



PERSONNEL POLICY OF WARREN TOWNSHIP

Adopted by Resolution 94-88

REVISIONS MADE:

December 19, 1994	Resolution 94-309
December 21, 1995	Resolution 95-293
April 18, 1996	Resolution 96-95
September 19, 1996	Resolution 96-241
December 5, 1996	Resolution 96-292
December 27, 1996	Resolution 96-321
September 17, 1997	Resolution 97-245
January 28, 1999	Resolution 99-36
December 7, 2000	Resolution 2000-310
April 19, 2001	Resolution 2001-114
June 14, 2001	Resolution 2001-178
January 31, 2002	Resolution 2002-31
May 23, 2002	Resolution 2002-141
September 12, 2002	Resolution 2002-241
September 26, 2002	Resolution 2002-254
December 5, 2002	Resolution 2002-333
Reprinted	July 2003
December 23, 2003	Resolution 2003-351
October 7, 2004	Resolution 2004-260 & 261
February 10, 2005	Resolution 2005-42 & 58
December 12, 2005	Resolution 2005-286
October 6, 2006	Resolution 2006-231
October 18, 2007	Resolution 2007-220
January 24, 2008	Resolution 2008-39 & 40
March 6, 2008	Resolution 2008-67
January 22, 2009	Resolution 2009-49
February 13, 2009	Resolution 2009-66
February 19, 2009	Ord. 2009-03
November 19, 2009	Resolution 2009-267 – Authorizes Amendments to PP
July 15, 2010	Resolution 2010-165
March 17, 2011	Resolution 2011-80
October 27, 2011	Resolution 2011-224
April 4, 2013	Resolution 2013-85
September 12, 2013	Resolution 2013-208
October 24, 2013	Resolution 2013-245
November 13, 2013	Resolution 2013-257
August 14, 2014	Resolution 2014-188
June 18, 2015	Resolution 2015-142
November 18, 2017	Resolution 2017-281
June 14, 2018	Resolution 2018-151
April 11, 2019	Resolution 2019-098
July 18, 2019	Resolution 2019-193
February 13, 2020	Resolution 2020-063
November 17, 2022	Resolution 2022-286 –Latest amendment

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RESOLUTION 2009-267 - NOVEMBER 19, 2009 – AMENDMENTS TO PERSONNEL POLICY
ADOPTED....ATTACHED

SECTION ONE:

EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

It is the policy of the Township of Warren to afford equal employment opportunity to all Township employees and applicants for employment, regardless of race, color, religion, sex, sexual orientation, national origin, marital status, domestic partnership status, ancestry, age, political or religious opinions or affiliations or because of a mental or physical disability that does not interfere with the ability to do the work required.

This policy shall be applied to all phases of employment such as recruitment, selection, appointment, placement, promotion, demotion, transfer, training, wages, benefits, working conditions and any personnel action (including, but not limited to, any layoff, recall, discharge, disciplinary action and performance evaluation).

SECTION TWO:

DECLARATION OF POLICY

1. To base employment with Warren Township on merit and free of political considerations.
2. To expect and require every employee to consistently do the best work of which he/she is capable.
3. To help expand the employees' abilities; to encourage such employee to better themselves and be able to perform necessary functions; to help such employee successfully carry out the business of the Township.
4. To allow the Administrator, Supervisor or department head the right to assign personnel on a temporary or permanent basis to such position as is necessary to carry out the function of a department provided the employee is not exposed to obligations that are unreasonably beyond the scope of his/her or her employment.
5. To pay fair salaries for each position and, in return, to expect and require a consistently good job and conscientious attendance at work from the employees.
6. To impress on all employees that, at all times, they are serving the citizens and taxpayers of the community.
7. To require every employee of this municipality to conduct himself or herself in a proper manner and in such a way as not to reflect unfavorably upon the employee or the municipality.
8. All employees are "*employee at will*" unless an employee has tenure in office in accordance with N.J.S. A. 40A:9-161, and nothing herein should constitute an employment contract between the Township and any employee. **"Employee at will" means that the Township Committee, in or of itself or through its Administrator and/or Department Heads, controls the employment status of the employee. An employee may be terminated without cause.**

SECTION TWO "A"

GENERAL INFORMATION

NOT A CONTRACT OF EMPLOYMENT/"AT WILL" EMPLOYMENT

This Personnel Policy is intended to provide information to employees of Warren Township. All employees of the Township are employees "at will." NOTHING IN THIS POLICY SHALL BE CONSTRUED TO CREATE AN EMPLOYMENT CONTRACT BETWEEN THE TOWNSHIP AND THE EMPLOYEE. The "at will" relationship between the Township and its employees can only be modified by a written agreement signed by the Administrator and the employee and approved by the Township Committee.

This Policy is not a contract of employment. It is intended only as a guide to the policies of the Township and is only a general application. Nothing contained in this Policy or any other handbook or policy, policy statement or work rule of the Township shall constitute a contract of employment or a contract of agreement for a definite term of employment.

Nothing contained in this Policy or any other handbook, policy statement or work rule of the Township shall limit or restrict the right of the Township:

1. To terminate an employee with or without cause;
2. To change the terms and conditions of the employment relationship without notice and without the consent of any employee;
3. To modify the terms and provisions of any handbook, policy statement or work rule without notice and without the consent of any employee.

No representative of the Township has the right to enter into an oral contract of employment with any employee.

Any policies contained in this Policy are subject to change at any time at the sole discretion of the Township.

SECTION THREE:

EMPLOYEE DEFINITIONS

FULL TIME SALARIED EMPLOYEE: an employee who is appointed to a regular position on a twelve (12) month basis whose regular hours of duty are the normal work week for the department to which he/she is assigned. Said employee is paid on an annual salary basis. Said employee is paid a pre-established salary.

FULL TIME EMPLOYEE: an employee who is appointed to a regular position on a twelve (12) month basis whose regular hours of duty are the normal workweek for the department to which he/she is assigned. Said employee is paid on an hourly wage basis.

SECTION THREE (Cont'd):

Resolution 2013-85 Added April 4, 2013

PART TIME SALARIED EMPLOYEE: an employee appointed to a regular position, whose hours are less than the normal workweek but no more than an average of 28 hours per week. If an employee periodically works more than 28 hours per week, the employee is not considered a full time employee unless specifically reclassified by the Township Administrator in writing.

PART TIME EMPLOYEE: an employee appointed to a regular position who works regularly scheduled hours fixed on a weekly basis and whose hours are less than the normal workweek for the department to which he/she is assigned. Said employee is based on an hourly wage.

HOURLY EMPLOYEE: an employee who is hired on an hourly wage basis.

DEPARTMENT HEAD: Head of a department or office created by Ordinance of the Township.

SUPERVISOR: a person who is responsible for overseeing operations and personnel in an established department or office.

TEMPORARY EMPLOYEE: a person who is employed by the Township for a period of four (4) months or less.

SECTION FOUR:

POWERS OF APPOINTMENT

All employees of the Township shall be appointed and promoted by the Township Administrator as provided by Section 2-19.7(r) of the Revised General Ordinances of the Township of Warren unless otherwise provided by State law or local ordinance. The Township Administrator shall consider recommendations of the department head or supervisor where applicable. The Township Administrator, for those positions for which the Township Committee shall appoint, shall provide recommendations upon request to the Township Committee for their selection.

SECTION FIVE:

GENERAL EMPLOYMENT PRACTICES

1. New Positions:

The Township Committee must affect the creation of any new position and authorize the filling of it prior to any employment or engagement of employee. In addition, there must be provided in the current budget, or otherwise, specific, and adequate funds to compensate the employee before the employee is hired. Inclusion of the position in the annual budget shall be considered proper authorization for the position.

2. Posting New Positions:

Whenever a vacancy exists or a new position is created, the position shall be posted on municipal bulletin boards and/or may be advertised in local media.

SECTION FIVE: (Cont'd)

3. Interview & Selection:

As soon as practical, after the final date specified for filing, all such applications received (including those from Township employees) will be considered by the Supervisor or the Department Head involved and the Administrator. Interviews shall be conducted by the Department Head, Supervisor, and/or Township Administrator as appropriate.

The Township Committee, for the positions, which the Township Committee appoints, may elect to interview personally the applicants who appear to be best qualified for the position. These positions include Township Administrator, Statutory Officers, Department Heads, and other similar positions. The Township Committee may request a recommendation from either the Township Administrator or the Department Supervisor for these positions.

4. Physical Exam & Drug Test:

All potential employees of the Township, except for potential temporary employees, shall submit to and pass both a physical examination and a drug test. The results of any of the physical examination and drug test will be treated as confidential medical information. The Township will bear the expense of both physical examination and drug test, which will be performed by a doctor designated by the Township. Certain specified positions may require additional testing.

5. Reference Checks:

All potential employees are subject to reference/background checks prior to employment.

6. Application Requirements:

All selected applicants are advised that their appointment is being considered on the basis of information contained in the Application for Employment and given in the personal interview. Consequently, any misstatements or pertinent information, which is withheld, will be consideration as sufficient cause for dismissal. All appointments are tentative until the employee has satisfied the requirements of the Federal Immigration Reform and Control Act of 1986 and has satisfactorily completed a drug test, physical and/or psychological exam and an appropriate reference/background check, where required.

7. Notification of Employment:

Each new hire shall be notified in writing by the Township Administrator of his/her appointment. Upon commencement of employment, all new hires will receive a brief orientation, including completion of personnel forms and receipt of the personnel policy.

8. Personnel Files:

The Township Administrator, Township Clerk, or their designee, shall cause to be established and maintained a Personnel History File for all employees.

9. Ethics Law:

All employees are required to comply with the Local Government Ethics Law.

SECTION SIX:

PAY AND SALARY RANGE

1. Authorization of Salary/Salary Ranges:

The Township Administrator shall establish salaries for new hires and promotions within the salary range established by the Salary Ordinance. The Township Committee may approve salaries annually by resolution as part of the budget process except for those employees under contract. The Township Committee may review all salaries of non-contract personnel during the budget process. The Township Administrator will present salary recommendations to the Township Committee for their consideration in accordance with Section 2-19.7P of the Revised General Ordinances of the Township of Warren.

2. Salary Adjustment Effective Dates:

All salary adjustments for employees hired after January 1, 2001 shall become effective on January 1 unless the Township Committee or the Township Administrator direct otherwise. All employees hired during the last third of the calendar year, September 1 - December 31, of the year immediately preceding the year in which salary adjustments are to be effective, will receive their authorized salary adjustments on the 1st or 15th of the month, whichever is closest to their six month employment anniversary. The salary adjustment for the said new employees will not be effective January 1. (By way of example of the above: an employee hired on November 13 will have any authorized salary adjustment be effective on May 15.

3. Salary Increases:

Salary increases are not automatic and shall include a review of job performance by department head, supervisor, and/or the Township Administrator.

4. Pay Period:

Employees shall be paid on a BI-weekly basis or as otherwise determined by the Township Committee.

5. Payroll Sheets:

The Township shall only pay employees for work completed through the date payroll sheets are submitted except for those employees paid under a previous system, which includes all employees hired on, or prior to September 22, 1986.

6. Enhanced Salary Level:

All employees hired before January 15, 1993, who have credited service in PERS of at least twenty-eight (28) years, with at least eighteen (18) years of service being in Warren Township, shall be entitled to a seven and one-half percent (7½%) raise after the employee has completed twenty-eight (28) years of pension credited service and another seven and one-half percent (7½%) raise after the employee has completed twenty-nine (29) years of pension credited service. In the event that the employee is employed by the Township after the employee has completed thirty (30) years of pension-credited service, the employee's pay will be reduced by fifteen percent (15%) (see below formula). The formula expressing the above shall be:

SECTION SIX (Cont'd)

Year 1 = Base Salary x 7.5% x longevity (if any) = Total

Year 2 = Base Salary x 7.5% (Year 1 included) x 7.5% (Year 2) x longevity (if any) = Total

Year 3 = Base Salary x longevity (if any) = Total

The only employees entitled to the above benefit are as follows:

Douglas Buro

Mark Krane

Michael Kull

Lisa Reuter

Loree Saums

SECTION SEVEN:

HEALTH BENEFITS, RETIREMENT PLANS & LIFE INSURANCE

Health Benefits

Each full time salaried and full time hourly employee that works at least thirty-five (35) hours per week (or the hours as may be established by the Rules of the NJ State Health Benefits Plan, if the same are different), shall receive medical insurance coverage through a standard plan as offered by the Township or HMO options as required to be offered for major medical coverage and hospitalization for employees and their dependents and dental insurance for employees only. Dental insurance for dependents is available on a contributory basis.

The standard plan as defined by the Township Committee shall be the Direct 15 plan; all new employees must enroll in the Direct 15 plan and may contribute the difference to enroll in either the Direct 10 plan or HMO coverage plan. All existing employees enrolled in Direct 10 may continue to do so. The Township Committee may, at their own discretion, select another plan in lieu of the Direct 15 plan or other State Health Benefits Plan options at their sole direction without the requirement that this section be amended.

The above coverage may be contributory on the part of the employee at such amounts that are determined annually by the Township Committee or as established in labor contracts. The Township Committee may establish a charge for dependent coverage in the State Health Benefits Plan as authorized by Section 156 of the 1989 N. J. Public Employee Benefits Manual as heretofore supplemented and amended. An employee covered by an HMO shall contribute the amount of the premium, which exceeds the amount paid for coverage under the standard plan provided by the Township.

The above coverage is in addition to coverage provided by the Public Employee Retirement System (PERS), Police and Fire Retirement System (PFRS), or other pension system that some or all employees may be enrolled in.

SECTION SEVEN: (Cont'd)

Other benefits may be offered by the Township Committee subject to employee contribution through payroll deductions or on a noncontributory basis as determined from time to time by the Township Committee at their sole discretion.

Retirement Plans & Group Life Insurance

All regular Township employees earning more than \$1,500.00 annually must be enrolled in the New Jersey Public Employees Retirement System ("PERS"), Defined Contribution Retirement Program ("DCRP") or the New Jersey Police & Fire Retirement System ("PFRS") and are subject to the requirements and provisions of that plan. Please contact the Chief Financial Officer for information on exceptions to these requirements. Group life insurance is offered as part of PERS, DCRP, or PFRS; see also **Schedule 5**.

Membership in PERS or DCRP is determined by position or professional license. If an individual holds a professional license or certificate to perform and is serving in any of the following capacities, the person is qualified to join or remain in PERS and does not join DCRP, (Section 1 Group):

Certified Health Officer	Tax Assessor
Tax Collector	Municipal Court Administrator
Chief Financial Officer	Municipal Planner
Construction Code Official	Registered Municipal Clerk
Qualified Purchasing Agent	Licensed Uniform Subcode Inspector
	Certified Public Works Manager

The following positions are deemed eligible for and shall participate in DCRP (Section 2 Group):

Governing Body Members	Municipal Judge
Township Administrator	Recreation Director
Township Engineer	

Section 2 Group positions that are otherwise required to join DCRP are excused from membership if:

- They are a PERS member prior to July 1, 2007 and continuously thereafter. Continuously means that a period of no more than two years has elapsed from the time the individual left employment in a PERS position to the time the person was reemployed;
- They are eligible for membership or enrolled in another pension program;
- They are retired and receiving a benefit from another state pension plan;
- They are otherwise ineligible to join PERS;
- The salary of the position is less than \$1,500/year

SECTION SEVEN: (Cont'd)

If an individual is appointed to one of the positions listed in Section 1 and the individual is not serving in a position as described in Section 2 above, the Township's Pension Certifying Officer may determine that the individual is not required to join DCRP if that individual:

1. Was an active participant in PERS on July 1, 2007 and continuously since that time;
or
2. Has been appointed pursuant to a valid promotional process; or
3. Is appointed on a temporary, interim, or "acting" basis to a position requiring State Certification as set forth in Section 2, and is in pursuit of the required certification;
or
4. Meets such other exceptions as may be approved by the Local Finance Board or the Division of Pensions and Benefits.

A person earning less than \$5,000 a year and is eligible for DCRP membership can decide to waive participation in DCRP. This decision is irrevocable for elected officials.

Membership in the DCRP shall be effective July 1, 2007 based on the criteria above.

The employee's contribution to the plan is deducted from the salary paid to such employee and remitted to the state as required by law. The Township contribution for each employee is determined by and subsequently remitted to the State in accordance with the provisions of the law.

Township employees having completed the required number of years of service and having attained the specified age may apply for retirement as provided for by the plan.

Full details on either of these retirement plans may be obtained from the Chief Financial Officer.

SECTION EIGHT:

LONGEVITY

Section Eight, which previously provided Longevity payments to Township employees, was deleted effective January 1, 2003 by Resolution No. 2002-254, dated September 26, 2002 and Ordinance 02-39.

SECTION NINE:

PROBATIONARY PERIOD

1. New Employees:

Except when statutory requirements direct otherwise, appointments of new employees shall be for a probationary period of six (6) months unless contrary to law. The Probationary Period for Supervisors, Department Heads and Statutory Officers shall also be six (6) months. The Administrator may discontinue the service of any employee during the probationary period if, in his/her opinion, the employee is unwilling or unable to perform the duties of his/her position in a satisfactory manner.

2. Promotions:

Employees who are promoted shall be subject to a three- (3) month probationary period. Such probationary status will in no way affect the rights and status the employee had obtained in the original or lower classification.

3. Continued At-Will Employment:

Employees who satisfactorily complete a probationary period shall continue their employment "at will", conditioned upon good behavior and satisfactory job performance. Notwithstanding anything to the contrary contained herein, all employees, unless other provisions shall apply, are "employees at will" and can be terminated without cause even after successfully completing the probationary period.

4. Extension of Probation Period:

The Administrator at his/her discretion upon the recommendation of the Department Supervisor, may extend the probation period unless contrary to law.

5. Terminated Employees:

New employees who are terminated during the probationary period are not entitled to contest their termination under the grievance procedure outlined in Section Fifteen.

SECTION TEN:

DEDUCTION FOR LEAVE WITHOUT PAY

Resolution 2015-142 -- Added June 18, 2015

Deductions in salary for leave without pay shall be computed on the basis of salary and pay periods as prescribed in the Salary Ordinance in effect in the Township at the time of the leave. The Township Administrator may grant a Leave without Pay on request from any township employee. The approval of such leave shall be approved on a case-by-case basis considered on its own merits without establishing a precedent. The Township Administrator shall obtain the recommendation of the employee's supervisor prior to rendering a decision. It is in the Administrator's sole and absolute discretion to grant a leave without pay for up to thirty (30) calendar days. For any time after the thirty- (30) calendar day period, the Township Committee's approval must be obtained; however, the continuation of benefits is within the sole discretion of

SECTION TEN: (Cont'd)

the Township Committee. ***"If the Township Committee or the Township Administrator does not approve a leave of absence without pay, unless the employee is eligible for leave as further described in section 16 of the Personnel Policy and applicable labor contracts, and the employee does not report to work as required, the employee's employment status with the Township may result in termination, as solely determined by the Township Administrator, in his or her reasonable discretion, except as may be limited by applicable law."***

SECTION ELEVEN:

WORKING TIME AND ATTENDANCE ON JOB

1. Attendance Records:

Time and attendance records will be maintained by each department of the Township of Warren. The supervisor of each department or office will certify as to the accuracy of the Time Report. Such record will be forwarded to the Finance Office as a basis for payment and, subsequently, to the office designated by the Administrator where permanent attendance records will be maintained. The time sheet shall be accurate and complete. Care should be taken to insure the accuracy of the time record. Submission of and/or approval of an inaccurate or falsified time record may be cause for disciplinary action up to and including dismissal.

2. Work Day Hours:

The regular working day for full time office employees is 8:30 a.m. to 4:00 p.m., Monday through Friday, and each employee is expected to be at his/her duty station from 8:30 a. m. to 4:00 p.m. The regular working day for Public Works Department and Building and Grounds employees is 7:00 a.m. to 3: 30 p.m. Hours for Police Officers and Police Dispatchers shall be assigned by the Police Chief. Employees are expected to adhere strictly to their schedule. The Township Administrator may approve different office hours with the approval of the supervisor or department head for part time employees.

3. Punctuality:

Being punctual and on time is of utmost importance; consequently, any lateness in arrival at work and returning from lunch is not permitted unless specifically authorized in advance by the department head or Township Administrator. The reason for the lateness whether authorized or not will be noted on the Time Report. Recurring or chronic tardiness or unexcused absences will be the basis for disciplinary action by the department head or the Administrator against the offending employee. In the event of an anticipated absence by an employee, the department head or Administrator should be notified two (2) days in advance, except in cases of a demonstrated emergency, so that the employee's position can be covered without a loss of service to the public.

4. Lunch Period:

A one-half hour lunch period is authorized during a normal work period, with a specific time assigned to each employee by the department head where necessary, in order that duty stations will be covered.

SECTION ELEVEN: (Cont'd)

5. Assigned Work Week:

Unless a department or certain position within a department is regularly assigned a greater number of hours per week, the normal hours of work for full time Township employees is thirty-five (35) hours per week except: (a) hourly employees of the Public Works Department, dispatcher, and Building and Grounds who shall work five (5) eight (8) hour days, forty (40) hours per week; (b) during an emergency, the department head may vary the work hours as necessity dictates.

SECTION TWELVE:

INJURY

An employee who is injured in the performance of his/her duties shall immediately report the accident to his/her department head and shall complete the form provided for such reports unless such injury incapacitates the employee. If so, the Supervisor or his/her designee shall assist the employee. The completed accident report form shall be submitted to the office designated by the Township Administrator within twenty-four (24) hours. Employees absent due to on the job injury are eligible for coverage under the Township Workers Compensation policy. The Township will continue to pay the employee at the regular earning rate for a period of thirty (30) days and during that time the Workers' Compensation payments shall be forwarded to the Township Chief Financial Officer. After the thirty-(30) day period, the Township Committee, in its sole discretion, upon a case-by-case basis, may extend the regular earning rate.

The Township reserves the right to require a medical examination by a licensed physician designated by the Township Committee at any time during the employee's absence and may require a certificate of fitness to work, prior to allowing the employee to return to work.

Employees who file private litigation as a result of an on the job injury, shall notify the Township Administrator, in writing, of the action and forward a copy of the final judgment to the Township Administrator. As part of any request for the extension of injury leave, the employee is required to notify the Township Administrator of any pending litigation associated with said injury.

Resolution 2011-80 Added March 17, 2011

Warren Township does not offer permanent light duty. In an effort to return employees with temporary disabilities to the workplace as quickly as possible, Warren may provide transitional or temporary light duty. Transitional or temporary light duty may be provided to employees who temporarily cannot perform the essential functions of their positions because of work related injury or illness. Transitional duty is not guaranteed and will be reviewed by the Township Administrator and the employees' direct supervisor and will be approved on a case by case basis.

An employee requesting transitional duty directly or through the Worker's Compensation Physician shall notify the Department Supervisor or his designee as soon as the temporarily disabled employee is able to return to work with restrictions. Transitional duty will only be assigned if the employee will be able to perform the essential functions of the position after the transitional duty period.

SECTION TWELVE: (Cont'd)

The Department supervisor will determine if there is any meaningful work that can be performed consistent with the restrictions. Transitional duty assignments will generally be in the employee's department but may in some circumstances be in another department. The Department Supervisor will recommend to the Township Administrator if it is in the best interest of the Township to approve a transitional duty request and the employee will be notified of the decision. The Township reserves the right to terminate the transitional duty assignment at any time without cause.

Employees may not refuse transitional duty assignments that are recommended by the Workers Compensation Physician. In such cases, failure to report to work as directed shall constitute grounds for disciplinary action up to and including dismissal.

Employees on transitional duty will receive their regular salaries and are prohibited from engaging in any outside employment of any kinds unless they receive prior written approval from the Township Administrator. If transitional duty is approved, the employee or Workers Comp Physician must keep the Township informed of the medical progress. Employees assigned to transitional duty will be allotted time off to attend medical or physical therapy appointments but must request leave time for any other reason. If at the end of transitional duty period the employee is not able to return to work without restrictions, the Township reserves the right at its sole discretion to extend the transitional duty or place the employee back on Workers Compensation or disability leave. This policy does not affect an employee's rights under the Americans with Disabilities Act, the Family and Medical Leave Act, the Fair Labor Standards Act, or other Federal or State law.

The Township Administrator or his/her designee shall initiate an interactive dialogue with employees seeking transitional duty to identify reasonable accommodations that do not create an undue hardship. Accommodations may include modifications to facilities, equipment and work procedures, auxiliary aides, and services and temporary reassignment to vacant positions. Accommodations shall not be unduly expensive, extensive and disruptive or fundamentally alter the nature of the operation. To be eligible for accommodations, individuals must (1) be able to perform the essential function of the position, (2) not create a real safety hazard to themselves, co-employees or the public, and (3) be otherwise qualified for the position in that they possess the prerequisites including education, experience, training, skills, licenses or certificates and other job-related requirements. All decisions with respect to accommodations shall be made by the Township Administrator.

SECTION THIRTEEN:

EMPLOYEES WHO ARE MEMBERS OF A VOLUNTEER FIRE COMPANY OR RESCUE SQUAD

Employees are encouraged to become members of volunteer fire companies or rescue squad. Employees who are members of volunteer fire companies or the rescue squad which serve Warren Township shall be excused from attendance during the regular work day, Monday through Friday, for fire or rescue squad emergencies, except during Township emergencies, and only for the duration of the fire or rescue squad emergency. If more than one member of the department or office is a member of the above organization, the department head or Administrator may limit the response in order to ensure that Township functions are not being unusually interrupted, unless the magnitude of the emergency requires all members of the above organizations. Employees working on an overtime basis for the Township will not be excused for fire fighting or rescue squad duties and should make necessary arrangements with the fire company or rescue squad in advance so that other fire company or rescue squad members will be available. An employee shall not respond to a call if leaving the job site might cause a fellow employee to be endangered.

SECTION FOURTEEN:

OVERTIME

1. All Personnel:

Any employee, other than an elected or appointed official or an executive, administrative or professional employee as defined by 29CFR part 541 and as provided in Section 13(a) of the Fair Labor Standards Act, who is required to work overtime shall be compensated at a rate of one times salary up to 40 hours per week and one and one-half time salary for hours over 40 per week at an hourly rate of pay to be established as follows (Full-time salaried employee who works a 40 hour week):

Part-time salaried employee and annual hours for fixed salary to be worked as established by the Township Administrator.

Overtime shall be paid on the following basis:

- | | |
|--------------------------|------------|
| 1. 15 minutes or less | no pay |
| 2. 16 through 30 minutes | ½ hour pay |
| 3. 31 through 45 minutes | ¾ hour pay |
| 4. 46 through 60 minutes | 1 hour pay |

Time cards or time sheets shall be used to determine actual time worked.

No overtime shall be paid unless authorized in advance by the employee's division or Department Head, Supervisor or the Township Administrator, unless an emergency situation exists. Overtime worked shall be reported on time sheets.

SECTION FOURTEEN: (Cont'd)

Other provisions regarding overtime shall be governed by the Personnel Policies, the Fair Labor Standards Act, existing Labor contracts, policies and other appropriate laws and regulations.

2. Compensatory Time

Resolution 2009-66 Added February 12, 2009 & Revised by Resolution 2013-208 on Sept. 12, 2013

- a) Compensatory time in lieu of compensation for overtime is not authorized for any employee other than a department, an administrative or professional employee as defined by the Fair Labor Standards Act 29 CFR-Part 541 and for those employees whose regular employment responsibilities require attendance at board or commission night meetings or court, **or other work authorized and approved by the department supervisor (in consultation with the Township Administrator) or by the Township Administrator.**
- b) The Township Administrator may grant compensatory time to those employees eligible for compensatory time as defined above. Compensatory time taken without authority will not be paid. Requests must be **pre-approved** by the Township Administrator. No department supervisor shall take compensatory time without **pre-approval** of the Township Administrator.
- c) Those employees eligible for compensatory time as a result of attending board or commission night meetings or court **or other work authorized and approved by the department supervisor (in consultation with the Township Administrator) or by the Township Administrator** are entitled to compensatory time as follows:
 - (i) *Time off will be granted only for those hours worked between 36 and 40 hours during the week Sunday at 12:01 AM to Saturday at 11:59 PM and is limited only to that time related to attendance at a board or commission night meeting or court **or other work authorized and approved by the department supervisor (in consultation with the Township Administrator) or by the Township Administrator.***
 - (ii) *Any time worked in excess of 40 hours during the week described above must be paid at time and a half pursuant to the requirements of the Fair Labor Standards Act.*
 - (iii) *Compensatory time, with approval by the Township Administrator, **shall be taken as soon as possible after approved and must be used within the calendar year approved and shall not be carried to a future year. Time must be utilized by December 31st of each calendar year or such compensatory time will be forfeited.***
 - (iv) *The office **of the employee who is approved for compensatory time** must be covered during this compensatory time off.*
 - (v) **Once a non-exempt employee selects compensatory time over paid overtime, the employee will no longer be eligible for payment for such overtime.**

SECTION FOURTEEN: (Cont'd)

- (vi) **All non-exempt employees accumulating and using compensatory time shall maintain a spreadsheet indicating the time accumulated and time utilized. Said spreadsheet shall be made available to the employee's supervisor and the Township Administrator upon request. Exempt employees shall maintain a record in a form as determined by the Township Administrator.**

3. Compensatory Time – Sworn Police Officers

Resolution 2013-257 - Added November 13, 2013

- a) Officers may accrue a bank of compensatory time not to exceed 160 hours.
- b) An Officers' compensatory time bank may carry over from year to year.
- c) The use of compensatory time is subject to the provisions of 29 CFR 553.25 (Fair Labor Standards Act), and may not "unduly disrupt" the operation of the Police Department.
- d) A maximum of 160 hours may be carried until separation/retirement from the Department.
- e) Accrued compensatory time must be used as compensatory time off. No cash payment will be made at time of separation in lieu of time off.
- f) Sergeants will be responsible for monitoring their officer's compensatory time monthly throughout the year to ensure that the officers are in compliance at the end of each calendar year. Compensatory time hours will be posted monthly for review.
- g) An accounting of officer compensatory time will be provided to the Township Administrator annually.
- h) The Department K-9 officer may exceed the 160 hour maximum at the discretion of the Chief of Police but may not exceed the hours delineated in 29 CFR 553.24 (Fair Labor Standards Act).
- i) Officers who currently possess more than 160 hours of accumulated compensatory time must immediately begin to use the time in order to bring themselves into compliance of this policy by December 31, 2014.

4. Extra Hours for Exempt Employees

Resolution 2014-188 - ADDED AUG. 14, 2014

- a) Exempt employees are "administrative and professional" employees of the Township pursuant to the Fair Labor Standards Act 29CFR part 541. These employees are compensated for their assigned duties and are not entitled to extra compensation or compensatory time off. Exempt employees are not compensated for the number of hours worked, but instead for their assigned responsibilities.

SECTION FOURTEEN: (Cont'd)

- b) Exempt employees are expected to be present during normal business hours except during an authorized absence. In addition to normal business hours, Exempt Employees must perform additional duties as required by their job description.
- c) Exempt employees who are in positions which require them to be present before or after normal working hours due to special activities, such as but not limited to: elections, recreation programs, special community events, or emergency activities who work over 3 consecutive hours, may receive an excused absence paid. By means of an example:
 - (i) *An Exempt Employee, who works from 4:00 PM to 8:00 PM in a single day, performing any permitted activity, shall be eligible for 4 hours of an excused absence paid.*
 - (ii) *An Exempt Employee, who works from 4:00 PM to 6:00 PM in a single day, to perform any permitted activity or any other purposes, is not eligible for an excused absence paid.*
- d) All time worked shall be recorded on the employees time record.
- e) Exempt employees will not receive or be entitled to receive an excused absence on an hour for hour basis under any condition.
- f) The excused absence must be taken by the next pay period following the payroll period during which it was earned. Hours may not be accumulated for use later in the year and must be utilized by December 31 of each year and time shall not accumulate and shall not be carried to a future year. The employee may not request more than a half day off at any one time.
- g) The granting of said time off described above is subject to approval by the Township Administrator and shall not be taken prior to such approval.
- h) The Township Administrator will base the decision to approve the excused absence paid by utilizing the employee's position and/or nature of the event or activity justifying the need for extra time. Each decision will be based on the specific facts and will not be binding on a future request.
- i) The goal of the excused absence paid after 3 consecutive additional hours worked, is to permit the employee to rest from the additional hours worked due to the special activity; it is not intended nor shall it be used in lieu of utilizing an employee's vacation or sick time.
- j) All excused time off shall be requested utilizing the proper absence request form in order to keep a record of time off and the purpose for such request.

SECTION FIFTEEN:

GRIEVANCE PROCEDURE RELATIVE TO EMPLOYEES

GRIEVANCE PROCEDURES:

All grievances shall be decided on their own merits. Each case considered on a case-by-case basis. Whenever an employee has a grievance, the following procedures shall be followed:

STEP 1 – Informal – Department Head or Supervisor

Within three (3) days of the time a grievance arises or within three (3) days of the date when the grievant knew or should have know of its occurrence, the employee will present the grievance in writing to the employee's supervisor.

STEP 2 – Formal – Administrator

Within five (5) days of the oral or written answer from the employee's supervisor, if the grievance is not resolved, the employee shall file a written grievance, including all details of the grievance, to the Administrator. The Administrator will arrange a meeting with the employee if appropriate not later than five (5) working days or at a time mutually agreed upon by all parties from receipt of the grievance to attempt to resolve the grievance. The Administrator shall give a written answer to the employee not later than ten (10) working days following the meeting. If the employee does not file the grievance with the Township Administrator within the five- (5) day period, then the employee has waived his/her right to the grievance.

STEP 3 – Formal –Township Committee

Within ten (10) days of the written answer from the Township Administrator, if the grievance is not resolved to the satisfaction of the grievant, the grievant shall file all pertinent documents relating to the grievance with the Township Clerk. The Township Committee, in its discretion, may meet with the grievant and may hold a hearing prior to its final decision. All decisions of the Township Committee will be in writing and will be final. If the employee does not file the grievance with the Township Clerk within the ten- (10) day period, then the employee has waived his/her right to the grievance.

Since it is intended that most, if not all, grievances can and should be settled without the necessity of reference to the Township Committee, no Township employee shall present his/her grievance to the Township Committee or any of its individual members without passing through the above described preliminary steps. All papers and documents relating to a grievance and its disposition will be placed in the employee's Personnel file.

SECTION SIXTEEN:

ABSENCES AND VACATIONS OF MUNICIPAL EMPLOYEES

1. Absences - General Procedures

- a) Absences from duty are classified as "Excused" or "Unexcused" and are to be so noted on the daily time reports. An authorized leave of absence will be reported as an "Excused-Illness," "Excused-Vacation" or "Excused-Other," depending on its nature.

SECTION SIXTEEN: (Cont'd)

- b) An "Unexcused" absence is an absence taken without prior permission and notification and shall be "without pay."
- c) All municipal building employees who shall be absent from work, except for pre-approved absences, shall directly notify the switchboard operator/receptionist by 8:45 a.m. Failure to notify shall result in the absence deemed unexcused.
- d) Employees who for reason of illness will be absent for two (2) consecutive days, shall contact the Township Administrator on the second day (2) day directly, to advise him/her of their condition and prognosis for returning to work.
- e) Employees who return to work from an unexcused absence must immediately report to their supervisor to explain the reason(s) for the absence. The Township Administrator or his/her designee shall have the authority to reclassify the unexcused absence to an excused absent.
- f) Employees with more than three (3) unexcused absences in a single year shall be subject to discipline.
- g) Employees absent for three (3) consecutive days without notifying the Administrator shall be deemed to have forfeited their position.
- h) Employees leaving work early may do so only upon the approval of their direct supervisor, or if there is no assigned or building supervisor, must notify the Township Administrator or his/her secretary. Notification to the switchboard operator/receptionist WILL NOT satisfy this provision. Supervisors may not approve absences, which will leave an office unattended, except (1) in an emergency; or (2) when only one employee is assigned to the office.

2. Sick Leave Policy

(Amended by Resolution 2019-098 on 4/11/2019)

- a) Employees are not entitled to sick leave unless sick. Sick leave with pay shall be extended when needed for illness to all full-time personnel, and part-time personnel, on a pro-rated basis where such part time personnel normally work regularly scheduled hours and works at least 20 hours per week. Sick leave may not be taken for a time period of less than ½ day.

Sick pay equal to full pay, minus any insurance benefits, shall be paid according to service with the Township as shown in Schedule # I. Upon termination, by either party, of an employee's employment with the Township, an employee shall reimburse the Township when the amount of sick leave taken within the calendar year, including the year's eligible amount and accumulated sick leave permitted under Schedule # I is in excess of the amount due the employee. The reimbursement shall be in accordance with the following formula:

Number of days allowed times (x) number of months worked during the year, divided by 12, times (x) the employee's rate.

Those individuals who are full time employees may accumulate up to 120 days of sick time. The accumulated sick time will remain "in the bank" and would be available to an employee for long-term sickness but will not be compensated upon separation. Unused sick leave may be accumulated by employees to a maximum of 120 days. Sick pay will be paid to the employee at their rate of pay at the time utilized.

Section 16, Item 2 Cont'd....

Employees would be paid at the conclusion of each calendar year, after accumulation of 120 sick days, one day's pay for every two days of unused sick time over 120 days. Each employee would receive his/her allotment of nine sick days per year for up to five years of employment, and fifteen sick days per year for employees employed after five years. (See attached Schedule I.)

As an example, under the current policy, an employee may accumulate one hundred twenty (120) sick days. **If an employee has 120 sick days on December 31st** in any given year, an employee of five years or greater, is entitled to an additional fifteen (15) sick days. If an employee does not use any of the additional fifteen (15) sick days in a given year, the employee is entitled to seven and one half (7.5) days times his/her current daily pay rate. However, if the bank amount falls below one hundred twenty (120) days the employee is not entitled to this benefit until the bank amount again reaches one hundred twenty (120) days.

- b) In order to encourage good attendance and good work habits, a sick bonus incentive program has been established. An employee shall receive one (1) day off with pay after four (4) consecutive months without a sick day or any excused absences without pay or unexcused absence. The use of sick bonus days shall be approved in advance by the Township Administrator and the employee's supervisor and must be taken within six (6) months after the date earned.
- c) Employees while on sick leave from the Township shall not be elsewhere or otherwise employed or engage in any outside work or employment whatsoever. Forfeiture of sick pay will result for the period of violation of this requirement. The Township Administrator may dismiss employees for violating this provision without a hearing and at his/her discretion.
- d) The Township reserves the right to have any employee who has reported or is reporting as sick to be examined by a physician designated by the Township at any time and at the Township's expense.
- e) The Township Administrator may require any employee who has been off duty for a continuous period longer than three (3) days to furnish the Township with a physician's certificate indicating that the employee is physically fit and able to resume his/her duties.
- f) The Township Administrator may require from any employee who has been absent for five days or more in any one year, a doctor's note upon any further absences.
- g) In the event of termination of employment, all accumulated sick leave is forfeited
- h) The **New Jersey Earned Sick Leave Law, Chapter 10 P.L. 2018**, is hereby incorporated by reference:

Employees are entitled up to 40 hours of earned sick leave per year pursuant to the NJ Sick Leave Law which commenced on October 29, 2018 and ends on October 29th each year and is calculated as follows: Employers are to provide one hour of sick leave for every 30 hours worked with a maximum accumulation of up to 40 hours in a benefit year. By means of example, an employee who works 500 hours in a year is entitled to 16.5 HOURS sick time.

SECTION SIXTEEN: (Cont'd)

The sick leave authorized by the statute is incorporated within and is not 'in addition to' sick leave currently authorized by the Personnel Policy or applicable labor agreement.

The law permits the use of sick leave for the following activities:

- 1) If you need to see a doctor for any health condition or preventative medical care.***
- 2) You need to care for a family member with a medical condition or preventative medical care.***
- 3) If you or a family member have been the victim of domestic violence or sexual violence and need time for treatment, counseling or to prepare for legal proceedings.***
- 4) If you need to attend school-related conferences, meetings, or events regarding your child's education, or to attend a school-related meeting regarding your child's health.***
- 5) If your employer closes due to a public health emergency or you need to care for a child whose school or child care provider is closed due to a public health emergency.***

The law recognizes the following individuals as "family members:"

- *Child – including adopted, foster, step, legal ward, child of a domestic partner or civil union.*
- *Grandchild*
- *Sibling*
- *Spouse*
- *Domestic Partner or Civil union partner*
- *Parent, Grandparent*
- *Spouse, domestic partner or civil union partner of an employee's parent or grandparent*
- *Sibling of an employee's spouse, domestic partner or civil union partner*
- *Any other individual related by blood to the employee*
- *Any individual whose close association with the employee is the equivalent of family.*

3. Bereavement Leave

In the event of the death of the husband, wife, domestic partner, son, daughter, parent, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents or grandchildren of a full-time employee, the employee will be granted a three (3) day leave of absence with pay. A one (1) day leave of absence with pay may be granted by the Township Administrator, at his/her discretion, to an employee in case of death of other relative(s) or friends, as appropriate, in order to attend funeral or burial services. The Township Administrator may extend bereavement leave if such extension is in the best interest of the employee and the Township. Each occurrence will be considered on a case-by-case basis and shall not establish a precedent.

SECTION SIXTEEN: (Cont'd)

4. Family and Medical Leave

Resolution 2013-245 – Added Oct. 24, 2013:

Pursuant to the provisions of Public Law 2013, Chapter 82 entitled, “NJ Safe Act:”

- a) Employees who have worked for the township at least 1,000 hours during the immediate preceding 12-month period.***
- b) An eligible employee who is a victim of domestic violence or a sexually violent offense is entitled to 20 days of unpaid leave during a 12-month period following a domestic violence incident or a sexual abuse offense.***
- c) Each offense entitles an employee or family member to said leave but in no event is an employee entitled to more than 20 days of unpaid leave in a 12-month period.***
- d) The leave may be taken in a single block of time or in intervals for the following purposes:***
 - (i) Seek medical attention for, or recover from, physical or psychological injuries caused by the domestic violence incident or sexually violent offense.***
 - (ii) Get help from a victim services organization.***
 - (iii) Receive psychological or other counseling.***
 - (iv) Take part in safety planning, temporarily, permanently relocating, or any other action to increase the safety or ensure the financial security of the employee or the employee’s relative.***
 - (v) Seek legal assistance to ensure the health and safety of the employee or the employee’s relative.***
 - (vi) Prepare for, participate, or attend a criminal or civil court proceeding relating to our derived from the domestic or sexual violence incident.***
- e) The employee must file a request with the Township Administrator providing sufficient information regarding the incident in order for determination as to eligibility to be rendered. Information may include police reports or other court documents and reports from treating physicians or counselors. All information will be kept confidential.***
- f) The employee may be required to use sick or vacation time to the extent permitted by law.***
- g) Health insurance will be continued during this period provided the employee returns to work at the expiration of the leave.***
- h) If said leave also entitles the employee for leave under FMLA or NJFLA. Said leave will run simultaneously with this leave.***
- i) The posting entitled, “NJ Safe Act” is issued by the NJ Department of Labor, is by reference, incorporated into this policy, and is on the next page.***

SECTION SIXTEEN: (Cont'd)

Attached to this section, as Exhibit 1, is a copy of the Family Leave Act Notice from the NJ Department of Law and Public Safety.

An Employee request for the Family and Medical Leave must be submitted, in writing, to the Township Administrator.

Under the Federal Family and Medical Leave Act ("FMLA"), employees who have been employed for at least one (1) year and for at least 1,250 hours during the preceding 12 month period are eligible for Family and Medical Leave.

Under the New Jersey Family Leave Act ("FLA"), employees who have been employed for at least one (1) year at for at least 1,000 or more hours (excluding overtime) during the preceding 12 months are eligible for Family and Medical Leave or unpaid leave.

Under the FMLA, employees are entitled to 12 weeks leave over a 12 month period for the following reasons: (a) the birth or adoption of a child (including placement and foster care); (b) to care for a parent, child or spouse when that relative is unable to care for himself or herself because of a serious health condition; (c) because of a serious health condition that makes you unable to perform one or more of the essential functions of your job.

Under the FLA, employees are entitled to 12 weeks leave or unpaid leave over a 24 month period for the following reasons: (a) the birth or adoption of a child (including placement and foster care); or (b) to care for a parent, child or spouse when that relative is unable to care for himself or herself because of a serious health condition. **Unlike the FMLA, however, the FLA does not allow an employee to take leave for his or her own serious health condition.**

Family Leave is unpaid. If an employee has earned vacation or sick time, either of these can be used during the course of the Family Leave.

The FMLA also provides military family leave entitlements under which eligible employees who are family members of covered service members will be able to take up to 26 weeks of leave over a 12-month period to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty.

The FMLA also provides leave for families of members of National Guard and Reserves to manage their affairs while the member is on active duty in support of a contingency operation. The normal 12 weeks of FMLA leave is available to eligible employees with a covered military member serving in the National Guard or Reserves. The leave is to be used for any qualifying exigency arising out of the fact that a covered military member is on active duty or called to active duty status in support of a contingency operation. A qualifying exigency is defined by a number of broad categories for which employees can use FMLA leave: 1) short-notice deployment; 2) military events and related activities; 3) childcare and school activities; 4) financial and legal arrangements; 5) counseling; 6) rest and recuperation; 7) post-deployment activities; and 8) additional activities not encompassed in the other categories, but agreed to by the employer and employee.

SECTION SIXTEEN: (Cont'd)

A serious health condition is one that requires hospitalization or that keeps an employee out of work or unable to perform other regular daily activities for more than three consecutive calendar days and that involves treatment two or more times by a health care provider, or treatment on at least one occasion that results in a regimen of continuing treatment, such as prescription medications. Minor ailments such as colds, flu, earache, stomach upset, non-migraine headache, and routine dental problems are not usually considered serious health conditions unless there are medical complications.

Leave for birth or adoption may be taken at any time during the 24 months following the date of birth or placement. The 12-week allotment for birth or adoption will be reduced by any period of family or medical leave taken within the previous 24 months. By means of example, if an employee previously utilized 3 weeks of Family or Medical Leave, then the 12-week allotment will be reduced to 9 weeks.

In a case of leave taken for a serious health condition, for each day of leave taken while an employee has a remaining allotment of paid sick leave, the allotment of paid sick leave will be reduced by one day, and the employee will receive regular pay. Once the remaining allotment of paid sick leave is exhausted, any additional leave will be unpaid. The employee may apply at his/her option any remaining allotment of vacation or other paid leave when his/her paid sick leave is exhausted and continue to receive pay until these allotments are exhausted. An unpaid leave of absence shall be approved by the Township Administrator pursuant to Section 10 of the Personnel Policy for a period of 30 calendar days. The Township Committee's approval must be obtained for any leave after the 30-day calendar period. Any request for an unpaid Leave of Absence during the Family & Medical Leave period of eligibility, shall be reviewed by the Township Committee consistent with the legal requirements of the FMLA or FLA. Any leave of absence, including but not limited to, an unpaid leave of absence pursuant to the Personnel Policy shall run concurrently with any leave granted under FMLA or FLA.

In the case of leave for birth or adoption, for each day of leave taken, the employee's allotment of accrued personal or vacation leave will be reduced by one day, until his/her leave allotment is exhausted. The employee will receive full pay for such leave, until it has been exhausted. An employee may request an unpaid leave of absence pursuant to Section 10 of the Personnel Policy and as described in the previous paragraph.

When requesting leave, except where medical conditions may not permit, the employee must inform the Township Administrator as to the reason for the leave, the duration, starting and ending dates of the leave. If the employee fails to give advance notice, the beginning of his/her leave may be postponed for up to 30 days. If there is a medical emergency (or a problem with adoptive placement) that requires the employee to begin leave on a day other than the one scheduled, the employee is required to notify the Township Administrator within one day or as soon as practicable after beginning such leave. Leave taken without such notice, will be counted as an unauthorized absence, and will not be credited as family leave. The employee is required to call his/her supervisor or the Township Administrator on the same day of any unscheduled absence from work. If the absence is due to a serious health condition, the employee is required to notify his/her supervisor or the Township Administrator as soon as possible. Communication between employee, his /her supervisor, and the Township Administrator will assist all in the implementation of this policy.

SECTION SIXTEEN: (Cont'd)

Once an employee requests leave, within five (5) business days, the Township will inform the employee of whether or not he/she is eligible for FMLA. If the employee is not eligible, the notice will provide at least one reason for denial of leave. If the employee has another request for leave in the same 12-month period, the notice need not be issued again unless the employee's eligibility status has changed.

The Township must inform the employee of his/her rights and responsibilities as provided by the FMLA. The notice will state that the leave may be designated as and deducted from any existing FMLA entitlement, and it will identify the 12-month period being used to make an FMLA determination. Furthermore, the notice will notify the employee of his/her responsibilities, if any, with respect to providing a medical certification.

If an employee does return a medical certification as requested, the Township will make a determination about whether the FMLA will apply to the leave, and the Township will notify the employee of its designation. If the leave will not be designated as FMLA, the notice will indicate the reason(s) for the determination. If the leave will be designated as FMLA, the employee will be notified of the number of designated time that will be granted. The notice will also include information about the fitness-for-duty certification requirement, along with a list of essential job duties to be considered in determining the employee's ability to perform essential job functions.

Request for leave based on a serious health condition of an employee or the employee's spouse, child, or parent must include a certification by a medical doctor as to the date on which the health condition commenced, the probable duration of the condition, and the appropriate medical facts regarding the condition. If the employee has a serious health condition, the certification must state that the employee cannot perform the functions of their job. If the employee is needed to care for a spouse, child or parent, the certification must so state, along with an estimate of the amount of time the employee will require leave. If the Township deems a medical certification to be incomplete or insufficient, it may specify in writing what information is lacking and give the employee seven calendar days to cure the deficiency.

Eligible employees may utilize vacation or other paid time off will be unpaid and granted pursuant to Section 10 of the Personnel Policy and pursuant to the procedures as stated above.

Employees can request a waiver of this aspect of the policy as it pertains to vacation days only (not personal days or sick days). The request must be submitted to the Township Administrator. The waiver will be granted or not granted at the discretion of the Township Committee or the Township Administrator if the unpaid leave of absence requested is 30 calendar days or less.

Consistent with law, credit for vacation, personal and sick time will be reduced while employees are on Family and Medical leave. While on leave, the employee will not continue to "earn" vacation, personal or sick days during their leave. The reason for this is that allowing employees on leave to continue to receive credit for days off in anticipation of continued employment, is not fair to employees who continue to work and are credited with the same number of days off. Employees on leave will be credited on a prorated basis upon their return. If an employee is assigned to a "light duty" assignment following FMLA leave, the time spent performing light duty work does not count against the employee's FMLA leave entitlement.

SECTION SIXTEEN: (Cont'd)

Furthermore, the employee's right to restoration is held in abeyance during the period of time the employee performs light duty (or until the end of the applicable 12-month FMLA leave year).

The employee's health care benefits will remain in effect while the employee is on FMLA or FLA leave, provided the employee pays whatever share of health care costs, he/she would ordinarily pay if the employee were on the job. If the employee fails to make a required payment within 45 days after it becomes due, the unpaid benefit will be terminated. If employees are on paid leave, these costs will be deducted from the employee's pay. Otherwise, they will come due on the day they would have been deducted if the employee were receiving a paycheck.

Employees on an unpaid leave of absence pursuant to the FMLA or FLA will be subject to the rules and regulations of the Public Employee's Retirement System or Police and Fire Retirement System.

The Township will keep track of the number of weeks of Family and Medical Leave to which and employee is entitled. The Township will notify the employee when he/she has less than six weeks leave remaining and again when he/she has less than two weeks remaining. At any other time, the employee's supervisor, or the Township Administrator will, within five days of such request, notify the employee of the number of weeks leave to which he/she is entitled. By means of example: An employee who has utilized 20 sick days during a 12-month period for leaves in excess of 3 days each, will only be eligible for 7 remaining weeks during that 12-month period.

The Township may require the employee to present a fitness-for-duty certificate to be restored to employment. Upon his/her return, the employee (other than employees considered to be a key employee; among the highest paid 10% of all the employees under the FMLA or the highest-paid 5% of employees under the FLA) will be restored to his/her old position or to a position with equivalent pay, benefits and other terms and conditions of employment. The Township cannot guarantee that an employee will be returned to his/her original position. A determination as to whether a position is an "equivalent position" will be made at the sole discretion of the Township and in accordance with the applicable law.

If an employee wishes to return to work prior to the expiration of Family and Medical Leave, notification must be given to the Township Administrator at least 10 business days prior to the employee's planned return.

The employee may be eligible for sick leave pursuant to the provisions of Article 16, Item 2 of the Personnel Policy, even though his/her eligibility for FMLA or FLA has expired.

By means of example 1: An employee has sick time in the amount of 100 days. The employee has been absent for 60 days as a result of an eligible medical condition. The employee may continue to utilize his/her sick leave pursuant to the provisions of Article 16, Item 2 of the Personnel Policy for an additional 40 days, even though his/her Family Leave will have expired at the conclusion of 12 weeks. If that employee is unable to return to work after utilizing ALL of his/her sick time, that employee will NOT be eligible for FMLA or FLA but may request an unpaid leave of absence pursuant to the provisions of Section 10 of the Personnel Policy.

SECTION SIXTEEN: (Cont'd)

By means of Example 2: An employee has sick time in the amount of 15 days. The employee has been absent for 60 days as a result of an eligible medical condition. The employee will have been paid for 15 days and will have been granted and unpaid leave of absence by the Township Administrator and/or Township Committee for an additional 45 days for a total of 12 weeks. At the conclusion of that 12-week period, the employee is no longer entitled to FMLA or FLA. Any additional leave is subject to the provisions of Section 10 of the Personnel Policy.

Nothing in this section shall prohibit an employee on unpaid leave to apply for New Jersey Temporary Disability Benefits.

The failure of an employee to return to work upon expiration of a Family and Medical Leave of absence will subject the employee to immediate termination, at the discretion of the Township, unless an extension of the leave is granted. Furthermore, if an employee fails to return from leave, he/she may have potential liability for repayment of any health insurance premiums paid by the Township during the employee's leave.

Resolution 2009-49 Added January 22, 2009

The sections below implement the provisions of NJ Chapter 17 – P.L. 2008 of the laws of the State of New Jersey:

- a) **Employees who are entitled to family and medical leave as further described in this section due to leave for birth or adoption or leave for an employee's spouse, child or parent and whose leave has been approved pursuant to this section, are entitled payment for disability benefits which provides for disability benefits to be paid beginning on the first day of leave after the first week the leave commences, up to six weeks or 42 days if taken intermittently, in any 12 month period.**
- b) **This provision does not require the Township to restore the employee to the employment held by the employee prior to taking the family temporary disability leave.**
- c) **This benefit is effective as of July 1, 2009.**
- d) **Eligibility and payment under this section are governed by N.J.S.A. 43:21-25 et seq.**
- e) **An employee may utilize up to 2 weeks of paid vacation or sick time to be used against the time eligible for these benefits.**
- f) **The Township will not render payment directly to the employee; payment for this benefit will only be made pursuant to the New Jersey Temporary State Disability Plan.**
- g) **Payment for sworn police officers will be made by the Township but will not exceed the sum that would have been paid if the employee received State Temporary Disability Insurance benefits as required by law.**

SECTION SIXTEEN: (Cont'd)

5. Vacations

Subject to any legal requirements or limitations, annual vacations with pay are authorized. Pursuant to **Scheduled # 2** and on the following basis:

- a) All vacations shall be chosen on the basis of position and seniority.
- b) All vacation time must be used in the current year and cannot be accumulated except as provided in Item c).
- c) Extra compensation will not be allowed in lieu of unused vacation. Each and every employee, without exception, must take the authorized annual vacation period for health, rest, relaxation and pleasure within the calendar year, unless an alternative is authorized by the Township Administrator. An employee may be permitted to carry vacation days beyond December 31 if the Township Administrator certifies in writing, that the employee was prevented from taking all of his/her vacation leave because of business demands of the Township. The employee must submit a written request for said extension with proper justification. The Township Administrator shall determine the length of the extension at his or her own discretion; each request shall be determined by the applicable circumstances. In no event may the extension be granted beyond the requirements of section 46 of Chapter 92 of P.L. 2007.
- d) All vacations are subject to the approval of the employee's supervisor and the Township Administrator and, depend upon the work of the Township permitting such vacation leave. All vacation requests must be filed with the Township Administrators Office.
- e) Vacation leave cannot be taken on less than a full day period without the approval of the employee's supervisor and the Township Administrator. Approval shall not be reasonably withheld.
- f) Starting in January of 1995 the number of days of vacation shall be based upon the employee's anniversary date. Except for newly hired employees (see "i" below), vacations are calculated based upon continued employment. Vacation days shall be pro-rated from January 1 until the date of separation.
- g) An employee will reimburse the Township when the amount of vacation taken within the calendar year exceeds the number of days earned.
- h) The Township will reimburse the employee in cases where the amount of vacation taken within the calendar year does not exceed the number of days earned. In order to determine which party shall reimburse, the following formula shall be used:

$$\frac{\# \text{ of days allowed} \times \# \text{ of months worked during the year}}{12}$$

- i) Employees are discouraged from taking more than two (2) consecutive weeks of vacation.
- j) Except for newly hired employees, the number of vacation days is based upon the requirement of (f) above.
- k) Newly hired employees are not entitled to vacation days within the first six (6) months of employment; however, they are entitled to accrue their entitled vacation days.

SECTION SIXTEEN: (Cont'd)

- l) Part time or part time salaried employees shall receive vacation on a pro-rata basis where such personnel normally work regularly scheduled hours and at least 20 hours per week.
- m) If any official holiday or the employee's birthday occurs during an employee's vacation, he/she will be entitled to an additional day in lieu of the holiday and/or birthday.

6. Legal Provisions

Nothing contained herein shall be considered to be in derogation of, or restrictive of, any statute now in effect limiting the period during which municipal employees may be compensated for leave on account of disability or of illness, but these provisions are to be construed and administered in conjunction therewith.

7. Holidays

Full time employees shall receive pay for holidays which are designated annually by the Township Committee or as indicated on Schedule #3, is not specifically designated by the Township Committee. General Election Day shall be replaced with a floating holiday which may be taken by an employee any time during the year upon prior written consent of the Township Administrator. Part time or part time salaried employees hired after May 1, 2000, who work less than 20 hours per week, shall not be entitled to receive pay for any holidays. Part time or part time salaried employees who normally work regularly scheduled hours and at least 20 hours per week, shall be entitled to receive pay for holidays, on a pro-rata basis.

Employees required to work holidays may take alternate days off as holidays upon obtaining the prior written consent of the Township Administrator.

8. Maternity Leave

Maternity leave shall be granted as authorized by the Family-Leave Act.

9. Military Leave

Employees who are members of the National Guard, Naval Militia, -Air National Guard, or a reserve component of any of the Armed Forces of the United States and are required to engage in field training shall be granted a military leave of absence with differential for the period of such training as is authorized by law. This leave of absence shall be in addition to their vacation and shall be granted at times of state or federal emergency when said employees are called to duty.

When employees, not on probation, have been called to active duty or induction into the military or naval forces of the United States, they shall automatically be granted an indefinite leave of absence without pay for the duration of such active military service. Employees must be reinstated without loss of privileges or seniority provided they report for work with the Township within ninety (90) days following their honorable discharge from military service, pursuant to NJ.S.A. 40A:9-159.

SECTION SEVENTEEN:

OUTSIDE EMPLOYMENT

Full time employees shall not accept or engage in regular outside employment without informing the department head and the Township Administrator.

Employees shall not accept outside employment or engage in a gainful occupation which, in the judgment of the Administrator, Township Attorney and Township Committee, will compromise an employee's position with the Township through a conflict of interest or will adversely affect the employee's ability to perform the duties of his/her position with the Township.

Employees who engage in outside employment shall complete the appropriate statement and forward it to the Township Administrator. If the Township Administrator finds a possible conflict, he will consult with the Township Attorney and Township Committee. Such statement shall contain the name and address of the employer, hours worked and the nature of the work. The statement shall be filed in the personnel file.

If there are any changes to the original statement submitted, a new statement is to be submitted for review as per Paragraph 3 of this Section. This statement shall also be filed in the personnel file.

SECTION EIGHTEEN:

SEPARATION

1. Separation from employment with the Township may result from voluntary resignation of the employee, or by the termination of his/her services without cause by (1) the Administrator or; (2) through review of the Township Committee.
2. All resignations shall be submitted in writing for acceptance by the Township Administrator for those positions appointed by him/her. All resignations shall be submitted to the Township Administrator in writing for acceptance by the Township Committee for those positions appointed by the Township Committee.
3. Employees who resign shall tender their resignations, in writing if possible, at least two (2) weeks prior to the effective date of the resignation.
4. If employees resign, the Township Administrator shall conduct exit interviews. A written record of the interview shall be included in the employees' personnel file.

SECTION NINETEEN:

PROMOTIONS TRANSFERS AND RECLASSIFICATIONS

1. Promotions

At the option of the Township Committee or Township Administrator, as appropriate, promotions may be made from within the ranks of the Township staff, assuming that the Township Committee or Township Administrator finds, at its or his/her discretion, that qualified employees capable of performing the required duties in a satisfactory manner are employed by the Township and that it would be advantageous to the Township to promote from within the ranks. All Township employees seeking a promotion must follow the procedures outlined in Section Five.

Promotions from within the ranks at the option of the Township Committee or the Township Administrator, as appropriate, will be based on merit, conduct, qualifications, and work habits as determined by an impartial review of all available facts and will be made at the discretion of the Township Committee or Township Administrator, as appropriate.

Nothing contained in this Section shall be construed as restricting to any degree whatsoever the Township/s right to hire from outside the ranks of the Township staff.

2. Transfers

The Township Administrator, using his/her managerial prerogative, may transfer an employee, without his/her permission, at any time. Employees may request transfer to another position or department without prejudice or loss of seniority rights, if any. Such request will be considered on their merits, and any action take will be at the discretion of the Township Committee or Township Administrator, as appropriate.

When employees request a transfer from one position or department to another, such proposed transfer and request shall be first referred to the department head or department heads involved with the proposed transfer and the recommendation of such department head or department heads shall be received and considered before the transfer of employees are implemented.

3. Reclassifications

At the recommendation of the Township Administrator, the Township Committee may approve the reclassification of a position.

SECTION TWENTY:

DISCIPLINARY ACTIONS AND DISCHARGE

1. Reasons For Discipline:

When a department head, supervisor or Township Administrator believes that an employee is violating the Township's personnel policies, ordinances, regulations, state laws, or specific instructions given to him/her or may not be acting for the benefit and welfare of the Township and its employees and residents, the department head may first privately discuss the matter with the employee concerned in order to obtain the employee's view and side of the matter. The department head or Township Administrator may, if possible, obtain assurance that there will not be a repetition of the incident as long as the incident is not sufficient to warrant the employee's

SECTION TWENTY: (Cont'd)

dismissal from Township employment. A note or memorandum of the incident shall be placed in the employee's personnel history file.

2. Employee Conduct:

It is of the utmost importance that every employee of this municipality shall always conduct himself in a proper manner and in such a way as not to reflect unfavorably upon the employee or the municipality.

3. Suspensions:

Suspension from duty of any employee may be ordered by the immediate department head or Township Administrator if and when such summary action is considered as being necessary.

4. Reporting Of Suspensions:

The suspension from duty of any employee must be reported, without delay, to the Township Administrator by the person ordering the suspension.

5. Filing A Grievance:

Employees who feel they have been discharged or suspended unjustly, said employee shall have the right to file a grievance, which must be filed in writing pursuant to the grievance policy, with the employer within three (3) working days from the time of discharge or suspension. (See Section 15) Said grievance shall be initiated at the second step of the grievance procedure as herein provided. If no grievance is filed within the time period specified, then said discharge or suspension shall be deemed to be final and binding upon the employee involved, and the Township.

6. Personnel History File:

All papers i.e., notes, files, in connection with a disciplinary action will be placed in the employee's personnel history file.

7. Appeal:

Employees may appeal a disciplinary action by means of the procedure set forth for handling grievances as set forth within these policies and/or as provided by law. See Section Fifteen.

SECTION TWENTY-ONE:

ADMINISTRATIVE PROCEDURE AND RECORDS

1. All employees shall receive a copy of the Personnel Policy of the Township of Warren, as contained herein, which should be retained for future reference. Each employee shall sign a statement acknowledging the receipt of the Personnel Policy. The Personnel Policy does not serve as a contract between the employee and the Township. The purpose of the Personnel Policy is merely to inform the employees of the Township's policies.

SECTION TWENTY-ONE: (Cont'd)

2. The Township Committee reserves the right to add, change, interpret, or eliminate personnel policies, practices, and rules whenever it appears to be in the best interest of the Township to do so.
3. All changes, additions or deletions, will be made by means of amendments, copies of which will be issued to each employee for filing with his/her copy of the Personnel Policy of the Township of Warren.
4. Personal Files are confidential records and will be maintained by the Township clerk under the direction of the-Township Administrator in a secure file. The files will be in two groups, "ACTIVE" representing employees on the payroll, and "CLOSED" for employees no longer in service with the Township. Closed files shall be maintained as required by applicable law.
5. Only the Township Administrator, Township Clerk, or his/her designee, and department heads or supervisors shall have access to an employee's Personal History File. Members of the Township Committee shall have access to an employee's Personal History File only upon request to the Township Administrator to examine a particular employee's Personal History File and with the approval of the Township Administrator after due and proper consideration of the reason for the request. Any employee may at reasonable times, and with the approval of the Township Administrator, and in the office and presence of the Township Administrator or his/her own designee, examine his/her own Personal History File. Officers of the court may have access to Personal History Files upon presentation of proper authorization.
6. All Personal History Files will be carefully maintained and safeguarded permanently as required by law.

SECTION TWENTY-TWO

JURY DUTY AND LEGAL MATTERS

It is the policy of the Township of Warren to encourage Township employees to perform all their duties and responsibilities of citizenship and, accordingly, if any municipal employee is legally selected for jury duty, every effort shall be made to enable such employee to serve as a juror.

To that end, the department supervisor of the Township of Warren shall use every reasonable endeavor to aid said employee in performing jury duty. Each employee shall be paid for time served as a juror in such an amount as will compensate the employee for any loss of pay sustained by-the employee, being the difference between the amount of salary due the employee and juror's compensation for the days required in service as a juror. If any employee is excused from jury duty by or before 12:30 p.m., he shall report back to work.

In cases where an employee is subpoenaed on a Township related case, said employee will be paid his/her normal pay for any absences; if subpoenaed on other than a Township related case, the employee will not be paid.

SECTION TWENTY-THREE

GENERAL REIMBURSEMENT

1. Education -- Resolution 2017-281 Revised November 16, 2017

Employees must obtain approval of their supervisor prior to enrolling in any academic, college or professional courses for which reimbursement is sought. Approval of the supervisor is needed in courses that are both paid by the Township and for courses that are not paid by the Township but may interfere with employees' normal work schedule.

The Township will reimburse employees, with prior approval of the Township Committee or Township Administrator in accordance with the following policy providing the employee has completed six (6) months of service with the Township or the Township Administrator, for specific job related purposes, authorizes the taking of the course earlier than six (6) months.

- a) Full tuition and books for seminars or courses specifically job related.
- b) Seventy-five (75%) percent of tuition and books for all other job-related courses in which the employee received a grade of A or B. Fifty (50%) percent of tuition and books for all other job-related courses in which the employee received a grade of C or a pass in a pass/fail course.
- c) If a Township employee fails a course paid for by the Township under "a" above, for which full tuition and/or books were advanced, the employee shall reimburse the Township in full for said tuition, books and other costs.
- d) The Township will reimburse employees for continuing education credits as follows: courses provided through the Center for Government Services, courses authorized by the Department of Community Affairs and matriculated or non-matriculated degree programs offered by a College or University.

The Township will reimburse in full the cost of books and tuition for all courses if the employee passes with a grade of "C" or above, if the course is graded.

- e) In the event that the employee fails the course, a payroll deduction will be made from the employee's regular pay to reimburse the Township for the full cost of books and tuition paid for the course. In order for an employee to enroll in and seek reimbursement for a course, the supervisor and the Township Administrator, upon application by the employee, must first determine that such license or certification program will provide a benefit to the Township as well as to the employee in performing their designated duties. A Purchase Order shall be issued in advance for all courses.

For those courses taken by the employee during the normal working hours, an excused absence will be granted. For those courses taken during non-working hours, the employee will not be paid for nor entitled to overtime or other compensation.

- f) General Seminars. The Township will pay for the full cost of the books and course for all seminars offered by the Center for Government Services, the League of Municipalities, or other agencies authorized to conduct training or for which the supervisor and the Township

SECTION TWENTY-THREE: (Cont'd)

Administrator shall approve. A purchase order shall be issued in advance and an excused absence will be authorized for course taken during work hours.

- g) Degree or Non-Degree Programs offered by a College or University. The Township will provide reimbursement as follows for all employees who attend either graduate or undergraduate programs for attaining Associates, Bachelors or Master's Degree. The degree program must be related to the employee's general job responsibilities as determined by the Township Administrator. For this program, no time off will be authorized; no mileage reimbursement will be granted. Reimbursement will be as follows: 75% of tuition and books will be reimbursed in which the employee receives a grade of A or B, and 50% of tuition and books will be reimbursed in which the employee receives a grade of C or a Pass grade in a Pass/Fail course.
- h) Requirements for Reimbursement.
 - (i) No course may be attended unless prior approval has been authorized. There will be no reimbursement for any course or degree program attended for which prior approval has not been granted by the employee's supervisor and the Township Administrator. There will be no mileage reimbursement for courses.
 - (ii) A purchase order request must be submitted at the time the employee enrolls in the course. If a purchase order is not submitted at that time, no reimbursement will be made.
 - (iii) A copy of all certificates and transcripts must be provided for the employee's personnel file.
 - (iv) The Township will not provide any additional compensation to an employee for attending any degree program, course, or seminar.
 - (v) No mileage reimbursement will be made for non-degree or degree programs.
 - (vi) In the event that the employee fails the course, a payroll deduction will be made from the employee's pay to reimburse the Township for the full amount paid for the course books and tuition.
 - (vii) In order to enroll in a course, the supervisor and the Township Administrator upon application by the employee, must determine that such license and certification program provide a benefit to the Township as well as to the employees in performing their designated duties.
 - (viii) For those approved courses taken during normal working hours, an excused absence will be granted. For those courses taken during non-working hours, the employee will not be paid for, nor be entitled to overtime or any other compensation.
 - (ix) "Persons receiving tuition reimbursement or attending municipal government certification programs from the Township must remain in the employ of the Township for at least one year after completing the course or said tuition reimbursement shall be repaid to the Township prior to separation or by having the amount deducted from the employee's last paycheck."

SECTION TWENTY-THREE: (Cont'd)

2. Professional Dues

The Township will pay dues for professional organizations for department heads and professional staff if such funds have been approved in the current budget. The Township will reimburse employees for expenses due to attendance at luncheon or dinner meetings of such organizations if said expenses receive prior approval from the Township Administrator and is job related.

The Township will reimburse employees for professional conference expenses if funds for such purpose(s) have been approved in the current budget and if attendance at such a conference(s) receives prior approval from the Township Administrator. All employees who attend professional conferences shall submit a report regarding the conference to the Township Administrator.

3. Licensing

The Township will reimburse an employee for any position in which a professional license is required or utilized solely by the Township.

4. Use of Township Owned and/or County Provided Vehicles

Resolution 2011-224 Added October 27, 2011 amended 11/27/2022 by Resolution 2022-286

Use of Township-owned vehicles shall be restricted as follows:

- a) Township owned vehicles may be used by a Captain and Lieutenants for official business and for Smart and personal use within Warren Township or within a 10 mile radius of Police Headquarters only. Smart and personal use within the Township includes use on the way to and from work and use of an assigned vehicle while on and off duty, but not use for recreational purposes. The Township owned vehicles may be used by the Chief of Police for official business, Smart use and personal use, but not for recreational purposes. Due to the nature of the position and the need to respond to scenes without delay, the Chief of Police may use the vehicle outside the boundaries of Warren Township for official business and for personal use. The Township owned vehicles are not to be taken out of state without the permission of the Township Administrator. This policy shall be extended beyond those who currently receive the benefit only on an exception basis at the sole discretion of the Township Administrator and Township Committee.***
- b) Other motor pool vehicles may be logged out by employees for use on Township business only. It is understood that Township owned and/or County provided vehicles are not for private use except as provided above.**
- c) Gas, oil, tires, and all maintenance for Township owned and/or County provided vehicles should be furnished by the Township.**
- d) Employees using Township owned and/or County provided vehicles shall exercise care and due caution at all times when operating the vehicles.**
- e) All incidents involving Township Owned and/or County provided vehicles and equipment shall be immediately reported to Township Administrator or designee.**

SECTION TWENTY-THREE: (Cont'd)

5. Travel Reimbursement

The mileage reimbursement rate for employee use of personal vehicles while on Township business shall be the amount established by the Internal Revenue Service for mileage reimbursement.

6. Uniform allowances

Regular full time employees who are required by the Township Committee to be uniformed shall have their uniforms provided for by the Township.

SECTION TWENTY-FOUR:

SMOKING

To protect the health of non-smoking employees and the general public, the Township adopted a smoking policy by Resolution No. 91-309 on December 19, 1991. In compliance with Resolution No. 91-309, smoking shall be restricted as follows:

1. Smoking is prohibited by employees during direct face-to-face contact with citizens, applicants and the general public.
2. Smoking is prohibited by employees and the general public in all municipal buildings.
3. Smoking is prohibited on the fire escape.
4. Employees may smoke outside of the building at designated area(s). An employee leaving the work area to smoke may not leave their office unattended. Smoking shall not interfere with the employee's productivity.
5. Smoking is prohibited in all Township owned and/or County provided automobiles.

SECTION TWENTY- FIVE:

DRUGS / ALCOHOL

1. Policy

The Township has a strong commitment to the health, safety and welfare of its employees, their families, and the residents of Warren. Widely available statistics and information establish that the incident of drug and alcohol abuse is increasing and that the effect is devastating to lives, business and the community at large. The Township is concerned that due to the potential for abuse among some of our employees the safety of our employees and the general public could be endangered. Our commitment to maintaining a safe and secure work place requires a clear policy and supportive programs relating to the prevention, detection, and treatment of substance abuse by employees.

SECTION TWENTY- FIVE: (Cont'd)

This policy applies to all employees of the Township of Warren while on the job and to situations wherein employee's off the job or off premises conduct impairs work performance or undermines the public confidence in, or harms the reputation of, the Township.

Although the Township has no intention of intruding into the private lives of its employees, we recognize that, involvement with alcohol or other drugs off the job eventually takes its toll in job performance. Our concern is to assure that employees report to work in condition to perform their duties safely and efficiently in the interest of their fellow workers and taxpayers, as well as themselves.

2. Goal

It is the goal of the Township to provide a safe work place by eliminating the hazards to health and job safety created by alcohol and other drug abuse. We believe this goal to be in the best interest of our employees and the taxpayers of Warren.

3. Definitions

- a) The term "illegal drug" means drugs and controlled substances, the possession or use of which is unlawful, pursuant to the laws of any county and federal, state and local laws and regulations in the United States. Drugs and controlled substances that are not legally obtainable, or that are legally obtainable, but have not been legally obtained, are considered to be illegal drugs. Examples include street drugs such as cocaine, heroin, marijuana, and phencyclidine and controlled substances such as amphetamine and methamphetamine and barbiturates.
- b) The term "controlled substance abuse" includes prescribed drugs not being used for prescribed purposes or in a prescribed manner.

4. Sanctions

The Township will not tolerate or condone substance abuse and any employee who engages in the sale, use, possession or transfer of illegal drugs or controlled substances, or who offer to buy or sell such substances; the use of alcohol during working hours; or the abuse of prescribed drugs will be subject to disciplinary action up to and including termination.

5. Employee Responsibility

The Township believes that each employee has the responsibility to:

- a) Report to work at all times free of alcohol or other drugs and their affects;
- b) Seek assistance for alcohol and other drug abuse related problems through the Township sponsored EAP or other approved program before job performance is affected; and
- c) Support the Township's efforts to eliminate alcohol and other drug abuse among employees where it exists.

SECTION TWENTY- FIVE: (Cont'd)

6. Assistance in Overcoming Illegal Drug Use or Controlled Substance Abuse

Early recognition in treatment of illegal drug use or controlled substance abuse is important for successful rehabilitation, return to productive work and reduced personal, family, and social disruption. The Township encourages the earliest possible diagnosis and treatment for illegal drug use or controlled substance abuse. The Township supports sound treatment efforts. Whenever feasible, and subject to the limitations described herein, the Township will assist employees in overcoming illegal drug use or controlled substance abuse. However, the decision to seek diagnosis and accept treatment for illegal drug use or controlled substance abuse is definitely the individual employee's responsibility.

a) Self-Referral

Employees with personal drug or controlled substance abuse problems should request assistance from the appropriate Department Head. Assistance will be provided on a confidential basis, and each employee will be referred to the appropriate treatment and counseling services. Employees who voluntarily request assistance, through the Employee Assistance Program, in dealing with drug or controlled substance abuse problems will do so without jeopardizing their continued employment with the Township.

Employees must notify their supervisor within five (5) days of convictions for any drug or alcohol violation.

b) Township Referral

Employees who test positive for illegal drug use or controlled substance abuse and who are referred at the township's request, for counseling or treatment will be limited to one opportunity for counseling or treatment to cease the use of illegal drugs. A second positive test for the use of illegal drugs will result in immediate termination.

7. Authorized Use of Prescribed Medicine

An employee undergoing prescribed medical treatment with any drug or controlled substance that may impair his/her physical or mental ability must report this treatment to the Township Administrator. The Township Administrator, in consultation with the Department Head, will determine whether the Township should temporarily change the employees' job assignment during the period of treatment.

Employees who hold a commercial driver's license are subject to the provisions of the Commercial Driver's Licenses Drug and Alcohol Testing Policy.

8. Testing

a) The Township will test all applicants, whether new employees or re-hires. The Township requires that every newly hired and re-hired employee be free of illegal drug use and controlled substance abuse. Each offer of employment will be conditioned upon the successful completion of the test for illegal drugs and controlled substances as prescribed by the Township. Any applicant who tests positive in the pre-employment drug test shall be rejected and shall be ineligible for hire for twelve (12) months unless the applicant adequately

b)

SECTION TWENTY- FIVE: (Cont'd)

establishes a legal basis for the use of drug or controlled substances with respect to which the applicant tested positive.

- c) Applicants and employees subject to testing must, prior to testing, sign an approved form agreeing to the testing, authorizing the release of test results to the Township Administrator and authorizing the disclosure of the results to any other persons the Township Administrator determines needs to know for the safety and welfare of the other employees and the residents of Warren.
- d) Employees who are required to maintain a commercial Driver's License or are in safety sensitive positions are subject to random drug testing as required by the federal Government.
- e) Whenever the Township, during the course of an investigation by the Township Administrator, has reasonable suspicion, that an employee is under the influence of alcohol or drugs, then the following procedure shall immediately be applied:
 - (i) An employee reasonably believed to be under the influence of alcohol or drugs shall be prevented from engaging in further work from his/her supervisor and shall be instructed to wait for a reasonable amount of time until an authorized township representative, can transport the employee from the work site.
 - (ii) The employee shall be transported to a qualified testing facility where a drug and/or alcohol test would be required. If an employee refuses to sign the approved form agreeing to the testing, that individual shall be notified that he/she may be subject to appropriate disciplinary action. Disciplinary action may include termination
- f) The Township will afford the applicant and/or employee subject to testing the opportunity, prior to testing, to list all prescription and, non-prescription drugs and controlled substances they have used and to explain, the circumstances surrounding the use of such drugs and controlled substances. Failure of any employee to establish adequately a legal basis for the use of any drug or controlled substance with respect to which the employee tests positive shall constitute a violation of this policy.
- g) The Township's officers, employees, agents and representatives may use such information, in connection with Township business and for purposes of employment and disciplinary actions, and disclose it when required, to government agencies and to others upon valid legal requests, legal proceedings and other situations to protect the interests of and otherwise in accordance with policies on employee data.

Resolution 2010-165 Amended July 15, 2010

- h) **The Township will establish and maintain any and all additional testing programs and requirements that may be necessary or appropriate to comply with applicable rules and regulations of all governments.**

SECTION TWENTY- FIVE: (Cont'd)

10. Severability

The provisions of this policy are severable and if any of these provisions shall be held to be unconstitutional or otherwise invalid by any Court of competent jurisdiction, the decision of such Court shall not affect or impair the remaining provisions.

SECTION TWENTY-SIX:

POLITICAL ACTIVITY

It shall be the declared policy of the Township to appoint, hire, promote, demote or remove all employees without regard to political considerations.

Employees shall serve all Warren Township residents equally. The political opinions or affiliations of any residents shall in no way affect the amount or quality of service the resident(s) receives from the Township of Warren.

Township employees shall not engage in any political activities during working hours. Employees are prohibited from engaging in political activities while performing their public duties and from using township time, supplies, or equipment in any political activity.

No Township employee shall directly or indirectly use or seek to use his or her authority for contributions from Township employees for political campaign purposes.

No person in Township employ, or elected official or appointee to a board shall invite, demand or accept payment or contribution from Township employees for political campaign purposes.

Employees have exactly the same right as any other citizen to join political organizations, participate in political activities, as long as they maintain a clear separation between their official responsibilities and their political affiliations, and conduct their activities during non-working hours. Nothing in this section shall be construed to prevent Township employees from voting with complete freedom in any election.

Any violation of this policy must be reported to the Supervisor, Department Head, Township Administrator, or Human Resources Manager. Violation of any provision of this section shall be deemed sufficient cause for suspension or dismissal from the Township service.

SECTION TWENTY-SEVEN:

HARASSMENT & DISCRIMINATION PROHIBITED

1. Policy

It has always been the policy of Warren Township that all employees have a work environment free of discrimination and harassment of any kind. It is the Township's firm policy that all employees and officials are responsible for conducting themselves and ensuring that the workplace is free from discrimination or harassment based upon an individual's sex, gender, sexual orientation, race, ethnicity, religion, veteran's status, marital status, domestic partnership status, age, disability or other protected group status. Among the types of conduct prohibited by this policy are epithets, slurs, negative stereotyping, or intimidating acts based on an individual's protected status and/or the circulation or posting of written or graphic materials that show hostility toward an individual because of his/her protected status. Accordingly, any practice or activity which constitutes harassment, including sexual harassment, is strictly forbidden within Township work places and shall, if substantiated in accordance with this policy, result in disciplinary action against the individual or individuals deemed to have engaged in the harassing conduct.

Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment; or
- b) Submission to or rejection of such conduct by a person is used as a basis for employment decisions affecting that person; or
- c) Such conduct has the purpose or effect; of unreasonably interfering with a person's work performance; or
- d) Such conduct creates an intimidating, hostile or offensive work environment.

2. Procedure for Filing a Complaint:

Any individual who believes that he or she has been subjected to prohibited behavior by any other employee must immediately report the matter to an immediate supervisor, the Township Administrator, or the Township Clerk. In the event the claim is against the Township Administrator and the complaint is reported to either an immediate supervisor or the Township Clerk, the individual must also report the claim to the Mayor immediately. In the event that the complaint is against any individual other than the Township Administrator, the supervisor to whom the report is made or if the report is made to the Township Clerk, the supervisor or Township Clerk must report the claim to the Township Administrator immediately. The individual who is reporting the behavior he or she believes to be harassing may also, but is not obliged to, personally notify the alleged harasser that the behavior engaged in by the harasser is inappropriate, unwelcome, or offensive and should cease immediately.

SECTION TWENTY-SEVEN: (Cont'd)

Any complaint or notification of prohibited behavior and/or retaliation for reporting or participating in an investigation should be put in writing and directed to any of the above referenced parties immediately. Notifications or complaints of prohibited behavior will be treated seriously and receive prompt and appropriate attention.

- a) Complaints filed under this policy shall be promptly and thoroughly investigated by a designee of the Township Administrator, who may be the Administrator.
- b) Upon completion of the investigation, the designee shall prepare a comprehensive report addressing all allegations in the complaint and objectively documenting all relevant factual findings of the investigation.
- c) The investigative report shall be presented to the Township Administrator upon completion and within fifteen (15) days after receipt of the complaint. This time requirement may be extended by the Township Administrator in writing, upon request of the investigator and good cause shown for such an extension.

3. Sanctions

A violation of this policy is a serious violation of the work policy of the Township. If the investigation and findings indicate a sufficient basis, disciplinary action for employees in violation of this policy may be instituted which may include: counseling, oral warning, written warning or reprimand, suspension without pay, or termination.

To the extent required by law or Collective Bargaining Agreements, disciplinary actions shall be in accordance with any applicable provisions or procedures of any applicable laws or Collective Bargaining Agreements or pursuant to the provisions of Section 20 of the Personnel Policy.

Employees making notifications or complaints, and others participating in the process, must recognize that an employee accused or subject to possible discipline charges for prohibited conduct have certain constitutional, statutory or Collective Bargaining contractual rights to due process and to defend himself or herself from a complaint alleging discrimination or harassment and may result in proposed discipline. This policy provides for a hearing where witnesses and testimony shall be presented in order to protect those rights.

4. Confidentiality

The notification and complaint procedure set forth in this policy will be conducted, to the extent as possible, in a manner intended to preserve the privacy of all parties. However, the individual accused of a violation of this policy has the right to be informed of who is making the accusation and the nature of the accusation. During the course of the investigation, other employees may hear of the matter or portions thereof or be questioned regarding their knowledge of the incidents or conduct involved. To the extent possible, the above requirements, and limitation in mind, privacy and confidentiality will be maintained.

SECTION TWENTY-SEVEN: (Cont'd)

5. Retaliation

It is also a violation of this policy for any employee to retaliate against another individual because they have made a notification or complaint, or participated in a complaint procedure or has given statements, information, or evidence in any investigation or proceeding arising hereunder.

6. Responsibility

Supervisors: Each supervisor has responsibility to maintain the work place free of sexual or other harassment. This duty includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading or exploitative treatment.

If an employee is witness to or believes that the employee has experienced sexual harassment, they must immediately notify his/her supervisor or the Township Administrator as specified in Item 2.

Harassment of Warren employees, in connection with their work, by non-employees may also be a violation of this policy. An employee who experiences harassment by a non-employee should report such harassment to their supervisor. Appropriate actions will be taken against any non-employee to the extent permitted by law.

Notification by employees to appropriate personnel of any harassment problem is essential to the success of this policy and Warren Township generally. Warren Township cannot resolve a harassment problem unless it is reported. Therefore, it is the responsibility of all employees to bring those kinds of problems to the attention of management so that steps are taken to correct them.

7. False Accusations

Due to the serious and private nature of this offense, false accusations of sexual harassment or other harassment are, and will be treated as, a disciplinary offense and will result in the same level of punishment as that applied to who engages in such behavior.

SECTION TWENTY-EIGHT

DISABILITY DISCRIMINATION PROHIBITED

No qualified individual with a disability shall, on the basis of mental or physical disability, be subject to discrimination employment under any service program or activity conducted by Warren Township. The Township shall comply with the Americans with Disabilities Act of 1990 (ADA) and the New Jersey Law Against Discrimination – N.J.S.A. 10:5-1 et seq.

To the extent required by law, Warren Township will accommodate employees with disabilities.

The Township Administrator shall designate an employee to coordinate the Township's efforts to comply with and carry out its responsibilities under the ADA. The designated employee's responsibility will include any investigation of any complaint communicated to him/her regarding allegations of non-compliance by the Township with the ADA. Warren Township shall make available to all interested individuals the same, office address, and telephone number of the designated employee.

The grievance procedures listed in Section Fifteen shall be followed regarding any complaints against the Township for failure to comply with the ADA.

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

In the event of the need for an accommodation, an interactive dialogue with disabled employees and prospective employees will ensue to identify reasonable accommodations. All decisions with regard to reasonable accommodations shall be made by the Township Administrator. Warren Township does not offer permanent "light duty," nor is Warren Township "required" to nor is Warren Township "required" to relocate essential job functions, or provide personal use items such as eyeglasses, hearings aids, wheelchairs, etc.

SECTION TWENTY- NINE

SOLICITATIONS AND ACCEPTANCE OF GIFTS, GRATUITIES, FEES, LOANS, ETC.

No Township employee shall solicit or accept any gift, gratuity, loan, fee or other article of value, where the solicitation or acceptance of such article might tent to influence or might be perceived to influence, directly or indirectly, the actions of the employee or any other employee in any matter of Township business.

SECTION THIRTY:

POLICE DISPATCHERS

Dispatchers shall be subject to the rules and regulations of the Police Department and the Township Personnel Policy as applicable. Vacation and sick leave benefits shall be in accordance with these policies.

Work schedules shall be established by the Chief of Police. Dispatchers shall work 2,080 hours per year.

Dispatchers shall be entitled to fourteen (14) holidays. Holidays may be taken throughout the year at the dispatcher's discretion with the approval of the Chief of Police. Any day so taken will be deducted from the dispatcher's entitlement to holiday pay in December.

The Chief of Police, with the consent of the Township Administrator, may approve up to 48 hours of compensatory time (calculated at one and one-half times the dispatcher's base salary hourly rate) annually (this is not a revolving number) for full time dispatchers so long as to use of compensatory time does not create a requirement for overtime use in the Police Department.

Pursuant to the Federal Fair Labor Standards Act and the Code of Federal Regulations, overtime shall only be paid to an employee for actual work performed in excess of a 40-hour workweek. In order to qualify for overtime, the employee must actually work in excess of 40 hours during a given week. "Work performed" shall not include vacation, holiday or sick time where no work is performed or for business travel purposes. In the event an employee's work week is in excess of 40 hours and the employee has taken any vacation, sick time, holiday or business travel time within the work week which is in excess of 40 hours, the time in excess of 40 hours shall be paid at the employee's regular rate.

SECTION THIRTY-ONE: DRESS CODE

AMENDED JUNE 14, 2018 BY RESOLUTION 2018-151

1. **Policy Statement:**

The employees of the Township of Warren are providing a service to the residents, taxpayers, and business community of the Township. Employees must, by their dress and demeanor, display the appropriate professional business image. Casual clothing, which does not promote a business image, should not be worn during the course of regular business hours. Employees are required to dress in **acceptable Business Smart attire** and are expected to use good judgment at all times in choosing their attire for work. Employees must recognize that the Township is a service organization as well as a place of business and an appropriate image must be promoted and is expected of all Township employees. This policy is effective for ALL workdays.

2. **Business Smart:**

This policy will adopt and enforce a Business Smart Dress Code for all employees who are not required to wear a uniform. Employees are expected to wear clothing that is within the realms of "Business Smart" attire. The definition of Business Smart dress is "Relating to or denoting a style of clothing that is less formal than traditional business wear but is still intended to give a professional and business-like impression. One can be dressed in business smart attire while also remaining comfortable but not casual."

Examples of Business Smart Dress: *This is not an inclusive list.*



SECTION THIRTY-ONE cont'd....



SECTION THIRTY-ONE cont'd....

3. Dress Code for Men:

The Following dress code is appropriate for men who are primarily assigned to office functions:

Button-down shirts with a collar, with or without a tie, Golf/Izod collared shirts, sweaters, sports jacket, suit; dockers, khakis or dress slacks. All shirts worn must have sleeves defined as either long or short, no sleeveless shirts. All shirts must be tucked in unless hem is square such as a golf shirt worn on the outside.

4. Dress Code For Women:

The following dress code is suitable for women who are primarily assigned to office duties:

Dresses, skirts (no shorter than (3) inches above top of kneecap), slacks, work appropriate capris, blouses, sweaters, blazers, scarves, limited adornment and fragrance; no recreational attire (defined below), proper sleeveless clothing is allowed.

5. Acceptable Field Inspection Attire for Men & Women:

The following dress code is appropriate for employees required to be in the field or performing inspection duties:

A collared shirt for men (without a tie) or turtleneck, colored jeans (except blue jeans), dockers, corduroys, cargo pants, hats, sweatshirts with hoods, sweaters, vests, blazers, company shirts must be clean and wrinkle-free. No recreational attire (as defined below) other than colored jeans. Shoes/boots must be laced-up and tied.

6. Attire Not Permitted for Town Hall offices for BOTH Inspectors and Office Staff:

Blue jeans, sneakers (unless special permission provided), T-shirts, sweatshirts with hoods or with logo or words, shorts, flip flop sandals, jogging or running suits or attire, workout clothing, leggings (except with a dress or skirt), jeggings, camaflouge patterns/colors, low-cut tops, mini-skirts or mini-dresses, and midriff blouses, no recreational attire allowed (see below).

7. Footwear:

Ladies may wear slip-on footwear but it must have a back or no "flip-flop" sound to them, heels, wedges, sandals, flats, fashion dress boots acceptable; open-toed shoes or sandals that do not expose the whole foot. Open-toed or high-heeled shoes may be worn so long as the footwear is appropriate for the function the employee performs and does not affect the safety of the employee. Refrain from heels above 3 inches for safety reasons.

Men may wear a Dress shoe/boot, Loafer, Oxford, Slip-on Shoe, Men's walking shoe, Wing-tip shoe. Sneakers are not allowed for either men or women, unless due to special circumstances and permission is granted. All shoes must be clean, neat and tidy including work boots worn by inspectors.

SECTION THIRTY-ONE cont'd....

PLEASE BE COGNIZANT OF THIS DRESS CODE POLICY AT ALL TIMES. REMEMBER, CLOTHING THAT SHOWS TOO MUCH BARE SKIN OR DOES NOT CONFORM TO AN OFFICE ENVIRONMENT, OR BUSINESS ENVIRONMENT, WILL BE DEALT WITH APPROPRIATELY AND MONITORED.

8. **Recreational Attire:**

Items such as blue jeans, sweatshirts, sweatpants, hoodies, ball caps, sneakers, hiking boots, nylon jogging suits, Ugg footwear, athletic footwear, leggings, etc.

9. **Enforcement:**

This policy shall be enforced by the Department Heads and Human Resources Manager.

10. **PENALTY:**

First offense: Warning

Second offense: Employee will be sent home to remedy violation.

Third and subsequent offences: Discipline pursuant to section 20 of the Personnel Policy.

MODIFICATION TO CODE:

1. Employees, who for medical reasons, are required to wear non-dress code attire may upon presentation of the appropriate medical certificate obtain the approval of the Township Administrator for modification to this Code.
2. An employee may, based upon a specific job duty on a particular day, be authorized by the Township Administrator, to wear appropriate clothing for that particular assignment.
3. Depending upon weather conditions, the Township Administrator and/or Township Committee may authorize other clothing for limited periods of time.
4. During special work assignments, an employee may dress down with approval from the Township Administrator in advance.

**Your work attire should
NOT be casual.**

DRESS FOR SUCCESS!!

SECTION THIRTY-TWO:

POLICY AMENDMENTS

The Township Committee shall review these policies from time to time and amend them, as it deems appropriate or necessary. Employees will be provided with amendments.

SECTION THIRTY-THREE:

Resolution 2017-281 Added November 16, 2017

1. Electronic Communication / Internet / Social Media Policy

Access to the Internet has been provided to public employees for the benefit of Warren Township and its residents. It allows employees to connect to information resources around the state, the country and the world. Every employee has a responsibility to maintain and enhance the Township's public image and to use the Internet in a productive manner. To ensure that all employees are responsible, productive Internet users and are protecting the Township's public image, the following guidelines have been established for using the Internet.

a) Confidentiality, Privacy and Monitoring

All Township electronic systems, including but not limited to e-mail, Internet connections and instant messaging unless available to the public, are the property of the Township. All documents, information and data created, stored and/or copied to the Township's computer system are the property of the Township and may not be copied or in any form transmitted to any third party other than in the ordinary course of business on behalf of the Township.

Employees using the Township's computer systems are cautioned that e-mail and internet systems do not provide complete confidentiality and Township employees have no right to privacy when they use Township systems. The Township has the right to access, monitor and disclose the contents of any file or electronic message composed, sent, received, or viewed on Township computer systems for any business purpose, including but not limited to breaches of security, violations of Township policy or other computer system or e-mail misuse.

Employees are prohibited from using their personal communication device to copy and/or upload any work product, confidential communications, interoffice memorandum, time cards, or photographs of the interior of the office if such photograph includes information unrelated to the employee taking the photograph. Personal communication devices are defined as, but not limited to, cellular or two-way phones, text-messaging devices, iPhones, Android-enabled devices, Blackberry's and pagers.

All communication on behalf of the Township or relating to Township business must be done through the warrennj.org email account assigned to Township employees as needed. Employees should be aware and understand that the use of personal e-mail accounts, texts and other transmissions including those made on personal, password protected, web-based accounts to engage in Township business may result in those personal accounts being subject to the provisions of the Open Public Records Act (OPRA, NJSA 47:1A-1) and/or other statutes pertaining to access to government records.

b) Acceptable Uses of the Internet

Employees accessing the Internet are representing the Township. All communications should be for professional reasons. Employees are responsible for seeing that the Internet is used in an effective, ethical and lawful manner. Databases may be accessed for information as needed for Township business. E-mail may be used for business contacts.

SECTION THIRTY-THREE: (Cont'd)

c) Unacceptable Uses of the Internet

The Internet should not be used for personal gain or advancement of individual views. Solicitation of non-Township business or any use of the Internet for personal gain is strictly prohibited. Use of the Internet must not disrupt the operation of the Township network or the networks of other users. It must not interfere with employee productivity.

d) E-Mail Communications

All employees are responsible for the content of all text, audio or images that they place or send over the Internet. Fraudulent, harassing or obscene messages are prohibited. All messages communicated on the Internet should have the sender's name attached. No messages will be transmitted under an assumed name. Users may not attempt to obscure the origin of any message. A signature of name, title, and contact number should be included in e-mail communications. Information published on the Internet should not violate or infringe upon the rights of others. No abusive, profane or offensive language may be transmitted through the system. Employees are prohibited from expressing personal opinions through use of the Township's Internet names and connections.

Notwithstanding the Township's right to read and retrieve any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to this policy must receive prior approval from their Supervisor. Employees should not attempt to gain access to another employee's messages without the latter's permission. All computer passwords and login names must be submitted to the Information Technology Staff/Consultant and Human Resources Manager. No codes may be used that are unknown to the Information Technology Staff/Consultant or Human Resources Manager.

e) Instant Messaging

Use of the internet and/or Warren Township computer system for personal purposes or reasons unrelated to the work of the Township is permitted only in cases of emergency or where such use is minimal and incidental. All users of instant messaging in any form (web-based, application, mobile), on any Township-owned equipment must have approval of the Information Technology Staff/Consultant.

Any personal use of the Internet and/or the Township's computer system may not interfere with the conduct of the Township's business or interfere with an employee's performance of his/her job duties.

Employees who have Township issued Smart Phones must follow the guidelines for communications as explained under Internet Code of Conduct and Instant Messaging.

Misuse of Instant Messaging, the Township's computer system, and/or Township-issued mobile phones is grounds for disciplinary action up to and including termination of employment.

SECTION THIRTY-THREE: (Cont'd)

f) Software

To prevent computer viruses from being transmitted through the system, there will be no unauthorized downloading of any software. All software downloads will be done directly through the Information Technology Staff/Consultant or their staff, whether from the IT Consultant or their staff. All requests are to be submitted via email to the IT Staff/Consultant.

g) Copyright Issues

Copyrighted materials belonging to entities may not be transmitted by Township employees on the Internet. One copy of the copyrighted material may be downloaded for an employee's own personal use in research. Users are not permitted to copy, transfer, rename and/or delete information or programs belonging to other users unless given express permission to do so by the owner. Failure to observe copyright or license agreements may result in disciplinary action or legal action by the copyright owner.

h) Work Product Ownership

The Township retains legal ownership of the work product of all employees. Work product includes: written and electronic documents, audio and video recordings, system code, and any concepts, ideas or other intellectual property developed for Warren Township regardless of whether the intellectual property is actually used by the Township. No work product created while an employee is employed or contracted by Warren Township can be claimed, construed or presented as their property, even after their employment with the Township is terminated or the relevant project completed. If an employee requests use of a document created by them, the release of said document shall be with the written authorization of the Information Technology Staff/Consultant and Township Administrator.

i) Security

All messages created, sent or retrieved over the Internet are the property of Warren Township. The Township reserves the right to access and monitor all messages and files on the computer system as deemed necessary and appropriate. The confidentiality of any messages should not be assumed. Even when a message is erased, it is possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. All communications, including text and images, can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.

j) Harassment

Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about an individual's or group's race, religion, national origin, physical attributes or sexual preference may be transmitted.

k) Violations

Violations of any guidelines listed above will be presented to the department Supervisor, Human Resources Manager and/or Township Administrator. It may result in disciplinary action up to and including termination. If necessary, the Township will advise appropriate legal officials of any illegal violations.

SECTION THIRTY-THREE: (Cont'd)

2. Systems, Computer And Internet Policies

Systems Privacy, Including E-mail, Voicemail, Computer and Internet Usage

Warren Township respects the individual privacy of its employees; however, e-mail, voicemail, Internet, Township-issued cellular devices and the computer network are for official business. All e-mail, voicemail and Internet messages are public records subject to possible disclosure to the public pursuant to the provisions of the Open Public Records Act (NJSA 47:1A-1).

Warren Township may monitor, inspect, copy, review, and store any files, information, software, and other content created, sent, received, downloaded, uploaded, accessed, or stored through the Warren Township's communications system.

By using Township e-mail, computer systems, voicemail and the Internet, each user agrees that Warren Township has unrestricted access and the right to disclose all information communicated or stored on the e-mail, computer systems, cell phones, voicemail and the Internet.

a) Care in Use of E-mail, Voicemail, Internet and Computer Network Systems

Employees must exercise a greater degree of caution in transmitting the Township's confidential information on the e-mail, voicemail, Internet and computer network systems than they take with other means of communicating information, because of the ease with which such information can be redistributed and the public access to such information through the Open Public Records Act. Employees must take care to ensure that all addressees are appropriate recipients of the information to be distributed via e-mail, voicemail, Internet, text message or other electronic form of communication, especially when distributing information to a list of recipients.

Except in emergency situations or as part of their officially assigned, regular, or permitted duties, employees are prohibited from taking any photographs, pictures, digital images or audio recordings of any crime scenes, traffic crashes, arrestees, detainees, people, job related incident or occurrence, or Township data and information with any personal analog or digital device, camera, imaging device, audio recorder or cellular telephone.

This section also applies to off-duty scenarios regarding any law enforcement and emergency response related activities. Any photographs, images or recordings taken with any personal device pursuant to or in violation of this section are considered evidence and are subject to applicable laws, code guideline or directive concerning storage release and disposal. Employees who have recorded any photographs, images or recordings with any personal device shall notify their supervisors as soon as practical. For the purposes of this section, an "emergency situation" involves a sudden and unforeseen combination of circumstances or the resulting state that calls for immediate action, assistance or relief, and may include accidents, crimes and flights from accidents or crimes.

SECTION THIRTY-THREE: (Cont'd)

Employees are prohibited from releasing or disclosing any photographs, pictures, digital images of any crime scenes, traffic crashes, arrestees, detainees, people or job-related incident or occurrence taken with a personal or agency analog or digital device, camera or cellular phone to any person, entity, business or media or Internet outlet whether on or off duty without the express written permission of the Township Administrator or appropriate functional head.

b) *Personal Use of E-mail and Internet Access*

Incidental and occasional personal use of e-mail and Internet access is subject to the same policies, procedures and legal considerations that apply to business-related e-mail and Internet use. Incidental and occasional personal use must be done on employee time such as during lunch or breaks. Such personal use is permissible so long as the incremental cost is negligible, no Township business activity is preempted by the personal use, and no Township policies or laws are violated. Excessive personal use and personal use in violation of this policy can be grounds for discipline up to and including termination. Personal use of the Township's Internet access and e-mail constitutes the user's consent to the Township to monitor, read, and use in any way any message, record, or other information created by the personal use.

Since the contents of e-mail and voicemail may be accessed by the Township without prior notice to employees, and since Warren Township can monitor employees' use of its computer network systems, employees should not use any of the systems to transmit any messages they would not want to disclose to a third party.

Employees who maintain personal web pages and web sites, including but not limited to Facebook, YouTube, Myspace, Twitter, etc., shall not post information on such sites that would constitute a violation of the personnel policies of the Township if expressed or published using any other medium or in any other manner. The posting of words, phrases, photographs, images or any kind of information on a personal web site may be grounds for disciplinary action if the words, phrases, photographs, images or information adversely reflects on the employee's fitness for duty or constitutes a violation of the policies of the Township. Moreover, employees should not use these systems during the work day or their work hours for soliciting or advocating with others for commercial ventures, religious or personal causes, outside organizations or other similar, non job-related solicitations.

c) *Forbidden Content of E-mail, Voicemail, Internet and Computer Network Systems Communications*

Employees may not use the e-mail, voicemail, Internet computer network systems, or Township-issued cell phones or any other Township-issued electronic devices in any way that may be seen as insulting, defamatory, obscene, harassing, disruptive, or offensive by other persons.

SECTION THIRTY-THREE: (Cont'd)

Examples of forbidden transmissions or downloads include sexually-explicit messages; unwelcome propositions; ethnic or racial slurs; or any other message that can be construed to be harassment or disparaging to others based on their actual or perceived sex, sexual orientation, gender, gender identity, transgender, race color, national origin, citizenship status, ancestry, age, marital status, medical condition, mental or physical disability, veteran status, religious or political beliefs, or any other characteristic protected by federal, state, or local law, ordinance or regulation.

d) Unauthorized Access

Employees are prohibited from the unauthorized use of the password(s) of other employees to gain access to another employee's messages in the e-mail, voicemail, Internet or computer network systems including but not limited to all secured access software that employees may have access to.

e) Mobile Devices

Employees whose devices with mobile access to the warrennj.org mail cloud are subject to the following requirements to protect the security and integrity of Township data. This applies to personal devices and Township-issued devices.

The Township is authorized to monitor, filter and inspect Township information accessible via the device. The Information Technology Staff/Consultant has the authority to clear any device that has established a connection to the warrennj.org mail server. Employees with remote access to the server release the Township from liability for the destruction and/or viewing of any personal information by the Information Technology Staff/Consultant or their staff when such action is taken on behalf of the Township's interests.

The Department Head must be notified immediately in the event a device with remote access to the warrennj.org mail server is lost, stolen or compromised.

If a Township-issued phone is replaced, the original phone must be returned to the Department Head.

Employees must abide by the privacy, security and other relevant procedures and policies established herein for their mobile device access and usage.

Employees with Township-issued mobile devices must have approval of the Information Technology Staff/Consultant to load any applications onto the devices.

At termination, the supervisor must identify all devices for which an employee has access to the warrennj.org mail server. The Information Technology staff/Consultant will remove such access. If necessary, this may include wiping the device clear of all applications.

SECTION THIRTY-THREE: (Cont'd)

f) Instant Messaging

All users of instant messaging in any form (web-based, application, mobile), on any Township-owned equipment must have approval of the Information Technology Staff/Consultant.

Any personal use of the Internet and/or the Township's computer system may not interfere with the conduct of the Township's business or interfere with an employee's performance of his/her job duties.

Employees who have Township-issued mobile devices must follow the guidelines for communications as explained under Internet Code of Conduct, and Instant Messaging.

Misuse of Instant Messaging, the Township's computer system, and/or Township-issued mobile phones is grounds for disciplinary action up to and including termination of employment.

g) Copyright Issues

Copyrighted materials belonging to entities may not be transmitted by Township employees on the Internet. One copy of the copyrighted material may be downloaded for an employee's own personal use in research. Users are not permitted to copy, transfer, rename and/or delete information or programs belonging to other users unless given express permission to do so by the owner. Failure to observe copyright or license agreements may result in disciplinary action or legal action by the copyright owner.

h) Security

All messages created, sent or retrieved over the Internet are the property of Warren Township. The Township reserves the right to access and monitor all messages and files on the computer system as deemed necessary and appropriate. The confidentiality of any messages should not be assumed. Even when a message is erased, it is possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. All communications, including text and images, can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.

i) Policy Violations

Violations of the Township policy of the use of e-mail, voicemail, Internet, complete network systems and Township-issued cell phones or any other Township-issued electronic device will subject the employee to discipline, up to and including termination.

If necessary, the Township will advise appropriate legal officials of any illegal violations.

SECTION THIRTY-THREE: (Cont'd)

3. Personal Blogging And Social Networks Policy

Social networking, both professional and personal, is a popular way to connect with friends, foster relationships and create a complex group of online networks and online communities. However, these new communication and networking opportunities also create new responsibilities for those who engage in social networking. Employees who choose to use or contribute to online media are not only impacting their personal image, but may be potentially impacting the image of the Township. The purpose of this policy is to provide reasonable guidelines for online behavior for employees of the Township. Only those Employees directly authorized by the Administrator may engage in social media activity during work time through the use of the Township's Communication Media, as it directly relates to their work and it is in compliance with this policy.

a) General Rule

When communicating in social media, employees act at their own peril. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any conduct that adversely affects job performance, the performance of fellow employees or otherwise adversely affects clients, people who work on behalf of the Township or the Township's legitimate business interests may result in disciplinary action up to and including termination. Employees must never engage in communication which injures the reputation of the Township or its clients or which discloses confidential information. Also, remember that the employee's own reputation is at risk – what is said or done, even if not otherwise connected to the Township, may be seen by others who will make judgments about the employee based upon what they place online. The employee's position in the Township could thus be impacted by their personal internet activities.

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including, but not limited to:

- Social networking or affinity websites such as, but not limited to, Facebook, Twitter, Myspace, LinkedIn, You-Tube, Instagram, Vine, etc.
- Websites, your own or someone else's Web log, Blog Site(s), Journal or Diary, Personal Websites or Blog(s)
- Wikis such as Wikipedia and any other site(s) where text can be edited or posted
- Social bookmarks such as Digg and Delicious
- Web bulletin board or a chat room

All of these activities on these sites are referred to as "Internet postings" in this Policy. This Internet Postings Policy applies, but is not limited, to all of the aforementioned Internet postings on social media, whether or not associated or affiliated with the Township, as well as any other form of electronic communication.

SECTION THIRTY-THREE: (Cont'd)

b) Know and follow the rules

Carefully read these guidelines and ensure your postings are consistent with this policy. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination of employment by the Township.

If an employee is unsure about information disclosed in any particular posting, contact the Township Administrator or Human Resources Officer.

c) Be respectful

Always be fair and courteous to fellow employees, clients, management and people who work on behalf of the Township. Try to resolve work-related complaints by speaking directly with co-workers or management rather than by posting complaints to a social media outlet. If posting complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage fellow employees, clients, management or people who work on behalf of the Township, 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 Township policy. Remember that harassment, bullying, discrimination and retaliation that would not be permissible in the workplace is not permissible between employees online, even if done after hours, from home and on home computers.

d) Be honest and accurate

Make sure to always be honest and accurate when posting information or news, and if a mistake is made, correct it quickly. Be open about any previous posts that have been altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors known to be false about fellow employees, clients, the Township and employees of the Township, including members of management and the governing body.

e) Post only appropriate and respectful content

- i. Maintain the confidentiality of the Township's private or confidential information and attorney-client privileged information. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
- ii. Do not create a link from a personal blog, website or other social networking site to a Township website without identifying yourself as a Township employee.
- iii. Express only personal opinions. Employees should never represent themselves as a spokesperson for the Township unless they have been specifically authorized to do so. If the Township is a subject of the content being creating, be clear and open about the fact that you are an employee and make it clear that these views do not represent those of the Township, the governing body or fellow employees of the Township. If publishing a blog or post online related to the work being done or subjects associated with the Township, the employee should make it clear that they are not speaking on behalf of the Township

SECTION THIRTY-THREE: (Cont'd)

or the governing body. 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 Warren Township.” Please be aware that the term “internet postings” is not limited to blog postings, it also includes comments, videos and images. When posting a point of view, an employee should neither claim nor imply they are speaking on behalf of Township, unless they are authorized to do so in writing by the Township Administrator.

- iv. Do not represent any opinion or statement as the policy or view of the Township or of any individual in their capacity as an employee or otherwise on behalf of the Township.
- v. Do not post any disparaging or defamatory statements about the Township, including members of management and the governing body, its product or services that are unrelated to specific terms and conditions of your employment.
- vi. Respect all copyright, privacy, fair use and other intellectual property laws. For the Township’s protection as well as that of the employee, it is critical to show respect for the laws governing copyright, fair use of copyrighted material owned by others, trademarks and other intellectual property, including the Township’s own copyrights and trademarks. Do not use the Township’s logos or trademarks in postings without express permission from the Township.
- vii. Avoid harming the image and integrity of the Township by posting content that would be considered harassment, bullying, discrimination or retaliation and would not be deemed permissible if said and/or done in the work place. Internet postings should not violate any other applicable Township policy, including, but not limited to, the following: Anti-Harassment Policy, Non-Discrimination and Equal Employment Opportunity Policy, and E-Mail and Internet Code of Conduct Policy.
- viii. Ensure that any posts comply with the FTC “endorsement” guidelines.
- ix. If a member of the news media or blogger contacts an employee about an Internet posting that concerns Township’s business, immediately bring this to the attention of the Township Administrator. Also, please be respectful when responding to negative posts.

Employees agree that the Township shall not be liable, under any circumstances, for any errors, omissions, loss or damages claimed or incurred due to any Internet postings.

f) Using social media at work

Refrain from using social media while on work time or on equipment we provide unless it is work-related as authorized by a supervisor. Employees should not use a Township email address to register on social networks, blogs or other online tools utilized for personal use.

SECTION THIRTY-THREE: (Cont'd)

Employees may, as part of their job responsibilities, be required to use social media for public relations, recruitment, Township communications or other business purposes. The Township owns all social media accounts used on behalf of the Township or otherwise for business purposes, including any and all log-in information, passwords and content associated with each account, such as followers and contacts. The Township owns all such information and content, regardless of the employee that opens the account or uses it, and will retain all such information and content regardless of separation of any employee from employment with the Township.

If an employee's job duties require that they to speak on behalf of the Township in a social media environment, they must still seek approval for such communication from their supervisor, who may require them to receive training before they do so and impose certain requirements and restrictions with regard to their activities. Likewise, if an employee is contacted for comment about the Township for publication, including in any social media outlet, the inquiry should be directed to the Township Administrator and the employee should not respond without approval of the content and response.

The Township may request, in its sole and absolute discretion, that an employee temporarily or permanently confine their website, web log or other commentary to topics unrelated to the Township if it believes this is necessary or advisable to ensure compliance with laws or regulations.

Failure to comply may lead to discipline up to and including termination, and if appropriate, the Township will pursue all available legal remedies.

g) Retaliation is prohibited

The Township prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee 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.

h) Cell Phone Policy

- i. Township employees, as authorized by the Township Administrator and recommended by the department supervisors, may be assigned to use a Township cell phone. This use is generally limited to inspectors, public works supervisors, foremen, police supervisors, and detectives.
- ii. All cell phones are intended for Township business and may not be used for personal use. "Occasional personal use" will be permitted, but it shall mean minimal and infrequent use not interfering with Township business or job performance. "Occasional personal use" shall be defined as minimal use for those situations where alternative communication is not available.
- iii. All employees and volunteers utilizing Township-provided cell phones shall realize that the Township does monitor detailed billing information and use to ensure that cell phones are being used for Township purposes.

SECTION THIRTY-THREE: (Cont'd)

- iv. Employees and/or volunteers who use in excess of the authorized minutes per month shall be responsible for the cost incurred over and above the authorized use, based upon a determination by the Township Administrator.

SECTION THIRTY-FOUR:

CONSCIENTIOUS EMPLOYEE PROTECTION- N.J.S.A. 34:19-3, ET SEQ.

The Township prohibits any supervisor or manager from asking or requiring employees to violate laws, ordinances, resolutions, or professional regulations. Any employee who is asked or require to violate laws, ordinances, resolutions, or professional regulations should immediately object and file a written objection, within five (5) working days, with the Township Administrator except if the complaint is regarding the Township Administrator, it shall be filed with the Township Clerk.

The Township will not take any retaliatory action against an employee because the employee does any of the following:

1. Discloses or threatens to disclose to and employee, in a supervisory or management capacity, or to a public body or law enforcement agency, an activity, policy or practice of the Township, or any employee of the Township, that the employee reasonably believes:
 - a) Is in violation of a law or a rule or regulation promulgated pursuant to law, including any violation involving deception of, or misrepresentation to, any employee or former employee of the Township; or
 - b) Is criminal or fraudulent, including any activity, policy, practice or deception or misrepresentation, which the employee reasonably believes may defraud any employee or former employee of the Township.
2. Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation promulgated pursuant to law, by the Township, including any violation involving deception of, or misrepresentation to, any employee or former employee of the Township.
3. Objects to, or refuses to participate in any activity, policy or practice that the employee reasonably believes:
 - a) Is in violation of a law, or a rule or regulation promulgated pursuant to law, as described in I(a) above, or
 - b) Is fraudulent or criminal, as described in I(b) above, or
 - c) Is incompatible with a clear mandate of public policy concerning the public health, safety or welfare, or protection of the environment.

SECTION THIRTY-FOUR: (Cont'd)

An employee who makes a disclosure to a public body must notify the Township Administrator in writing of the activity, policy or practice, which is in violation of the law. This notice requirement is intended to give the Township a reasonable opportunity to correct the activity, policy or practice.

However, employees do not have to give notice under the following circumstances:

- (1) Where it is reasonably certain that the activity, policy or practice is known to one or more supervisors of the Township; or
- (2) Where employees reasonably evaluate the situation as emergent in nature.

Should an employee feel that he or she has been subject to retaliatory action for exercising their rights under the law, he or she should file a prompt complaint, in writing, with the Township Administrator, except if the complaint is regarding the Township Administrator, the complaint shall be filed with the Township Clerk.

SECTION THIRTY-FIVE

PUBLIC RECORDS POLICY

Warren Township public officials and employees at all levels must ensure that public records are protected from unauthorized alteration, defacement, transfer or destruction.

NJSA 47:3-16 defines a public record as: "... any paper, written or printed book, document or drawing, map or plan, photograph, microfilm, data processed or image processed document, sound-recording or similar device, or any copy thereof which has been made or is required by law to be received for filing, indexing, or reproducing by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received by any such officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, in connection with the transaction of public business and has been retained by such recipient or its successor as evidence of its activities or because of the information contained therein."

Information that a public agency generates or receives in the transaction of its official duties is a public record. This is true regardless of the medium used to store the information – e.g., paper, microfilm, or digital copy, or in the case of digital copy and e-mail, on the computer or hand-held device from which it is sent or received. E-mails regarding Warren Township business sent and received via personal e-mail addresses are still considered government records.

Not all public records are subject to access by the general public (the deciding factor is if the record serves to document the organization, functions, policies, decisions, procedures, operations or other activities); but all public records must be retained according to records retention and disposition schedules approved by the State Records Committee. No public record may be destroyed without prior consent of appropriate Warren Township officials, as well as the NJ Division of Revenue & Enterprise Systems, Records Management, even if the retention period for the record has expired. All record retention schedules and disposal requests must be processed through the NJ State Artemis System. Questions regarding this process should be directed to the Municipal Clerk.

SCHEDULE # 1

SICK PAY BENEFITS

Years of Service

Number of Days

Per Resolution 2019-098 up to 40 hours of earned Sick leave every benefit year

0-1 year
1-5 complete years
After 5 years

1 day per 2 months or up to 40 hours
9 days
15 days

SCHEDULE # 2

VACATION PAY

Years of Service

Number of Weeks Vacation

0-1 year

1 complete year to 5 complete years

After 5 years to 10 years

After 10 years to 20 years

After 20 years

1 day for each two months of service to a maximum of 5 days

2 work weeks

3 work weeks plus 1 day

4 work weeks plus 1 day

5 work weeks

(See Section Twenty Three and Twenty Four)

SCHEDULE # 3

HOLIDAY PAY

Fourteen (14) days as follows:

New Years Day
Washington's Birthday
Good Friday
Memorial Day
Martin Luther King's Birthday
Independence Day
Labor Day

Veterans' Day
Columbus Day
Thanksgiving Day
Thanksgiving Day After
Christmas Day
Birthday of Employee
Floating Holiday

SCHEDULE # 4

MEDICAL INSURANCE

See Section Seven entitled "Health Benefits".

SCHEDULE # 5

LIFE INSURANCE

As described in life insurance booklets issued by the New Jersey Division of Pensions

SCHEDULE # 6

TEMPORARY DISABILITY COVERAGE

Temporary Disability coverage is in accordance with the laws of the State of New Jersey.