendar days, the employee must return to work on the beginning of the first regularly-scheduled workday or eight (8) hours after the end of military duty, with a reasonable allowance for appropriate travel time from location of deployment.
- (b) For service of thirty-one (31) to one hundred and eighty (180) calendar days, the employee must submit an application for reinstatement within fourteen (14) calendar days after completing military duty; for service greater than one hundred and eighty (180) calendar days, the employee must submit an application for reinstatement within ninety (90) calendar days after completing military duty.

- (c) Employees who exceed five (5) years of cumulative military service are not eligible for reemployment. Employees who are eligible for reemployment shall be restored to the job and the benefits they should have attained if they had not been absent due to military service.
- (d) Employees on military leave are eligible to continue healthcare insurance coverage for up to 24 months. Even if healthcare coverage is discontinued during military leave, employees eligible for reemployment have a right to be reinstated on the health plan without any waiting periods or exclusions.
- (e) Employees who are members of the New Jersey National Guard or other component of the organized militia of the State of New Jersey are entitled to a leave of absence with pay not to exceed ninety (90) work days, which is an equivalent of 720 hours of work, in the aggregate in any one calendar year for any period of required Federal active duty, and unlimited paid leave in the case of required State active duty. See N.J.S.A. 38A:4-4. Active duty shall not include inactive duty training such as weekend drills.
- (f) Employees who are members of the organized reserves of the Army, Navy, Air Force, Marine Corps, Coast Guard, or Space Force of the United States or other affiliated organizations, including national guard units of other US states, shall be entitled to a leave of absence with pay not to exceed thirty (30) work days, which is an equivalent of 240 hours of work, in the aggregate in a calendar year when they are engaged in required Federal active duty. See N.J.S.A. 38:23-1. Federal active duty shall not include inactive duty training such as weekend drills.
- (g) Temporary employees and employees who have less than one year of service with the Town are not eligible for paid leave under N.J.S.A. 38:23-1 or N.J.S.A. 38A:4-4. They are, however, eligible for leave without loss of time.
- (h) Military leave shall be in addition to vacation and sick leave, and compensation is not to be offset by any military wages earned. The Town Manager 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 Act (FMLA), New Jersey Family Leave Act (NJFLA), and New Jersey Family Leave Insurance Program

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 may be eligible to receive pay during leave under the New Jersey Family Leave Insurance program. Please see the Human Resources Director for a flyer describing the most current features of these programs, which differ in terms of benefits offered.

FMLA Leave – The FMLA entitles eligible employees with up to twelve (12) weeks of unpaid, job protected leave in a defined twelve (12) month period for the following reasons:

- (a) The birth of a child and in order to care for such child;
- (b) The placement of a child with the employee for adoption or foster care;
- (c) In order to care for an employee's spouse, child, parent, parent-in-law, civil union, or domestic partner who has a serious health condition;
- (d) A serious health condition that renders the employee unable to perform his job;
- (e) Qualifying exigency arising out of the fact that the employee's family member is a military member on active duty or call to covered active-duty status (or has been notified of an impending call or order to covered active duty).

FMLA Eligibility – 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 (twenty-six weeks for military caregiver leave) in a twelve (12) month period for family and medical reasons.

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 during the applicable twelve (12) month period if the leave is taken for the birth of a child, or to care for such child after birth; for placement of a child with the employees for adoption or foster care or in order to care for the child after placement; or to care for the employee's parent with a serious health condition.

Certification of Health Care Provider - Employees who request FMLA leave for the purposes of the employee's own serious health condition, or to care for a family member with a serious health condition must provide the Town with a completed Certification of Health Care Provider. Notwithstanding, following submission of a request for FMLA leave, an employee shall have up to fifteen (15) calendar days to provide the Town with a completed Certification.

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.

FMLA Entitlement Period – The method to determine the twelve (12) month period in which the twelve (12) weeks of FMLA leave entitled occurs will be a “rolling” twelve (12) month period measured backward from the date an employee uses any family leave.

NJFLA Leave – The NJFLA entitles eligible employees with up to twelve (12) weeks of unpaid, job-protected leave in a defined twenty-four (24) month period for the following reasons:

- (a) The birth of a child and in order to care for such child;
- (b) The placement of a child with the employee for adoption or foster care;
- (c) In order to care for an employee's spouse, child, parent, parent-in-law, civil union, or domestic partner who has a serious health condition;
- (d) Qualifying exigency arising out of the fact that the employee's family member is a military member on active duty or call to covered active-duty status (or has been notified of an impending call or order to covered active duty);
- (e) In the event of a state of emergency declared by the Governor, or when indicated to be needed by the Commissioner of Health or other public health authority, an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent spread of a communicable disease, which:
 - i. requires in-home care or treatment of a child due to the closure of the school or place of care of the child of the employee, by order of a public official due to the epidemic or other public health emergency;

- ii. prompts the issuance by a public health authority of a determination, including by mandatory quarantine, requiring or imposing responsive or prophylactic measures as a result of illness caused by an epidemic of a communicable disease or known or suspected exposure to the communicable disease because the presence in the community of a family member in need of care by the employee, would jeopardize the health of others; or
- iii. results in the recommendation of a health care provider or public health authority, that a family member in need of care by the employee voluntarily undergo self-quarantine as a result of suspected exposure to a communicable disease because the presence in the community of that family member in need of care by the employee, would jeopardize the health of others.

NJFLA Eligibility – Pursuant to the New Jersey Family Leave Act (NJFLA), employees who have worked for at least twelve (12) months and have worked at least 1,000 hours over the previous twelve (12) months are eligible for unpaid, job-protected leave of up to twelve (12) weeks in a twenty-four (24) month period for family medical reasons. FMLA and NJFLA leave may run concurrently.

NJFLA Entitlement – The method to determine the twenty-four (24) month period in which the twelve (12) weeks of NJFLA leave entitlement occurs will be a “rolling” twenty-four (24) month period measured backward from the date an employee uses any leave.

Intermittent and/or Reduced Schedule Leave Under the FMLA and NJFLA - 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. Intermittent or reduced leave may be taken for up to a maximum of twelve (12) consecutive months. Employees may use NJFLA intermittently upon the birth, adoption, or foster care placement of a child. In addition, an employee with more than one qualifying event within a 12-month (FMLA) or 24-month (NJFLA) period is not entitled to a separate 12-week period of leave for each event.

Benefits While on FMLA or NJFLA Leave – During FMLA or NJFLA leave, health benefits will be continued on the same conditions as coverage would have been provided had the employee been continuously employed during the maximum twelve week leave period. Vacation, sick, and personal days shall not accrue during the leave period.

If an employee fails to return to work after a leave for reasons other than the continuation, recurrence, or onset of a serious health condition that would entitle an employee to Medical Leave or other circumstances beyond an employee's control, such employee shall be financially responsible for the medical insurance premiums the Town paid while the employee was on leave.

Employment While on FMLA or NJFLA Leave – An employee designated for FMLA or NJFLA leave is prohibited from performing any services for another employer while on leave.

Definitions Under the FMLA or NJFLA – Under the FMLA and NJFLA, a child includes biological, adopted, and foster child, stepchild, legal ward, or a "child" of a person acting in the capacity of a parent. Under the NJFLA, the term family member includes "parent-in-law, sibling, grandparent, grandchild," "any other individual related by blood to the employee," and "any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship." Additionally, under NJFLA, a child includes the child of the employee pursuant to a "valid written agreement" between the employee and a gestational carrier. 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.

Use of FMLA and NJFLA Leave Concurrently – If an employee is eligible for leave for reasons provided under both the FMLA and the NJFLA, leave shall be taken concurrently and be applied to both laws.

Use of Paid and Unpaid Leave – An employee who is taking FMLA and/or NJFLA leave must use all paid time off, to include vacation, sick, or personal time prior to being eligible for unpaid leave. Sick leave may run concurrently with FMLA and/or NJFLA leave if the reason for the 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), if designated as FMLA/NJFLA leave, will run concurrently with FMLA/NJFLA. For example, if an employer provides six weeks of pregnancy disability leave, the six weeks will be designated as FMLA leave for an eligible employee 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 using unpaid leave.

An employee who is using military FMLA/NJFLA leave for a qualifying emergency must use all paid vacation and personal leave prior to taking unpaid leave. An employee using FMLA/NJFLA 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 New Jersey's Sick Leave Act) prior to taking unpaid leave.

New Jersey Family Leave Insurance Program

Employees may also be eligible for Family Leave Insurance payments for up to twelve (12) weeks in a twelve (12) month period. Paid family leave is available to eligible employees to:

1. Care for a seriously ill immediate family member which includes "parent-in-law, sibling, grandparent, grandchild," "any other individual related by blood to the employee," and "any other individual that the employee shows to have a close association with the employee which is the equivalent of a family relationship" who is incapable of self-care; or
2. Care of a newborn, adopted, foster child, or child who becomes the child of an employee pursuant to valid written agreement via employee and gestational carrier; or
3. NJ SAFE Act (domestic violence) leave.

To be eligible, the employee must have worked at least twenty (20) weeks at minimum wage within the last fifty-two (52) weeks or earned 1,000 times the minimum wage. The weekly benefit is two-thirds (2/3) of weekly compensation up to statutory maximum (that amount is subject to change). Paid family leave runs concurrently with FMLA and/or NJFLA leaves.

This Insurance program does not require the Town maintain an employee's position with the Town or return the employee to his or her position when the employee is done caring for a family member. An employee's return to his or her position is solely within the discretion of the Town.

To receive compensation through New Jersey Family Leave Insurance program, the employee must apply through the State of New Jersey. The Town will fill out the appropriate information concerning the employee's salary and other relevant information as needed. It is the employee's responsibility to apply for the compensation.

To be eligible for the compensation under the Family Leave Insurance program, an employee may first use up to two (2) weeks of his or her sick/personal/vacation days prior to receiving compensation from the State of New Jersey.

Procedure

The employee shall be required to submit to the Town Manager a written 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.

If the leave is foreseeable, the employee shall be required to provide notice at least 30 days prior to the beginning of the leave. An employee out on leave must contact the Human Resources Director in the event the leave status changes, in that a return to work is earlier or later than expected.

5.9 – Leave Due to Domestic Violence (NJ SAFE Act)

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

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

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

- The employee or their child (including a child who becomes a child via written agreement by the employee and a gestational carrier), parent, spouse or domestic partner, family member which includes "parent-in-law, sibling, grandparent, grandchild," "any other individual related by blood to the employee," and "any other individual that the employee shows to have

a close association with the employee which is the equivalent of a family relationship" must be a victim of domestic violence or a sexually violent offense;

- The employee must have worked for the employer for at least twelve (12) months and for a least 1,000 hours during the twelve (12) month period immediately preceding the requested leave; and
- The twenty (20) day leave must be taken within one (1) year of the qualifying event.

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

Employees utilizing leave pursuant to the NJSAFE Act may be eligible to receive wage replacement benefits pursuant to the NJ Temporary Disability Law. In certain circumstances, the basis for the leave may also qualify under the Federal Family and Medical Leave Act and/or the New Jersey Family Leave Act. If so, the Town will treat the leave concurrently with the leave under those statutes. Employees may use accrued paid vacation leave, personal time, or sick leave concurrently.

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

5.10 - 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 appropriate leave 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 with a verbal reprimand, or with prior approval from the Town Manager with a written reprimand, suspension from duty, or dismissal, or by the Town Manager directly. Discipline will be in accordance with Civil Service regulations, general law, collective bargaining agreement, 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. The Town reserves the right to terminate employment without first instituting other disciplinary measures.

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

6.1 - Causes for 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 approved by the Town Manager and Chief of Police or 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, violence, 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

A Civil Service classified employee disciplined under the provisions of this section may appeal the determination with the New Jersey Civil Service Commission, pursuant to N.J.A.C. 4A:2-1.1 et seq., if applicable.

6.3 - Unionized Employees

Employees who are covered by a collective negotiations agreement are guided by the procedures outlined in their respective contracts pertaining to disciplinary actions and grievances.

6.4 - Workforce Democracy Enhancement Act

Supervisory and managerial employees, and elected and appointed officials, shall not encourage employees represented by an exclusive representative employee organization, (labor union), to resign or relinquish their membership in an exclusive representative employee organization, and shall not encourage such employees to revoke authorization for the deduction of fees to an exclusive representative employee organization.

Supervisory and managerial employees, and elected and appointed officials, shall not encourage or discourage employees from joining, forming, or assisting an employee organization.

ARTICLE VII
ON-THE-JOB

7.1 - Code of Conduct

The 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, officials, 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 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 or volunteer 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.

7.2 - 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.

7.3 - 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 and other controlled substances – while working pose a serious safety and health risk to themselves, to other employees, volunteers, and to the general public. The Town prohibits the unlawful use, abuse, solicitation, theft, transfer, possession, purchase, sale, or distribution of or being under the influence of any illegal drug, alcohol, or controlled substance (including medical and recreational marijuana) while on the Town's property. The Town prohibits employees from reporting to work or performing services under the influence of illegal drugs, alcohol, or other controlled substances (including medical and recreational marijuana). Additionally, the Town prohibits off-premises abuse of alcohol and controlled substances (including medical and recreational marijuana), as well as the possession, use or sale of illegal drugs, when such activities adversely affect job performance, job safety, or the Town's reputation in the community.

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.

Random Testing: DPW employees who hold commercial driver's licenses are subject to random drug testing, as required by OSHA, PEOSHA, and any other applicable State and Federal 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 Town Manager's absence, to request the employee/volunteer testing be administered.

DPW employees who hold commercial driver's licenses shall be subject to random drug/alcohol testing in accordance with this Handbook, OSHA, PEOSHA, and other applicable State and Federal laws.

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. However, applicants for non-CDL positions will not be denied employment based solely on a positive pre-employment drug test for marijuana, except for law enforcement officers assigned to a federal task force, holding a federally regulated license requiring testing, or applying to an agency that is specifically required to test for marijuana by the terms of a federal contract or federal grant.

4. Preliminary Acquisition Procedures: Before a drug or alcohol test is conducted based upon reasonable cause or post-accident, 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. Random drug testing of DPW employees with commercial driver's licenses shall be conducted on a random basis, as required by law.

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 or his designee 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 or his designee will provide a copy of the laboratory report to the employee/volunteer or potential employee/volunteer if so requested.

Any violation of this policy may result in discipline, up to and including termination.

The Town prohibits any use of alcohol and controlled substances (including medical and recreational marijuana) in the workplace, in compliance with relevant State and Federal law, and as may be amended by same. Use of alcohol and controlled substances (including medical and recreational marijuana) is strictly prohibited on Town property or in Town vehicles or Town equipment and may result in discipline up to and including termination.

7.4 – 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, volunteers, partners, and the Town's constituency from illegal or damaging actions by individuals either knowingly or unknowingly.

For purposes of this policy, "Communication Media" includes all electronic media forms provided by the Town, such as cell phones, smart phones, computers, electronic tablets, access to the Internet, voicemail, email, social media accounts, and fax. **Employees are restricted from accessing or using the Town's Communication Media for personal purposes without prior authorization from the Town Manager.**

All data stored on and/or transmitted through Communication Media is the Town's property. For purposes of this policy, "Data" includes "electronically-stored files, programs, tables, databases, audio and video objects, spreadsheets, reports, and printed or microfiche materials which serve a Town business purpose, regardless of who creates, processes or maintains the data, or whether the data is processed manually or through any of the Town's, midrange or workstations,

servers, routers, gateways, bridges, hubs, switches, and other hardware components of the Town's local or wide-area networks."

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 the Town of Newton and are considered Communication Media. These systems are to be used for business purposes only in serving the interests of the municipality, and of our constituency in the course of normal operations. Employees and volunteers using Town equipment or systems for personal use do so at their own risk. The content of any communication transmitted through or stored within these systems remains Town property and is subject to review by and disclosure by the Town. Employees and volunteers should not expect any messages or communications on these systems will be confidential or private, including messages viewed, sent, or received on any personal email accounts such as Gmail, Hotmail, Yahoo, or others, and also including all social websites such as Facebook, Twitter, LinkedIn, TikTok, Instagram, SnapChat, YouTube, etc.

Effective security is a team effort involving the participation and support of every Town employee, volunteer, 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. In order to provide a viable data and communication system for the Town that supports the needs of all departments, security and confidentiality of the information must not be compromised. Security is a major concern throughout every office of the Town and its employees. This provision shall apply to the day-to-day operations of all the Town's information and technology equipment, as well as mobile or portable units.

Town-issued email accounts, voicemail accounts, 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.

Town-issued email accounts, voicemail accounts, 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.

Town-issued email accounts, social media accounts, voicemail accounts, and access to 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 Town-issued email and social media accounts 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 internet 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; 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 data bandwidth 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 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 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 made on Town issued email and social media accounts 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 entered into, sent over, placed in storage in the Town's Internet and communication media systems.

Authorized Access: Only authorized employees and volunteers 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, and posts 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.

If employees conduct work-related business on their personal emails, social media accounts, cell phones, or other personal Communication Media, it is also subject to the provisions of the Open Public Records Act. However, nothing in this policy prevents employees from using his/her own personal Communication Media during the employee's non-working hours to engage or participate in protected concerted activities such as when an employee addresses group concerns with the employer; forms, joins, or helps a labor organization; initiates, induces, or prepares for group action; or speaks on behalf of or represents other employees. Nevertheless, employees are encouraged to resolve workplace grievances internally by discussing issues with their supervisor and/or the Administration, and are asked to refrain from posting comments or materials on Communication Media that can be viewed as malicious, obscene, threatening, intimidating, or that could create a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law if the employee chooses to address their grievances using Communication Media.

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 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 the 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, Internet messages, and posts 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 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. There is no expectation of privacy for employee use of the Internet or any Town networks or equipment.

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, ensuring 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.

Social Media: The Town of Newton understands social media can be a fun and rewarding way to share your life and opinions with family, friends, and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

Social media can include personal web pages and websites, including but not limited to Facebook, YouTube, Twitter, LinkedIn, TikTok, Instagram, SnapChat, blogs, wikis, etc. The same principles and guidelines found in other sections of the Town's Handbook also apply to your activities online. Ultimately, the employee or volunteer is solely responsible for what he or she posts online. Carefully read these guidelines and the information in this Handbook – including but not limited to the Town's Anti-Discrimination policy.

Always be fair and courteous to fellow associates, customers, members, suppliers, or people who work on behalf of the Town. Also, keep in mind you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our policies than by posting complaints to a social media outlet.

Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage customers, members, associates or suppliers, or that might constitute harassment or bullying.

Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law or company policy.

Employees should not expect any messages or communications on employer-provided computer systems will be confidential or private, including messages viewed, sent, or received, on social media websites. Further, employees should not expect any privacy in any publicly available information on social media websites.

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember the Internet archives almost everything; therefore, even deleted postings can be searched.

Below are guidelines for employee's use of social media:

- Never post any information or rumors you know to be false about the Town of Newton, fellow employees, residents, customers, suppliers, and people working on behalf of the Town.
- Maintain the confidentiality of the Town's confidential information.
- Express only your personal opinions. Never represent yourself as a spokesperson for the Town. If you do publish a blog or post online related to the work you do or subjects associated with the Town, make it clear you are not speaking on behalf of the Town. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the Town of Newton."

All employees shall report any violations or suspected violations of this policy to their supervisor and/or the Town Manager. Employees violating this policy may be subject to discipline up to and including termination. The Town prohibits taking negative action against any associate for reporting in good faith a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another associate for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

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.

No official website, blog, or social media page(s) for the Town of Newton shall be designed, created, modified, or updated without the express written consent of the Town Manager. If you have questions regarding the appropriate use of email, voicemail, computer hardware/software, or the Internet, please contact your Department Head, Human Resources Director, or Town Manager.

7.5 - 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 Responsibility, Communication, Productivity, Teamwork, Dependability, Accountability, 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.

The Town Manager is evaluated by the Town Council.

7.6 - 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 ("C" 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 ("C" or better) of any Town approved courses which 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 ("C" 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 \$1,000** (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 or stipend may be awarded to individual full or part-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 or stipend 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 or stipend exceed \$7,500 unless otherwise provided for in a collective bargaining agreement, separate contract, or at the Town Manager's discretion.

7.7 - 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.

7.8 - Inclement Weather/Declared Emergency

The Town offices will be considered open in the event of snow or bad weather, or declared emergency, 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 compensatory 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 by the Town Manager due to inclement weather, declared emergency, or other unforeseen circumstances, essential employees will be required to report for duty. In addition, non-essential employees may be required to work remotely at the discretion of the Town Manager. 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 an electronic announcement initiated through the Office of the Town Manager and shall also be posted on the Town website when possible.

7.9 - Job-Incurred Injury/Accident

Any job-incurred injury or accident involving a Town employee or volunteer must be reported **immediately** to the Department Head and Human Resources Director. Within twenty-four (24) hours, a detailed report documenting the accident should be provided to the Human Resources Director. (See Workers' Compensation Policy for more details)

7.10 - 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, volunteers, and elected and appointed officials 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, volunteers, and elected and appointed officials are prohibited from using Town time, supplies, or equipment in any political activities. Town employees shall not engage in any political activities during working hours.

Town employees, volunteers, and elected and appointed officials will not directly or indirectly use or seek to use the authority or influence of their position to secure unwarranted privileges or advantages for themselves or others. Nothing in this section shall be construed to prevent Town employees, volunteers, and elected and appointed officials from becoming or continuing to be members of any political party, club, or organization; circulating petitions on public questions; running for or holding duly elected or appointed office; and/or voting with complete freedom in any election.

At no time shall any Town employee, volunteer, elected and appointed official present their personal views as being the official views or policies of the Town.

Town employees, volunteers, and elected and appointed officials are not prevented from attending political meetings, rallies, functions, speeches, off Town property during non-working hours; and expressing views on political matters outside of working hours and off Town property. Town employees, volunteers, and elected and appointed officials are not prevented from expressing views on political matters, issues, candidates, and officials.

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

7.11 - 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.

7.12 - Safety

The safety of employees, volunteers, and the public is of paramount 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 will be attended by all Department Heads and other staff members, as necessary.

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.

7.13 - 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 will 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, aerosol dispenser, or electronic cigarette/smoking device, 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.

Smoking shall also include the consumption of cannabis or its derivatives, as defined or set forth in N.J.S.A. 2C:35-10a regarding use of cannabis and/or its derivatives in public places, N.J.S.A. 2C:33-13 regarding smoking in public, and N.J.S.A. 26:3D-57, et. seq., regarding smoking and vaping in public places.

The Smoke-Free Workplace policy applies to:

1. All areas of Town-owned buildings and public parks, playgrounds, and athletic fields (including all restrooms, park bleachers, dugouts, any playground equipment, tot lots, pool areas, and shelter buildings) occupied by Town employees, volunteers, and visitors.
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 as listed in item #1 above.
5. All temporary or seasonal employees.

Smoking is permitted:

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

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

7.14 - Telephone/Mobile Phone Use

Many Town employees speak to 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 and text messages or emails via any electronic or mobile device, while on occasion are necessary, are to be kept to a minimum. The use of hand-held mobile 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 who are required to use the telephone or a mobile 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 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, voicemails, tweets, social media postings, etc.).

The Town Manager, at his discretion, may provide mobile 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 mobile phones. 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 any communications that occur via said personal devices may be subject to the Open Public Records Act (OPRA).

7.15 - 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, may be eligible for transitional duty under the provisions of this section.
- (b) Transitional duty positions are limited in number as well as 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 Rules and Regulations of the Town of Newton, 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 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.

7.16 - 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, contract, or otherwise agreed to by the Town Manager. Additionally, the employee to whom a vehicle is assigned is the party responsible for its security and maintaining it in a safe operating condition. Vehicles may only be taken home with the advance approval of the Town Manager.

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 required to operate Town-owned vehicles during the course of their duties shall advise their supervisor and the Town Manager of suspension of any license necessary for work performance.

Employees and volunteers driving personal vehicles for Town business shall be reimbursed in accordance with IRS standard business rate 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 own personal 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. Employees and volunteers who use their own personal vehicles for Town business are required to maintain liability coverage in accordance with NJ law.

7.17 - 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 Town Manager and 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.

7.18 – 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.

7.19 Nepotism Policy

Unless otherwise provided by law, or New Jersey Civil Service Commission Statute, rule, and/or regulation, if the position is subject to Civil Service, or collective bargaining unit agreement, immediate relatives shall not be hired, promoted, and/or transferred to a regular full-time or regular part-time position where:

- One relative would have the authority to appoint, remove, discipline, or evaluate the performance of the other; or
- One relative would be responsible for auditing the work of the other; or
- Other circumstances exists that place the relatives in a situation of actual or reasonably foreseeable conflict of interest.

For purposes of this policy, immediate relative includes spouse, civil union partner, domestic union partner, child, parent, stepchild, sibling, grandparents, daughter-in-law, son-in-law, grandchildren, niece, nephew, uncle, aunt, or any person related by blood or marriage residing in an employee’s household.

ARTICLE VIII
SEPARATION FROM EMPLOYMENT

8.1 - Job Abandonment

Employees who fail to report to work or contact their supervisor for five (5) consecutive workdays shall be considered to have abandoned the job without notice effective at the end of their normal shift on the fifth 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.

8.2 - 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) Unless governed otherwise by State Statute or Civil Service Commission guidelines, 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.

8.3 - 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 (10) 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.

A retiring full-time 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 Non-Union Medical and Dental Retiree Insurance Coverage:

- Full-time non-union 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.
- Full-time non-union 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.
- Those employees who are covered by a collective bargaining agreement shall have their retirement coverages determined by their respective agreement.

Non-union employees hired on or after January 1, 2015 regardless of full-time or part-time status, shall not be eligible for, or have access to, the following:

- Any post-retirement medical benefits (including but not limited to hospitalization, major medical, medical/surgical, prescription, dental or vision) provided by the Town of Newton.
- Any payment or reimbursement for Medicare, Medicare Advantage, or Medigap coverage by the Town of Newton.

By way of Town Resolution 101-2022, the maximum Chapter 78 contribution rate for all non-union staff and applicable retirees from a non-union position shall be set at twenty-five (25%) percent regardless of employee's salary level, the retiree's monthly retirement allowance level, or the type of insurance coverage.

Town Resolution 153-2023, duly adopted by the Town Council of the Town of Newton on May 22, 2023, provides further clarification on retiree medical benefits to full-time, non-union employees who were employed by the Town of Newton on or before December 31, 2010.

8.4 - 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:2-6.2, and may forfeit their unused earned vacation time without payment or recourse.

8.5 - Return of Property

The separating employee must return all Town of Newton property at the time of separation including but not limited to uniforms, mobile phones, keys, books, PCs, iPads, tablets, iPhones, laptops, software, printers, fax machines, and identification cards.

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. Holiday Time: _____ DAYS _____ HOURS

F. 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 (5) business 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 planned surgery, please complete and submit your sick leave request form at least five (5) business days prior to same. ***If the reason for sick leave is a qualifying event under the Family and Medical Leave Act (FMLA), see the HR Director to complete required forms.**

APPENDIX B

TOWN OF NEWTON
REQUEST FOR FAMILY OR MEDICAL LEAVE FORM

Please Print

Name: _____ Date: _____

Department: _____ Title: _____

Employment Status: Full-Time Part-Time

Hire Date: _____ Length of Service: _____

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

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

Expected Date of Birth: _____ Actual Date of Birth: _____

Leave to Start: _____ Expected Return Date: _____

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

Date of Placement: _____

Leave to Start: _____ Expected Return Date: _____

In order to care for a seriously ill immediate family member (including employee's spouse/partner, child, parent, parent-in-law), who has a serious health condition.

Leave to Start: _____ Expected Return Date: _____

Description:

APPENDIX B

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

Leave to Start: _____ Expected Return Date: _____

Description:

For service member leave for an injury, illness or qualified exigency related to active duty:

Leave to Start: _____ Expected Return Date: _____

Description:

For other reasons:

Leave to Start: _____ Expected Return Date: _____

Description:

Requesting Intermittent Leave Schedule (if applicable: Subject to employer's approval)

Have you taken a family or medical leave in the past 12 months?

Yes No

APPENDIX B

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 Town paid while I was on leave.
- I am required to use all accrued paid leave time 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 requests for extended leave.

Employee Signature: _____ Date: _____

Leave Approval

Employee Submitted a Physician's Certification for the serious illness of self/dependent.

Employee has worked for one year with a minimum of 1,000 hours over the last 12 consecutive months (for New Jersey Leave) or at least 1,250 hours over the last 12 consecutive months (for Federal Leave).

For Full Day Leave:

Department Head Signature: _____ Date: _____

HR Director Signature: _____ Date: _____

Town Manager Signature: _____ Date: _____

Notes: _____

12.9.2024

APPENDIX C

TOWN OF NEWTON
REPORT OF PERSONAL INJURY FORM

ALL PAGES TO BE COMPLETED BY EMPLOYEE/INJURED PARTY AND SIGNED. PLEASE ANSWER EACH SECTION COMPLETELY. IF A CERTAIN SECTION IS NOT APPLICABLE, PLEASE NOTE "N/A."

Injured Party Information:

Employee Volunteer Non-Employee

Name: _____ Date of Birth: _____

Date of Hire: _____ Soc. Sec. No: _____

Address: _____

Home Phone: _____ Cell Phone: _____

Employment Status: Full-Time Part-Time Temporary

Days Worked/Week: _____ Hours Worked/Day: _____

What are your regularly scheduled hours? _____

Occurrence/Injury Information:

Date of Injury: _____ Time of Injury: _____

Time Employee Began Work: _____

Who was injury reported to (Name & Title): _____

Did the injury occur on Town premises? _____

Location/Department where injury occurred: _____

Description of how injury occurred: _____

What is the nature of the injury? _____
(Ex. Sprain, cut, contusion, etc.)

APPENDIX C

Body Part: _____
(please specify left/right or upper/lower)

Physician Treated: Yes No Date: _____

Name of Physician: _____ Address: _____

Hospital Treated: Yes No Date: _____

Name of Facility: _____ Address: _____

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

Witness(es):

Name: _____

Phone Number: _____

Name: _____

Phone Number: _____

I acknowledge that the information set forth above is true and correct.

Signature: _____

Date: _____

Supervisor
Signature: _____

Date: _____

APPENDIX D

TOWN OF NEWTON
REPORT OF A MOTOR VEHICLE ACCIDENT / PROPERTY LOSS FORM

ALL PAGES TO BE COMPLETED BY EMPLOYEE/VOLUNTEER AND SIGNED. PLEASE ANSWER EACH SECTION COMPLETELY. IF A CERTAIN SECTION IS NOT APPLICABLE, PLEASE NOTE "N/A."

Involved Party Information:

Employee

Volunteer

Name: _____

Date of Birth: _____

Date of Hire: _____

Address: _____

Home Phone: _____

Cell Phone: _____

Employment Status: Full-Time Part-Time Temporary

Days Worked/Week: _____

Hours Worked/Day: _____

What are your regularly scheduled hours? _____

Motor Vehicle Accident

Date of Accident/Occurrence: _____

Time of Accident/Occurrence: _____

Time Employee Began Work: _____

Location of Accident: _____

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

Name of Investigating Police Officer: _____

Description of Accident: _____

APPENDIX D

If you have any documents or photos, please include copies.

Description of Damage: _____

Parties Involved: _____

Driver's License Number: _____

State Issued: _____

Insured Vehicle: _____ Yes _____ No

Vehicle Identification Number (VIN): _____

Make: _____ Model: _____

Witnesses/Passengers:

Name: _____ Phone No. _____

Name: _____ Phone No. _____

Name: _____ Phone No. _____

LOST OR DAMAGED PROPERTY

Description of Property: _____

Owner's Name & Address: _____

APPENDIX D

Description of Damage: _____

Where Can Damage Be Seen? _____

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

I acknowledge that the information set forth above is true and correct.

Signature: _____

Date: _____

**Supervisor
Signature:** _____

Date: _____

APPENDIX E

SUPERVISOR'S MOTOR VEHICLE ACCIDENT INVESTIGATION FORM

Involved Party Information:

Employee

Volunteer

Date: _____

Vehicle # _____

Mileage: _____

Driver: _____

Date of Accident: _____

Time of Accident: _____

Reported to Police: Yes [] No []

Where: _____

Copy Attached? _____

Location of Accident (Portion of Building, Street, Intersection, including the Town):

Accident Type: Vehicle:

Head On []
Backing []

Sideswipe []
Rear End []

Intersection []
Off the Road []

Other: _____

Weather/Time Factors – Snow [] Ice [] Rain [] Darkness [] None []

Other: _____

Accident Description: _____

Contributing Conditions:

Vehicles (worn tires, brakes, inoperable lights, signals, etc.): _____

Road Conditions (unpaved, poorly lighted, etc.): _____

APPENDIX E

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): _____

Dept. Head Comments: _____

Dept. Head Signature: _____ **Date:** _____

Employee Signature: _____ **Date:** _____

APPENDIX F

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 your supervisor. If your supervisor is involved in the alleged violation, the Town Manager or Town Attorney must be the one(s) who is(are) advised. 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 F

Estimado Empleado del Municipio de Newton,

Bajo "el Acta de Protección al Empleado Conciencizado (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 con 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 con 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 con 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 con 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 con la ley; que usted perciba como fraudulenta o criminal, o sea incompatible con un claro encomendado de la política pública en relación con 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 más 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 serán 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 origina firmada de esta carta debe ser archivada en la carpeta de personal del empleado.

APPENDIX F

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 F

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

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

What is your requested remedy for this complaint?

ACKNOWLEDGMENT

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

BY: _____ DATE: _____

To investigate your complaint, a Town representative will seek 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 will be kept confidential to the extent possible; (2) any unauthorized disclosures of information concerning the investigation, or retaliation, could result in disciplinary action up to and including termination.

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

BY: _____ DATE: _____

12.9.2024

APPENDIX G

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:

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.):

Identify all persons with knowledge of the complained conduct:

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

What remedy are you seeking:

ACKNOWLEDGMENT - The information provided above is true and correct to the best of my knowledge:

BY: _____ DATE: _____

To investigate your complaint, a Town representative will seek 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 will be kept confidential to the extent possible; (2) any unauthorized disclosures of information concerning the investigation, or retaliation, could result in disciplinary action up to and including termination.

BY: _____ DATE: _____

APPENDIX H

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 H

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: _____

APPENDIX H

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. ACCOUNTABILITY:

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 H

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

STATE OF NEW JERSEY – TOWN OF NEWTON
DOMESTIC VIOLENCE POLICY FOR PUBLIC EMPLOYERS

APPENDIX I

I. RESOURCES AND ADVOCACY INFORMATION

Statewide Domestic Violence Hotline 1-800-572-SAFE (7233).

Guide to Services for Victims of Domestic Violence

**NJ Division on Women Department of Children and Families 50 East State Street
PO Box 729**

Trenton, NJ 08625-0729

Phone: (609) 888-7164

Web: <https://www.nj.gov/dcf/women/>

New Jersey Coalition to End Domestic Violence

1670 Whitehorse-Hamilton Square Road • Trenton, New Jersey 08690-3541

24HR Helpline: 800-572-7233 / DV Legal Helpline: 844-403-2111 / VP: 609-434-3838

info@njcedv.org

Training Institute <https://www.njcedv.org/>

The New Jersey Coalition to End Domestic Violence (NJCEDV) is a statewide coalition of domestic violence service programs and concerned individuals whose purpose and mission is to end domestic violence in New Jersey. NJCEDV performs its work through advocacy for survivors of domestic violence; collaboration with state agencies and its member programs; education and training; and technical assistance for its members and the community.

Futures Without Violence

FUTURES has been providing groundbreaking programs, policies, and campaigns that empower individuals and organizations working to end violence against women and children around the world.

<https://www.futureswithoutviolence.org/>

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II. LAWS PROTECTING VICTIMS OF DOMESTIC VIOLENCE

The State of New Jersey Policy on Discrimination in the Workplace. Under this policy, forms of employment discrimination or harassment based upon the following protected categories are prohibited and will not be tolerated: race, creed, color, national origin, nationality, ancestry, age, sex/gender (including pregnancy), marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability.

<https://www.state.nj.us/csc/about/divisions/eeo/laws.html>

The New Jersey Law Against Discrimination (N.J.S.A. 10:5-12) (LAD) makes it unlawful to subject people to differential treatment based on race, creed, color, national origin, nationality, ancestry, age, sex (including pregnancy), familial status, marital status, domestic partnership or civil union status, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for military service, and mental or physical disability, perceived disability, and AIDS and HIV status. The LAD prohibits unlawful discrimination in employment, housing, places of public accommodation, credit, and business contracts. Not all of the foregoing prohibited bases for discrimination are protected in all of these areas of activity. For example, familial status is only protected with respect to housing. The Division has promulgated regulations that explain that a place of public accommodation must make reasonable modifications to its policies, practices, or procedures to ensure that people with disabilities have access to public places. The regulations also explain that under the LAD, these reasonable accommodations may include actions such as providing auxiliary aides and making physical changes to ensure paths of travel.

The Application of Title VII and the ADA to Applicants or Employees Who Experience Domestic or Dating Violence, Sexual Assault, or Stalking: Questions and Answers

https://www.eeoc.gov//eeoc/publications/qa_domestic_violence.cfm

New Jersey SAFE Act

The New Jersey Security and Financial Empowerment Act ("NJ SAFE Act"), P.L. 2013, c.82, provides that certain employees are eligible to receive an unpaid leave of absence, for a period not to exceed 20 days in a 12-month period, to address circumstances resulting from domestic violence or a sexually violent offense. To be eligible, the employee must have worked at least 1,000 hours during the immediately preceding 12-month period. Further, the employee must have worked for an employer in the State that employs 25 or more employees for each working day during each of 20 or more calendar workweeks in the then-current or immediately preceding calendar year.

Leave under the NJ SAFE Act may be taken by an employee who is a victim of domestic violence, as that term is defined in N.J.S.A. 2C:25-19, or a victim of a sexually violent offense, as that term is defined in N.J.S.A. 30:4-27.6. Leave may also be taken by an employee whose child, parent, spouse, domestic partner, or civil union partner is a victim of domestic violence or a sexually violent offense.

Leave under the NJ SAFE Act may be taken for the purpose of engaging in any of the following activities as they relate to an incident of domestic violence or a sexually violent offense:

- (1)** Seeking medical attention for, or recovering from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's child, parent, spouse, domestic partner, or civil union partner.
- (2)** Obtaining services from a victim services organization for the employee or the employee's child, parent, spouse, domestic partner, or civil union partner
- (3)** Obtaining psychological or other counseling for the employee or the employee's child, parent, spouse, domestic partner, or civil union partner
- (4)** Participating in safety planning, temporarily or permanently relocating, or taking other actions to increase the safety from future domestic violence or sexual violence or to ensure the economic security of the employee or the employee's child, parent, spouse, domestic partner, or civil union partner
- (5)** Seeking legal assistance or remedies to ensure the health and safety of the employee or the employee's child, parent, spouse, domestic partner, or civil union partner, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic violence or sexual violence; or
- (6)** Attending, participating in, or preparing for a criminal or civil court proceeding relating to an incident of domestic or sexual violence of which the employee or the employee's child, parent, spouse, domestic partner, or civil union partner, was a victim.

Leave under the NJ SAFE Act must be used in the 12-month period immediately following an instance of domestic violence or a sexually violent offense. The unpaid leave may be taken intermittently in intervals of no less than one day. The unpaid leave shall run concurrently with any paid vacation leave, personal leave, or medical or sick leave that the employee elects to use or which the employer requires the employee to use during any part of the 20-day period of unpaid leave. If the employee requests leave for a reason covered by both the NJ SAFE Act and the Family Leave Act, N.J.S.A.34:11B-1 et seq., or the federal Family and Medical Leave Act, 20 U.S.C. 2601 et seq., the leave shall count simultaneously against the employee's entitlement under each respective law.

Employees eligible to take leave under the NJ SAFE Act must, if the necessity for the leave is foreseeable, provide the employer with written notice of the need for the leave. The employee must provide the employer with written notice as far in advance as reasonable and practicable under the circumstances. The employer has the right to require the employee to provide the employer with documentation of the domestic violence or sexually violent offense that is the basis for the leave. The employer must retain any documentation provided to it in this manner in the strictest confidentiality, unless the disclosure is voluntarily authorized in writing by the employee or is authorized by a federal or State law, rule, or regulation.

The NJ SAFE Act also prohibits an employer from discharging, harassing or otherwise discriminating or retaliating or threatening to discharge, harass or otherwise discriminate against an employee with respect to the compensation, terms, conditions or privileges of employment on the basis that the employee took or requested any leave that the employee was entitled to under the NJ SAFE Act, or on the basis that the employee refused to authorize the release of information deemed confidential under the NJ SAFE Act. To obtain relief for a violation of the NJ SAFE Act, an aggrieved person must file a private cause of action in the Superior Court within one year of the date of the alleged violation.

<https://nj.gov/labor/>

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III. RESOURCES

The Department of Children and Families Office of Domestic Violence Services (ODVS) funds 23 domestic violence programs and the New Jersey Coalition to End Domestic Violence. There is at least one DCF-funded domestic violence program in each of New Jersey's 21 counties.

The **Office of Domestic Violence Services** funds domestic violence services that serve the needs of victims in every county. Services for survivors, victims, and their families include emergency shelters, 24-hour hotlines, counseling, children's services, and financial, housing, and legal advocacy.

The **Office of the Prevention of Violence Against Women** funds services that serve the needs of sexual assault victims and sexual violence prevention programs in every county. Services include a 24-hour hotline, crisis counseling, accompaniments by a confidential sexual violence advocate, and financial, housing, and legal advocacy.

Through displaced homemaker programs, the **Office of Support, Employment, and Training** helps individuals gain or upgrade their skills for today's work force and become economically self-sufficient. Individuals can attend short term educational or training programs.

DOW Services

- Funds, monitors, and evaluates programs for the advancement of women
- Develops new programs to serve women
- Refers women to direct service providers
- Provides information on women's issue to the public
- Provides technical assistance to agencies representing women
- Represents women on boards, commissions, councils, committees, and task forces and provides input and recommendations on issues pertaining to the Division's Mission

The Family and Community Partnerships/Division on Women

Community Program Directory

<https://www.nj.gov/dcf/families/dfcp/DFCPDirectory.pdf>

This FCP/DOW Community Program Directory represents an ongoing commitment by DCF to increase access to resources that are designed to strengthen families, prevent child abuse, or neglect, and empower survivors of domestic and sexual violence. The services identified in this Directory are funded by DCF's Family and Community Partnerships, a grant-making and best practices team committed to strengthening New Jersey's families. The directory receives continuous updates online as additional resources for families become available or as changes occur.

Other Programs in New Jersey through the Division on Women Office of Domestic Violence Services:

To find domestic violence resources by county, click on the related link to view [DFCP/DOW's Community Program Directory](#).

For more information, contact DOW at DOW@dcf.state.nj.us or at 609-888-7164. <http://www.nj.gov/dcf/women/domestic/>

Legal Services:

Legal Services of New Jersey and Central Jersey Legal Services

New Jersey Legal Services assists victims who cannot afford legal advice and/or representation. Assistance includes referral, advice, brief assistance, preparation of a letter or routine legal document, extended representation, and technical assistance. The program also offers training to domestic violence legal advocates, programs, attorneys, and others.

Legal Services of New Jersey Domestic Violence Representation Project:
(888) LSNJ-LAW (888) 576-5529
Central Jersey Legal Services (908) 354-4340
Website: www.LSNJLawHotline.org

Culturally Specific Services Bolo Behen (Speak Sister)

Bolo Behen works with different faith-based leaders throughout Hudson County, collaborating with leaders of temples, mosques, Islamic centers, Gurudwaras, and more. Bolo Behen facilitates groups called Community Chai where women can come and express their problems and concerns openly, comfortably, and without fear. People listen to each other's story and offer support. Services are based on a holistic approach that addresses the large range of client needs. Using culturally and linguistically appropriate methods, Bolo Behen builds trust with clients and creates an environment where South Asian women feel safe, respected, and understood.

24/7 Bilingual Hotline: (201) 795-5757

Project S.A.R.A.H (Stop Abusive Relationships at Home)

Project S.A.R.A.H. is a program that works to overcome cultural, legal, and religious barriers confronting victims of domestic violence and sexual abuse. Project S.A.R.A.H. operates within an environment that is sensitive to a victim's cultural and religious needs, serving as a bridge between abuse victims in the Orthodox community and support systems and resources. Project S.A.R.A.H. works closely with rabbis and rebbetzins, kallah teachers and mikvah attendants, camp directors and school administrators, parents, and the general public to keep the community safe for everyone. The program provides therapeutic interventions that enable victims to process the often unspeakable trauma they experienced and restore them toward fully functional and productive lives.

Project S.A.R.A.H. connects victims and survivors with a broad array of services, including pro bono legal consultations, evaluations, individual and group therapy, psychiatric services, as well as emotional, financial, and vocational support. Confidential Hotline: (973) 777-7638.

Special Initiatives

Address Confidentiality Program

The New Jersey Address Confidentiality Program (ACP) assists individuals who, as a result of domestic violence, have relocated for their safety. This program limits the access to personal information that would reveal the new location of an ACP participant. ACP provides eligible victims of domestic violence with a substitute address that has no connection to their actual location. This substitute mailing address may be used when creating a new record with state or local government agencies.

New Jersey Address Confidentiality Program (ACP) Hotline 1 (877) 218-9133 Toll Free- Non-Emergency

The New Jersey Address Confidentiality Program Hotline provides services including – but not limited to – access to domestic violence information and referral services, including application procedures, and advocacy.

State of New Jersey

Department of Law and Public Safety Office of the Attorney General

NJ State Police Victim Services Unit:

The Victim Services Unit will coordinate with State, County, and Municipal agencies to develop and implement domestic violence and sexual violence training programs and continue to effectively work with road troopers to enhance training on the proper handling of these types of crimes.

<https://www.njsp.org/division/operations/domestic-violence-info.shtml>

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