

Donna Belton

21-734

From: A Concerned Woman <opra+request-23614-1733d3b0@requests.opramachine.com>
Sent: Friday, June 04, 2021 12:02 PM
To: clerkforms
Subject: OPRA request - Information about Township Employee Josephine Higgins

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Howell Township,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested: Information on Howell Township Employee Josephine Higgins

- 1) Job Description, Job Title, and responsibilities for Josephine Higgins
- 2) Total hours worked for 2019 and Total Salary for 2019
- 3) Total hours worked for 2020 and Total Salary for 2020
- 4) List of direct supervisors who Township employee Josephine Higgins reports to.
- 5) Any and all Howell Township Policies/Regulations/Orders regulating Township Employees in a Supervisory Capacity engaging in a dating relationship with subordinate Township employee
- 6) Any and all Howell Township Police Department Policies/Regulations/Orders regulating Township Employees in a Supervisory Capacity engaging in a dating relationship with subordinate Township employee
- ✓ 7) Howell Township Employee Sexual Harassment Policy/Regulation/Order
- ✓ 8) Howell Township Police Department Employee Sexual Harassment Policy/Regulation/Order

Yours faithfully,

A concerned Woman

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-23614-1733d3b0@requests.opramachine.com

Is clerkforms@twp.howell.nj.us the wrong address for OPRA requests to Howell Township? If so, please contact us using this form:

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fopramachine.com%2fchange_request%2fnew%3fbody%3dhowell_township&c=E,1,mCrqW_hjbHnSPyBEWsFizAbdJxemA6n_ch8Hc-nKqzC2kayqOB7_a1utqrAfBq-02tQk4CZ0fkD5-96LjxQPM9vCNIWtcleNZQNw7HZTJWFnZY,&typo=1

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View this OPRA request & responses online:

Donna Belton

From: Lauren Marshall
Sent: Monday, June 07, 2021 11:12 AM
To: Donna Belton; Andrew Kudrick; Thomas Rizzo; Jill Tripodi
Cc: Brian Geoghegan; Joseph Clark
Subject: RE: OPRA 21-734

Good morning,

Here are the total hours and salaries for Josephine for 2019 and 2020:

- 2019
 - 1,028.50 Hours
 - \$19,523.25
- 2020
 - 839.34 Hours
 - \$20,106.35

If you need anything else please let me know.

Best wishes,

Lauren Marshall

Payroll Administrator

Township of Howell

732-938-4500 x 2103

Fax: 732-414-3237

From: Donna Belton <dbelton@twp.howell.nj.us>
Sent: Friday, June 4, 2021 12:38 PM
To: Andrew Kudrick <AKudrick@howellpolice.org>; Thomas Rizzo <TRizzo@howellpolice.org>; Jill Tripodi <jtripodi@twp.howell.nj.us>; Lauren Marshall <lmarshall@twp.howell.nj.us>
Cc: Brian Geoghegan <bgeoghegan@twp.howell.nj.us>; Joseph Clark <jclark@twp.howell.nj.us>
Subject: OPRA 21-734

Good Afternoon,

Attached please find OPRA 21-734 for your review. Please forward your findings to me no later than 6/15/2021.

Thank you.

Regards,

ADMINISTRATIVE ASSISTANT

General Statement of Duties:

Performs a variety of office tasks including highly responsible and complex secretarial work in providing secretarial services to a Department Head or other supervisor. Works under the general supervision of a Department Head, with exercise of initiative, judgment and discretion based on a thorough knowledge of administrative policies and procedures in the performance of daily activities.

Qualifications:

Grade 14 Administrative Assistant I

Six months experience in clerical work. Working knowledge of modern office practices and procedures. Ability to remember and carry out oral and written directions.

Grade 16 Administrative Assistant II

One year experience in clerical work. Ability to comprehend established office routines and rules and regulations of a limited complexity.

Grade 18 Administrative Assistant III

2-3 years experience in clerical work and/or prior classification as a Grade 16. Thorough knowledge of secretarial practices and procedures. High level of typing proficiency. Thorough knowledge of Township operations and organization. Ability to make responsible decisions in accordance with established policies and procedures. Ability to prepare effective correspondence and to perform office management details without referring to the Department Head or supervisor.

Ability to maintain effective working relationships with high level officials, department heads, employees and the general public.

Grade 20 Administrative Assistant IV

4-5 years experience in clerical work. Highly responsible position involving difficult and complex secretarial services for a Department Head or other supervisory position.

Grade 22 Administrative Assistant V

4-5 years experience in clerical work. Performs a variety of tasks relieving the Department Head of important details. Ability to maintain and deal with public relations problems. Ability to comprehend established office routines and rules and regulations of a high complexity and maintain suitable records and files. Ability to prepare effective correspondence and to perform office management details without referral to the Department Head

Grade 24 Administrative Assistant VI

Five years of experience in the capacity of a secretary to an executive or administrative officer in a public or private organization. Successful completion of a two year program in secretarial schooling at an accredited college or university may be substituted for two years of the above

experience. Conducts various office tasks relating to office functions to relieve the department head of functions not requiring his/her personal attention. May assign work to and supervise other employees. May prepare staff assignment schedules.

Essential Job Functions:

Operates a variety of office equipment including but not limited to a typewriter, computer, copy machine, fax machine, calculator, scanner, etc to perform office duties,] such as, composition of letters, memoranda, email, minutes, newsletter, press releases, vouchers, requisitions, purchase orders, notices, messages and other matters. May take and transcribe dictation.

Orders supplies, keep inventory of supplies, may include shopping off site for departmental needs.

Relay directives, instructions and assignments to other personnel.

Makes numerical computer entries, computes and posts data, makes copies as needed, operates standard office equipment. Composes correspondence as directed; types a variety of reports and material from rough drafts, notes or recordings.

Establishes and maintains records and files (hard copy and electronic), proof reads documents, assists in data collection, assists in preparation of reports for other township and/or outside agencies. Open, sort and distribute incoming correspondence.

Answers telephone and in-person inquiries concerning departmental operations, requirements for permits or services, schedules appointments, maintains a calendar, takes messages for departmental personnel. Assists the public, over the phone or in person, ascertains nature of business, provides information and assistance, answers inquiries requiring interpretation of department policies, rules and regulations, and directs calls and visitors to appropriate personnel.

May process confidential material; maintain attendance /payroll and/or personnel records

Learn to operate new office technologies as they are developed and implemented

May perform a variety of bookkeeping and clerical tasks involving receipting, computing, classifying, verifying and recording data and reconciling accounts, records and documents.

Accepts payments made in person, by mail or computer and receipts and records same in journals and/or ledgers. Posts actions to journals, prove deposits.

Prepares and adjust billings to various agencies.

Assists in the collection, compilation and tabulation of financial data.

Conducts correspondence relating to department functions with residents, governmental agencies, vendors, developers and others to relieve the department head of functions not requiring his/her personal attention.

Drafts specification, notices, memoranda, resolutions, grant applications, ordinance proposals, directives, and announcements dealing with matters requiring understanding of policies, pertinent laws and department functions.

Conducts assigned special investigations as directed; collects and analyzes data needed as a basis for administrative decisions; assists in collecting and analyzing data for annual budget preparation.

Assists in preparing required statistics and reports on department activities.

May assist those seeking permits, variances, licenses or registrations in completing applications and forms; may issue/create appropriate documents.

Assists in preparing workshop meeting agendas; may attend job-related seminars and training courses.

May attend meetings or court sessions to represent the department when directed.

May assign work to and supervise other office employees; may prepare staff assignment schedules.

Performs related duties as required.

Employees hired in the Police Department/Detective Division must be on call 24/7 for witness statements.

Ability to read, write, speak, understand, or communicate in English sufficiently to perform the duties of the position.

Thorough knowledge of business English, arithmetic and spelling. Thorough knowledge of modern office methods, practices and equipment.

Ability to establish and maintain effective working relationships with other employees and the general public

Wide knowledge of Township policies and procedures, and of the internal organization and established policies, procedures and regulations relative to the work of the department.

Ability to understand and use modern computers and computer programs.

Ability to perform typing and secretarial tasks.

Ability to prepare and supervise the preparation of statistical and other reports containing findings, conclusions and recommendations.

Ability to supervise the establishment and maintenance of records and files.

Ability to comprehend established office and other clerical and related routines and rules and regulations of complexity in a relatively large organization.

Ability to organize assigned work and develop effective work methods. Ability to give suitable assignments and instructions to individuals and groups.

Ability to comprehend, interpret and apply contents of law, rulings and procedures and to understand

complex instructions.

Ability to prepare clear, complete, accurate and logical reports.

Performs related duties as required

Physical Requirements:

Sitting: Remaining in the seated position

Stand: Remaining on one's feet in the upright position at a workstation without moving about

Walking: Moving about on foot

Lifting: Raising or lowering an object (weighing up to the maximum OSHA standard) from one level to another (including upward pulling)

Carrying: Transporting an object, usually holding it in the hands or arms, on the shoulder

Balancing: Maintaining body equilibrium to prevent falling when walking, standing, and crouching

Stooping: Bending body downward and forward by bending spine at the waist, requiring full use of the lower extremities and back muscles

Kneeling: Bending legs at knees to come to rest on knee or knees

Crouching: Bending body downward and forward by bending legs and spine

Handling: Seizing, holding, grasping, turning, or otherwise working with hand or hands. Fingers are involved only to the extent that they are an extension of the hand.

Use of Fingers: Picking, pinching, or otherwise working primarily with fingers rather than with the whole hand or arm as in handling.

Feeling: Perceiving attributes of objects, such as size, shape, temperature, or texture, by touching with skin, particularly that of fingertips.

Talking: Expressing or exchanging ideas by means of the spoken word to impart oral information to clients or to the public and to convey detailed spoken instructions to other workers accurately, loudly or quickly.

Hearing: Perceiving the nature of sounds by ear.

Vision: Clarity of vision at 20 inches or less

Far Vision: Clarity of vision at 20 feet or more

Depth Perception: Three-dimensional vision. Ability to judge distances and spatial relationships so as to see objects where and as they actually are

Visual Accommodation: Adjustment of lens of eye to bring an object into sharp focus. This factor

is required when doing near point work at varying distances from the eye.

Color vision: Ability to identify and distinguish colors.

Field of Vision: Observing an area that can be seen up and down or right to left while eyes are fixed on a given point.

Environmental Conditions:

Noise

Vibration

Moving mechanical parts

POLICY AGAINST HARASSMENT

The Township is committed to maintaining a workplace free from harassment (sexual or otherwise) or intimidation of any employee or job applicant, male or female. The Township does not accept, condone or tolerate actions of harassment by any employee, vendor, member of the public or any other person associated with the Township on the basis of any personal characteristic, including, but not limited to race, creed, color, religion, sex, sexual orientation, national origin, blood trait, genetic information, gender identity or expression, age, marital or political status, veteran status, disability or handicap or any other classification protected by federal, state or local law.

While it is not easy to define precisely what harassment is, it includes slurs, epithets, threats, derogatory comments, unwelcome jokes, teasing, caricatures or representations of persons using electronically or physically altered photos, drawings or images, and other similar verbal, written, printed or physical conduct. Harassment also consists of unwelcome conduct, whether verbal, physical or visual, that is based on a person's protected status, such as race, creed, color, religion, sex, sexual orientation, age, national origin, marital or political status, veteran status, disability, blood trait, genetic information, gender identity or expression or handicap which can be reasonably accommodated without undue hardship or any other classification protected by federal, state or local law or regulation. Harassment involves behavior that is personally offensive, fails to respect the rights of others, lowers morale and interferes with work effectiveness. Harassment may take different forms. Whatever form it takes, harassment is insulting and demeaning to the recipient and will not be tolerated in the workplace or any location where at which Township sponsored activity takes place.

Applicability

Township officials, appointees, managers, supervisors, employees, volunteers and outside contractors alike must comply with this policy and take appropriate measures to insure that such conduct does not occur. Independent contractors, vendors and all other parties, engaged in a professional business relationship with the Township of Howell are also expected to abide by the policy. Harassment of any employees, in connection with their work, by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to the supervisor. Appropriate action will be taken against any non-employee

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

Sexual Harassment

It is the Township's policy to prohibit sexual harassment of an employee by another employee, management representative, supplier, volunteer, or business invitee. The Township prohibits sexual harassment from occurring in the workplace or at any other location at which Township sponsored activity takes place. Sexual harassment of non-employees by our employees is also prohibited. The purpose of this policy is not to regulate personal morality or to encroach upon one's personal life, but to demonstrate a strong commitment to maintaining a workplace free of sexual harassment. Such conduct shall result in appropriate disciplinary action up to and including dismissal from employment.

Sexual Harassment Defined

Sexual harassment is unwelcomed, unsolicited conduct of a sexual nature or because of one's sex, which an employee reasonably regards as undesirable or offensive. It includes unwelcome sexual advances, requests for sexual favors and any other conduct of a physical, verbal or nonverbal nature where:

- a) Submission to that conduct or communication is made a term or condition, Explicitly or implicitly, of obtaining or retaining employment; or
- b) Submission to or rejection of that conduct or communication by an individual used as a factor in decisions affecting that individual's employment, or
- c) That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment, or creating an intimidating hostile or offensive employment environment.

Sexual harassment may include unwanted sexual advances; offering employment benefits in exchange for sexual favors; visual conduct (leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons or posters); verbal sexual advances, propositions or requests; verbal abuse of a sexual nature; graphic verbal commentaries about an individual's body; sexually degrading words used to describe an individual; suggestive or obscene letters, caricatures or representations of persons using electronically or physically altered photos, drawings, or images; notes or invitations; and/or, physical conduct (touching, assault, impeding or blocking movements).

Employees who believe that they have been subject to harassment should report the incident directly to the Township Manager, who will ask the employee to complete a Harassment Complaint Form. The complaining party should specify the name of the alleged harasser and any and all witnesses to such alleged harassment. Completion of the written Complaint form is preferred but not required. This does not have to occur on Township property during regular work hours for an employee to file a complaint under this policy.

Any individual uncomfortable reporting an incident to the Township's Manager should feel free to go to any management representative that he or she feels most comfortable to relay the problem, i.e. Department Head. Under no circumstances shall an employee be required to make a report of harassment to the person he/she is accusing of harassment. To the extent the claim is against the Township Manager, the employee should report it to any Council member or to the Township Attorney or Human Resources Administrator.

It is recommended, but not required, that an individual who believes that he/she has been subjected to harassment from either a co-worker or a supervisor should confront his/her harasser and make clear that such behavior is not welcome. Thereafter, the individual should immediately bring the matter to the attention of his/her immediate supervisor or Department Head. If this is not practical, or if the employee does not feel comfortable with the avenue of redress, the employee may bring the complaint directly to the Township Manager or other Township representative as set forth above.

Harassment of Township employees, in connection with their work, by non-employees may also be a violation of this policy. Any employee who experiences harassment by a non-employee, or who observes harassment of an employee by a non-employee should report such harassment to their supervisor. Appropriate action will be taken against any non-employee.

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

The Township encourages employees who witness conduct which they believe violates the Township's Policy Against Harassment to report the violation pursuant to this complaint procedure. All supervisory personnel are required to ensure adherence to and compliance with this policy. Upon being informed of and/or witnessing possible harassment, supervisory employees are required to inform the Township Manager and take appropriate remedial action to stop the harassment.

The Township encourages the prompt reporting of complaints so that rapid response and appropriate action may be taken. Any complaint should be reported within 120 days to be considered current. Nevertheless, due to the sensitive nature of these problems, all complaints will be investigated, regardless of when they are filed. Notification by employee to appropriate personnel of any harassment problem is essential to the success of this policy and the Township generally. The 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 necessary to correct them.

Investigation Procedure

The Township shall conduct an investigation into the harassment complaint to determine the merits of the allegations. The Township Manager shall designate an objective investigator to determine the validity of any complaint. The objective investigator may include the Township

Manager or any third party deemed appropriate. The investigation shall be completed in a reasonable time to resolve the issue and minimize the effects of such investigation on the parties involved.

1. The investigation will, at a minimum, include an interview with the employee bringing the complaint and the accused. If the Township determines that the complaint has merit, the accused shall face appropriate disciplinary action based upon the severity of the complaint and any prior history of past charges against the individual. Disciplinary action may include a written warning, suspension, demotion and/or termination of employment.
2. All employees have a responsibility to cooperate fully with the investigation of harassment. Although the extent of each investigation will vary, discretion and cooperation are crucial at all levels. The failure to cooperate in an investigation will subject an employee to disciplinary action, up to and including termination.

Privacy

To the extent possible, all persons involved in a harassment complaint will be given the utmost protection of privacy. Specifically, the Township will strive, both during and after the investigation, to maintain confidentiality to the fullest extent possible

Responsibility of Supervisory Personnel

Supervisors are to monitor the work environment to ensure that all subordinates comply with this Policy Against Harassment. When a supervisor learns of a violation of this policy, the supervisor shall assist the victim in reporting the alleged incident(s) of harassment. Alternatively, the supervisor shall report the matter to the Township Manager.

Any supervisor who receives a harassment complaint from any employee must bring it to the attention of the Township Manager for resolution.

Retaliation Prohibited

The Township encourages victims of harassment to bring their complaints to management by ensuring that no reprisals or retaliation will result from the good faith reporting of harassment. It is a violation of this policy for any personnel to retaliate against another because he or she filed a complaint or otherwise participated in the complaint procedure

Supervisors shall closely monitor the work environment for any forms of retaliation once an allegation has been made. This will include but not limited to verbal remarks, irregular assignments or any other activity that may contribute to a hostile work environment.

Any retaliatory conduct or recurrence of the offensive behavior should be reported immediately to the Township Manager.

Any employee with questions regarding the Township's Policy Against Harassment may contact the Township Manager.

HARASSMENT COMPLAINT FORM

NAME: _____

DEPARTMENT: _____

JOB TITLE: _____

SUPERVISOR: _____

UNION REPRESENTATIVE(IF ANY): _____

TIME PERIOD COVERED BY COMPLAINT: _____

INDIVIDUALS WHO ALLEGEDLY COMMITTED HARASSMENT:

	<u>NAME</u>	<u>DEPARTMENT</u>
	<u>JOB TITLE</u>	
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

DESCRIBE THE DATES AND THE NATURE OF THE HARASSMENT ALLEGEDLY COMMITTED BY EACH IDENTIFIED INDIVIDUAL (ATTACH ADDITIONAL SHEETS IF NECESSARY):

IDENTIFY ALL EMPLOYEES OR OTHERS WITH KNOWLEDGE OF THE COMPLAINED CONDUCT:

ARE THERE ANY DOCUMENTS WHICH CONTAIN INFORMATION SUPPORTING THE OCCURRENCES DESCRIBED ABOVE?

IS THERE ANY PHYSICAL EVIDENCE WHICH SUPPORTS YOUR COMPLAINT? IF SO PLEASE DESCRIBE:

HAVE YOU MISSED ANY WORK TIME AS A RESULT OF THE ALLEGED HARASSMENT? IF "YES," IDENTIFY THE OCCASIONS:

HAVE YOU INCURRED ANY UNREIMBURSED MEDICAL EXPENSES AS A RESULT OF THE ALLEGED HARASSMENT?

IF YOU PREVIOUSLY COMPLAINED ABOUT THIS OR RELATED ACTS OF GENERAL HARASSMENT TO A HOWELL SUPERVISOR OR OFFICIAL, PLEASE IDENTIFY THE INDIVIDUAL TO WHOM YOU COMPLAINED, THE DATE OF THE COMPLAINT AND THE RESOLUTION OF YOUR COMPLAINT:

ARE YOU AFRAID THAT SOMEONE MAY RETALIATE AGAINST YOU BECAUSE YOU FILED THIS COMPLAINT? IF SO, PLEASE IDENTIFY THE PERSON(S) AND INDICATE THE REASONS WHY YOU FEEL THE PERSON(S) MAY RETALIATE AGAINST YOU.

WHAT IS YOUR REQUESTED REMEDY IN THIS COMPLAINT?

ACKNOWLEDGEMENT

THE INFORMATION PROVIDED ABOVE IS TRUE AND CORRECT. I UNDERSTAND THAT IF ANY OF THE STATEMENTS MADE BY ME ARE WILLFULLY FALSE, I AM SUBJECT TO DISCIPLINARY ACTION.

BY: _____

DATE: _____

TO INVESTIGATE YOUR COMPLAINT, IT WILL BE NECESSARY TO INTERVIEW YOU, THE ALLEGED HARASSER(S), AND ANY WITNESSES WITH KNOWLEDGE OF THE ALLEGATIONS OR DEFENSES. THE TOWNSHIP OF HOWELL WILL NOTIFY ALL PERSONS INVOLVED IN THE INVESTIGATION THAT IT IS CONFIDENTIAL AND

THAT UNAUTHORIZED DISCLOSURES OF INFORMATION CONCERNING THE INVESTIGATION COULD RESULT IN DISCIPLINARY ACTION UP TO AND INCLUDING DISCHARGE.

I AM WILLING TO COOPERATE FULLY IN THE INVESTIGATION OF MY COMPLAINT AND TO PROVIDE WHATEVER EVIDENCE THE TOWNSHIP OF HOWELL DEEMS RELEVANT.

BY: _____

DATE: _____

WITNESS STATEMENT FORM

NAME: _____

DEPARTMENT: _____

JOB TITLE: _____

UNION REPRESENTATIVE (IF ANY): _____

LENGTH OF TIME KNOWN _____

COMPLAINANT _____ RESPONDENT _____

INDIVIDUALS WHO ALLEGEDLY COMMITTED HARASSMENT: _____

IDENTITIES OF OTHER PERSONS WITH KNOWLEDGE OF FACTS RELEVANT TO THIS INVESTIGATION:

PLEASE PROVIDE A DETAILED DESCRIPTION OF THE EVENTS YOU WITNESSED. INCLUDE THE DATE, TIME, LOCATION AND INDIVIDUALS PRESENT. ATTACH ADDITIONAL SHEETS IF NECESSARY.

ANY OTHER INFORMATION WHICH SHOULD BE CONSIDERED IN EVALUATING THE VALIDITY OF THE COMPLAINT IN THIS CASE:

ACKNOWLEDGEMENT

I, _____, AFFIRM THAT THE INFORMATION I HAVE PROVIDED IS TRUE AND CORRECT. I UNDERSTAND THAT IF ANY OF THE STATEMENTS MADE BY ME ARE WILLFULLY FALSE, I AM SUBJECT TO DISCIPLINARY ACTION. I ACKNOWLEDGE THAT THE INVESTIGATION IS CONFIDENTIAL AND THAT I AM NOT TO DISCLOSE INFORMATION OBTAINED BY ME DURING THE COURSE OF THE INVESTIGATION. I UNDERSTAND THAT UNAUTHORIZED DISCLOSURES COULD RESULT IN DISCIPLINARY ACTION UP TO AND INCLUDING DISCHARGE.

BY: _____

DATE: _____

POLICY AGAINST FRATERNIZATION

To maintain a productive and professional work environment for all employees, the public which we serve and the vendors who serve the Township, and to guard against the potential for workplace harassment or the creation of a conflict of interest, real or perceived, the Township has adopted a No Fraternization policy.

Supervisors are strictly prohibited from dating or otherwise pursuing a romantic relationship with any subordinate, regardless if the supervisor does not directly oversee, supervise or is not otherwise responsible for the work performance of the subordinate employee. This policy does not apply to Township employees that are married the effective date of this policy.

No Township employee will use his or her position to obtain or accept money, goods or services from a Township resident or vendors for any reason.

In the event such a relationship is discovered by an employee, or it is discovered that an employee is accepting money, goods or services from a resident or vendor, he or she must report it immediately to the Township Manager. Violations of this policy, including the failure to report the existence of a relationship inconsistent with the policy, will result in discipline, up to and including termination.

HOWELL POLICE DEPARTMENT			
VOLUME: 1	CHAPTER: 2	# OF PAGES: 42	
SUBJECT: RULES AND REGULATIONS			
EFFECTIVE DATE: June 11, 2020		ACCREDITATION STANDARDS: 1.1.1d, 1.4.1, 1.4.3, 1.5.2a	SUPERSEDES ORDER #: V1C2 (Dated 09/09/14)
BY THE ORDER OF:			
Chief Andrew A. Kudrick Jr.			
APPROPRIATE AUTHORITY:			
Brian Geoghegan, Township Manager			

POLICE MANUAL
HOWELL TOWNSHIP POLICE DEPARTMENT

PREFACE

This manual generally stated the basic duties and responsibilities of the employees of the Police Department. The guidelines are to be used by all employees in the performance of their duties.

The police organization is composed of numerous commands, divisions, bureaus and units, which are collectively and individually responsible for certain elements of the police function. To coordinate these general and specialized duties toward a common good, it is necessary that each police officer know the type of conduct expected of him in the performance of his duties. Therefore, each employee has the responsibility to acquaint him or herself with the contents of this manual so that he may effectively fulfill his obligation to the Howell Township Police Department.

The rules and regulations stated have been prepared by the Chief of Police, with input from department personnel, members of the SOA, and P.B.A. Local 228 and established by the appropriate authority pursuant to New Jersey Statute 40A:14-118

This manual is the property of the Howell Township Police Department.

RULES AND REGULATIONS INDEX

CHAPTER	PAGE
1. INTRODUCTION.....	4
2. ORGANIZATION.....	13
3. GENERAL RULES AND REGULATIONS.....	14
4. PERSONNEL REGULATIONS.....	36
5. DISCIPLINARY REGULATIONS.....	40

CHAPTER 1

INTRODUCTION

1:1. Establishment of the Howell Police Department

1:1.1 Legal Authorization

The Police Department of the Township of Howell is established pursuant to **N.J.S.A. 40A:14-118** and shall after this be called the "Howell Police Department."

1:1.2 Township Ordinance

The Police Department is established by authority of the Township code 2-36 of the Township of Howell, entitled, "Police Department."

1:1.3 Rules and Regulations Established

The Rules and Regulations are adopted pursuant to the Township code 2-36 of the Township of Howell for the government, discipline, administration and operation of the Howell Police Department.

1:1.4 Right to Amend or Revoke

In accordance with **N.J.S.A. 40A:14-118**, the right is reserved by the Appropriate Authority to amend or to revoke any of the rules and regulations contained herein.

1:1.5 Previous Rules and Regulations, Policies and Procedures

All rules and regulations previously issued, and policies and procedures that are contrary to the rules and regulations contained herein, are hereby revoked to the extent of any inconsistency. All other policies and procedures shall remain in force.

1:2 THE NUMBERING SYSTEM

1:2.1 Chapter and Section Designation

Each chapter, section and subsection shall be designated by title and number. All numbering breakdowns shall be arranged according to a decimal sequence.

1:2.2 Chapter and Section Sequence

The number preceding the colon shall enumerate the chapter, while the number placed immediately to the right of the colon shall indicate the section.

1:2.3 Subsection Sequence

The number placed to the right of the decimal point, shall designate the subsection.

1:2.4 Series Lettering

Letters listed in series under sections and subsections shall be enclosed within parentheses.

1:2.5 Flexibility of System

This system shall provide a simple and quick method of referral to material in this manual. This format has been designed to make specific reference to particular sections or subsections possible and to facilitate expansion and revision of the contents.

1:3 RULES AND REGULATION MANUAL

1:3.1 Application

These rules and regulations are applicable to all sworn employees of the Howell Police Department and where appropriate, to all civilian employees of the department.

1:3.2 Distribution

One copy of these rules and regulations shall be distributed to each employee of the department.

1:3.3 Responsibility for Maintenance

It is the continuing responsibility of each employee to maintain a current copy of the rules and regulations, including all additions, revisions and amendments as issued.

1:3.4 Familiarization

Employees shall thoroughly familiarize themselves with the provisions of the rules and regulations. Ignorance of any provision of these rules and regulations will not be a defense to a charge of a violation of these rules and regulations. It is the continuing responsibility of each employee to seek clarification through the chain of command for any rule and regulation which is not fully understood.

1:4 DEFINITIONS

1:4.1 Annual Vacation

Vacation period granted to all employees annually in accordance with the current collective bargaining agreement, Township ordinance, Township personnel manual or other employment agreements.

1:4.2 Appropriate Authority

The appropriate authority shall be the Township Manager of Howell as defined and designated by authority of the Township code 2-36 of the Township of Howell, pursuant to **N.J.S.A. 40:A14-118(e)**.

1:4.3 Authority

Authority is the statutory right to give commands, enforce obedience, initiate action and make necessary decisions. Authority may be delegated by those so designated. Acts performed without proper authority or authorization shall be considered in violation of the manual and those persons in violation shall be subject to disciplinary actions.

1:4.4 Bureau

A unit immediately subordinate to a Division.

1:4.5 Chain of Command

Vertical lines of communication, authority and responsibility within the organizational structure of the department. The unbroken line of authority extending from the Chief of Police through a single subordinate at each level of command down to the level of execution and vice versa.

1:4.6 Chief of Police

Police Chief of the Howell Police Department shall be the highest ranking member of the department.

1:4.7 Commanding Officer

Any officer promoted to the rank of Lieutenant or higher.

1:4.8 Days Off

Those days determined by the Chief of Police, or designee, on which a given employee is excused from duty pursuant to statute, ordinance, Township personnel manual or collective bargaining agreement.

1:4.9 Department

The Howell Police Department.

1:4.10 Detail

A temporary assignment of personnel for a specialized activity.

1:4.11 Detective

A police officer assigned to the Detective Bureau.

1:4.12 Directive

A document detailing the performance of a specific activity or method of operation as defined by department policy.

1:4.13 Division

A functional unit having jurisdiction-wide coverage whose commanding officer reports directly to the Chief of Police or designee, as designated by the department's table of organization.

1:4.14 Employee

All employees of the department, whether sworn regular, special law enforcement officers or civilian employees.

1:4.15 Gender

Use of the masculine gender herein shall also include the female gender.

1:4.16 Good Moral or Ethical Character

Includes those attributes of an employee that enhance their value to the organization and to public service that include honesty, integrity, truthfulness, obedience to the oath of office, mission of the organization and code of ethics, respect for authority, and respect for the rights of others.

1:4.17 Headquarters

The building that houses the civilian and sworn employees of this department.

1:4.18 Improper Orders

Any order which is in violation of any law, ordinance or any rule and regulation.

1:4.19 Incompetence

Unsatisfactory performance of duties by an employee, either willfully or through negligence or incompetence.

1:4.20 Insubordination

Failure or deliberate refusal of any employee to obey a lawful written or verbal order given by a supervisor. Ridiculing a supervisor or their order, whether in or out of their presence. Disrespectful, mutinous, insolent, or abusive language directed toward a supervisor. This definition may be applied by ordinance, code, statute or decisional law.

1:4.21 Lawful Order

Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of police duty which is not in violation of any law, ordinance or any rule and regulation.

1:4.22 Leave of Absence

The period of time during which an employee is excused from active duty and during which time no pay is received as approved by the governing body or pursuant to any collective bargaining agreement, Township policy, code or State and Federal law.

1:4.23 May

As used herein word may, shall mean that the action indicated is permitted.

1:4.24 Member

Any duly appointed police officer of the Howell Police Department with powers to enforce the laws of the State of New Jersey.

1:4.25 Military Leave

The period of time during which an employee is excused from duty by reason of serving the armed forces of the United States in an active capacity as provided by law.

1:4.26 Neglect of Duty

Failure to give suitable attention to the performance to duty. Examples include, but are not limited to: failure to take appropriate action on the occasion of a crime, disorder, or other act or condition deserving police attention; absence without leave; failure to report to duty at the time and place designated; unexcused absence from an assignment; failure to adhere to or conform to the department policies, regulations or operating procedures. Neglect also connotes a deviation from normal standards of conduct. This definition may be applied by ordinance, code, statute or decisional law.

1:4.27 Off-Duty

The status of an employee during the period when they are free from the performance of specified duties. Members are subject to recall at all times.

1:4.28 Official Channels

Through the chain of command.

1:4.29 On-Duty

The status of a member during the period of day when actively engaged in the performance of duty.

1:4.30 Order

Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of duty.

1:4.31 Plurality of Words

The singular includes the plural and the plural includes the singular.

1:4.32 Police Officer

A sworn employee of the department.

1:4.33 Police Vehicle

All vehicles under the control of the department, whether marked or unmarked, with or without radio equipment.

1:4.34 Post

A geographical area of coverage by a police officer.

1:4.35 Probationary Period (Promotion)

Each member shall be required to serve a probationary period in accordance with the Township of Howell code.

1:4.36 Probationary Period (Recruit)

Each member shall be required to serve a probationary period prior to permanent appointment to the department. The probation period is one year from the date of graduation from the police academy, as pursuant to **N.J.S.A. 52:17B-66 et seq.**

1:4.37 Probationary Police Officer

Any member of the department serving a satisfactory police apprenticeship prior to permanent appointment to police officer, as pursuant to **N.J.S.A. 52:17B-66 et seq.**

1:4.38 Seniority

Seniority in the department is established first by rank and second by time served in rank. Where conflict occurs because of identical service or dates of appointment, the member with the most seniority in the previous rank is deemed to be the senior. In situations where a collective bargaining unit and/or employee employment contract conflict with this provision the contract language will prevail.

1:4.39 Shall/Will

The words shall and will, as used herein, shall indicate that the action required is mandatory.

1:4.40 Shift

Any assigned tour of duty pursuant to existing collective bargaining agreements and emergent needs of the department. A shift designates one of the basic time units for assignment of personnel.

1:4.41 Shift Commander

The superior officer in charge of the shift.

1:4.42 Should

A recommended course of action or conduct; advice; an obligation as well as an expectation. Personnel must be able to justify a deviation.

1:4.43 Sick Leave

The period of time during which an employee is excused from active duty by reason of illness or injury as defined by a collective bargaining agreement, Township personnel manual or Township ordinance.

1:4.44 Special Duty

Police service which requires that the member be excused from the performance of their regular duties. Special Duty may also be an assignment to another bureau, division, section or unit. This would include assignment to another agency. Special Duty may also be the assignment of duties other than, or in addition to, regular duties to an officer within the same bureau, division, section or unit.

1:4.45 Special Law Enforcement Officer

Persons vested with special police authority pursuant to **N.J.S.A. 40A:14-146.8 et seq.**

1:4.46 Staff Supervision

An advisory relationship, outside the regular hierarchy of command and responsibility, in which a supervisor may review the work of another employee who is responsible to another superior officer.

1:4.47 Subordinate

A member lower in rank than his/her superior officer.

1:4.48 Substation

An approved limited use facility for police objectives.

1:4.49 Superior Officer

A person holding a higher supervisory or command rank or position than the subordinate officer.

1:4.50 Supervisory Officer

Member of the department assigned to a position requiring exercise of immediate supervision over the activities of members and employees.

1:4.51 Tense of Words

The words used in the present tense include the future.

1:4.52 Tour of Duty

The shift during which an individual member is on duty.

1:5 CODE OF ETHICS

1:5.1 All personnel shall read and abide by the Law Enforcement Code of Ethics.

1:5.2 AS A LAW ENFORCEMENT EMPLOYEE, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

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

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

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...**LAW ENFORCEMENT**.

1:6 MISSION STATEMENT

Howell Police is committed to protect, preserve and safeguard the constitutional and civil rights of all citizens through impartial and courteous law enforcement with integrity and professionalism.

1:7 VALUE STATEMENT

The Howell Police Department will be guided by our values in pursuit of our mission. Our core values are our **F.I.R.S.T.** commitment:

Fairness: We value fairness and strive to deliver services, provide assistance and make decisions that are impartial, unbiased, and without prejudice.

Integrity: We value the trust and confidence placed in us by the public we serve and will not compromise ourselves or allow personal benefit to influence our decision in serving the community.

Respect: We value respect; the respect for ourselves, each other and all the members of our community; showing an understanding and appreciation for our similarities and differences.

Service: We value the opportunity to provide service which is courteous, responsive, firm and sensitive to the needs of the community.

Teamwork: We value teamwork and cooperation in combining our diverse backgrounds, skill and beliefs to achieve a common goal.

CHAPTER 2

ORGANIZATION

2:1 RANK

2:1.1 Rank Established

Rank in the Howell Police Department shall be established pursuant to Township code 2-36, of the Township of Howell.

2:1.2 Authorized Strength

The official strength of the Howell Police Department shall be authorized by Township ordinance as approved by the Township Council. The rank structure does not preclude or prohibit the Chief of Police when deemed appropriate or necessary to assign personnel to a specific section or function wherein the function or section calls for a higher ranking officer that a lesser ranking officer can serve for an interim period. Any personnel of the department so assigned on an interim basis, will do so as provided within the existing collective bargaining agreements.

2:1.3 Chief of Police - Authority and Responsibilities

The Chief of Police shall be the head of the Howell Police Department and shall be directly responsible to the Appropriate Authority for its efficiency and day-to-day operations. The Chief of Police shall exercise any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police as set forth in **N.J.S.A. 40A:14-118** and other rights, authorities, power and responsibilities as delegated by the Appropriate Authority in accordance with the Township code.

CHAPTER 3

GENERAL RULES AND REGULATIONS

3:1 PROFESSIONAL CONDUCT AND RESPONSIBILITIES

3:1.1 Standards of Conduct

Employees shall conduct their private and professional lives in such a manner as to avoid bringing the department into disrepute.

3:1.2 Loyalty

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

3:1.3 Cooperation

Cooperation between the ranks and units of the department is essential to effective law enforcement. Therefore, all employees are strictly charged with establishing and maintaining a high spirit of cooperation within the department.

3:1.4 Assistance

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

3:1.5 General Responsibilities

Police officers of all ranks shall at all times take appropriate action to:

1. Protect life and property.
2. Preserve the peace.
3. Prevent crime.
4. Detect and arrest violators of the law.
5. Enforce all federal, state and local laws and ordinances within department jurisdiction.
6. Exercise authority consistent with the obligations imposed by the oath of office and in conformance with the policies of the department.

3:1.6 Duty Responsibilities

Employees of the department are always subject to duty set forth by their title, job description, law, ordinance and/or policy and procedure although periodically relieved of its routine performance. They shall, at all times, respond to the lawful orders of supervisors and other proper authorities as well as calls for assistance from citizens. Proper action must be taken whenever required. The administrative delegation of the enforcement of certain laws and ordinances to particular units of the department, does not relieve members of other units from the responsibility of taking prompt,

effective police action within the scope of those laws and ordinances when the occasion so requires. Employees assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment.

3:1.7 Neglect of Duty

Employees shall not commit any act, nor shall they be guilty of any omission that constitutes neglect of duty as defined under these Rules and Regulations and recognized by New Jersey law.

3:1.8 Performance of Duty

All employees shall perform their duties as required or directed by law, department rule and regulation, policy or order, or by order of a supervisor. All lawful duties required by competent authority shall be performed promptly as directed, notwithstanding the general assignment of duties and responsibilities.

3:1.9 Questions Regarding Assignment

Employees in doubt as to the nature or detail of their assignment shall seek clarification from their immediate supervisor as defined under these Rules and Regulations and recognized by New Jersey law.

3:1.10 Insubordination

Employees shall not commit acts of insubordination. The following specific acts are prohibited by this section:

1. Failure or deliberate refusal to obey a lawful written or verbal order given by a superior officer; or
2. Any disrespectful, mutinous, insolent, or abusive language or action towards a superior officer.

3:1.11 Obedience to Laws and Regulations

Employees shall observe and obey all laws and ordinances, all rules and regulations and orders of the department.

3:1.12 Criticism of Official Acts or Orders

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

3:1.13 Conduct Toward Employees

Employees shall treat other employees with respect. They shall be courteous and civil at all times in their relationships with one another. When on duty, and particularly in the presence of other employees, or the public, supervisors shall be referred to by rank.

3:1.14 Compromising Criminal Cases

Employees shall not interfere with the proper administration of criminal justice.

3:1.15 Recommending Attorney and Bail Bond Brokers Prohibited

Employees shall not suggest, recommend, or advise the retention of any attorney or bail bond broker to any person as a result of police business.

3:1.16 Manner of Issuing Orders

Orders from supervisor to subordinate shall be in clear, understandable language, civil in tone, and issued in pursuit of department business.

3:1.17 Unlawful Orders

No supervisor shall knowingly issue any order which is in violation of any law or ordinance. Orders that violate department policies and procedures are considered unjust or improper orders.

3:1.18 Obedience to Unlawful Orders

Obedience to an unlawful order is never a defense of an unlawful action; therefore, no employee is required to obey an order which is contrary to law or local ordinance. Responsibility for refusal to obey rests with the employee. They shall be required to justify their actions.

3:1.19 Obedience to Unjust or Improper Orders

Employees who are given orders which they feel to be unjust or contrary to rules and regulations, must first obey the order to the best of their ability, and they may proceed to appeal as provided in Subsection 3:1.21.

3:1.20 Conflicting Orders

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

3:1.21 Reports and Appeals - Unlawful, Unjust, Improper Orders

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

3:1.22 Soliciting Gifts, Gratuities, Fees, Rewards, Loans

Employees shall not, under any circumstances, solicit any gift, gratuity, loan, reward or fee where there is any connection between the solicitation and their department membership or employment without written permission from the Chief of Police. All solicitations must stay within the parameters of Federal and State law, directives from the Office of the New Jersey Attorney General and Monmouth County Prosecutor's Office.

3:1.23 Acceptance of Gifts, Gratuities, Fees, Loans

Employees shall not accept either directly or indirectly any gift, gratuity, loan, fee, or any other object of value arising from or offered because of police employment or any activity connected with said employment. Employees shall not accept any gift, gratuity, loan, fee or other object of value, the acceptance of which might tend to influence the actions of said employees or any other employee in any matter of police business, or which might tend to cast an adverse reflection on the department or any employee thereof. No employee of the department shall receive any gift or gratuity from other employees junior in rank without the express permission of the Chief of Police.

3:1.24 Other Transactions

Employees are prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention or which arose out of their department employment except as may be specifically authorized by the Chief of Police. Employees are further prohibited from bidding, purchasing, or having any financial interest in any property and equipment available for sale by the Township of Howell.

3:1.25 Rewards

Employees shall not accept any gift, gratuity or reward in money or other compensation for services rendered in the line of duty to the community or any person, business or department except lawful salary and that which may be authorized by law.

3:1.26 Disposition of Unauthorized Gifts, Gratuities

Any unauthorized gift, gratuity, loan, fee, reward, or other object coming into the possession of any employee shall be forwarded to the Office of the Chief of Police together with a written report explaining the circumstances.

3:1.27 Intercession - Soliciting

Employees shall not solicit anyone to intercede with the Chief of Police, Appropriate Authority, Mayor or members of the Township Council in relation to promotion, assignments, disposition of pending charges, or findings in a department trial or other related matter. ***Nor shall an Employee directly solicit the Chief of Police, Appropriate Authority, Mayor or member of the Township Council in relation to promotion, assignments, disposition of pending charges, or findings in a department trial or other related matter. A violation of this Article and Section shall subject the violating employee to the most severe discipline and possible termination from employment in the police department.*** This shall not preclude, however, an employee's right to legal counsel or Union representative.

3:1.28 Persons and Places of Bad Reputation

Employees shall not frequent places of bad reputation, nor associate with persons of bad reputation, except as may be required in the course of police duty. This shall include any and all persons and places that the employee knows or should have known are involved in criminal activity or violations of law past or present.

3:1.29 Withholding Information

Employees shall not, at any time, withhold any information concerning suspected criminal activity or other information concerning police business, which may be of interest to the Department. Employees shall obey all laws, ordinances, rules, policies, and directives of the agency and shall report any violations of such.

3:1.30 Reporting Off-Duty Incidents

Employees shall report all law enforcement contacts, including, but not limited to, if he or she has been charged with an offense, received a motor vehicle summons, or have been involved in a domestic violence incident either as a victim or suspect. Additionally, employees shall report when they are the suspect in or target of another agency's investigation, anytime they take official law enforcement action in a situation. If the employee believes their off-duty victim information is of such gravity that it must be brought to the immediate personal attention of the Chief of Police, then official channels may be bypassed.

3:1.31 Reporting Violations of Laws, Ordinances, Rules and Regulations or Orders

Employees knowing of other employees violating laws, ordinances, or rules and regulations of the department, or disobeying orders, shall report same in writing to the Chief of Police through the chain of command. If the employee believes the information is of such gravity that it must be brought to the immediate personal attention of the Chief of Police or if the offending employee is in the employee's chain of command, then official channels may be bypassed.

3:1.32 Harassment in the Workplace

All employees of the department shall adhere to the policy and procedures established by the Chief of Police and the Township of Howell regarding Harassment in the Workplace.

3:1.33 Civil Rights

All employees shall observe and respect the civil rights of all persons.

3:1.34 Work Expectation

Employees are expected to perform their duties to the best of their abilities at all times.

3:1.35 Respect

Employees shall display respect for their supervisors, subordinates, and associates. All employees are to display good ethical character in on and off duty contexts and shall conduct their professional and private lives in a manner to avoid bringing this department disrepute.

3:1.36 Cowardice Display

Police officers shall not display cowardice in the line of duty, nor in any situation where the public or another officer may be subjected to physical danger. Unless actually incapacitated themselves, officers shall aid, assist, and protect other officers in time of danger or under conditions where danger might be impending. This does not imply that officers should take undue risks in the performance of their duties if alternative methods fail.

3:1.37 Use of Position

Employees shall not, at any time, use or attempt to use their official position, badge, credentials, or affiliation with the department or profession for personal or financial gain or advantage.

3:1.38 Financial Obligation

No employee shall incur any financial obligation or contractual obligation on behalf of the department without the approval of the Chief of Police.

3:1.39 Financial Liability

No employee shall imply or accept financial or contractual liability for loss or damage on behalf of the Township.

3:1.40 Debt – Incurring and Payment

1. No employee shall borrow any money or otherwise become indebted to any other employee.
2. Employees shall not solicit other employees to cosign or endorse any promissory note or other loan.
3. No employee shall offer to act as a co-signer or endorser of any promissory note or other loan for another employee.
4. Paragraphs 1-3 do not apply to transactions among employees related to each other.

3:1.41 Retaliation

No employee shall take any official action or initiate or engage in any legal conduct with the intention to retaliate against any person for criticizing or complaining about any employee.

3:1.42 Personal Relationships

If a supervisor and subordinate enter into a dating relationship, marital relationship or civil union during the course of employment, and the department reasonably believes the relationship may create a conflict of interest, one of the employees shall be transferred to another position. Such transfers shall be made in accordance with applicable collective bargaining agreements. A supervisor or subordinate involved in a relationship as described within shall report the relationship to the supervisor's commander. Failure to report such a relationship may subject the involved employees to discipline.

3:1.43 Action Off-Duty

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

3:1.44 On-line Social Network/Personal Web Page

While employees have a right to maintain personal web pages and websites, their status as an employees of the department requires that the content of those web pages and websites not be in violation of existing department policy or directives.

1. Employees shall not express personal opinion as official department policy or position.
2. Any item, object, or material that could be used or misconstrued as official department sanctioned property shall not be used or depicted on any personal Internet posting without the express written permission of the Chief of Police.
 - a. These items, objects, or materials include, but are not limited to: photographs, images, reproductions or other depictions of department uniforms, badges, patches, equipment, weapons, marked or unmarked units, reports, evidence, and crime or crash scenes, etc.

3:2 GENERAL CONDUCT ON DUTY

3:2.1 Prohibited Activity on Duty

Employees are prohibited from engaging in the following activities while on duty with the exceptions as noted:

1. Sleeping, loafing, idling;
2. Recreational reading (except at meals);
3. Conducting private business while on duty;
4. Unlawful gambling, unless to further a police purpose such as conducting an investigation of suspected criminal activity as authorized through the chain of command;
5. Smoking in public view;
6. Sexual conduct;
7. Soliciting or otherwise enhancing secondary employment interests while on duty or as a result of an official duty;
8. Conducting secondary employment activities while on duty;
9. Taking any photographs, pictures, digital images of any crime scenes, traffic crashes, people, or job related incident or occurrence with any personal analog or digital device, camera or cellular telephone;
10. Releasing any photographs, pictures, digital images of any crime scenes, traffic crashes, people, or job related incident or occurrence taken with a personal or department analog or digital device, camera or cellular phone to any person, entity, business, or media/Internet outlet without the express written permission of the Chief of Police;
11. Audio recording which is not connected with an official investigation or duties is prohibited;
12. Employees are forbidden to secretly videotape or record personal conversations with other employees anywhere in headquarters or substation. The exception to this is for an Internal Affairs investigation or otherwise authorized by the Chief of Police;
13. Any other activity deemed inappropriate by the Chief of Police.

3:2.2 Alcoholic Beverages and Drugs

1. No employee of the department will appear for, or be on duty, under the influence of alcohol or drugs, or be unfit for duty because of its use.
2. Employees of the department, shall not drink any kind of intoxicating beverage while on duty, or take any drugs not duly prescribed and necessary for health at any time, except on special assignment authorized by the Chief of Police. Sworn employees shall not drink any kind of intoxicating beverage while in uniform. An employee, while assigned to duty in civilian clothes, may use intoxicants if absolutely necessary in the performance of duty, provided such use does not render them unfit for proper and efficient performance of duty. Under no circumstances shall legally defined intoxication be considered justifiable. Such use must be documented in writing, detailing the reasons.
3. Employees shall not report for duty under the influence of intoxicants. This condition shall cause the employee to be unfit for duty. Superior officers shall not assign to duty any employee in an unfit condition due to the use of intoxicants and shall immediately relieve of duty and service weapon any employee found on duty in such condition. The superior officer shall submit a written report of the incident to the Chief of Police.
4. Taking Medication on Duty. Employees of the department shall not take any medication which may diminish their alertness or impair their senses prior to or after reporting for duty unless directed by a physician.
5. Notification about Medication. When employees are required to take any prescription medication or any non-prescription medication which may diminish their alertness or impair their senses, the employee shall immediately make notification as prescribed by the Chief of Police, as to the medication required, its properties, the dosage and the period during which the employee is required to take the medication. This information so provided shall be confidential.
6. Intoxicating beverages may not be consumed at or in the police station or ancillary facilities.
7. No sworn member of the department shall, at any time when in uniform, or any part thereof, except in the performance of duty, enter any place in which intoxicating liquor is served/sold. This provision does not include establishments with a separate dining area where the serving of alcoholic beverages is not the primary function (e.g. certain diners and restaurants which have a liquor license).
8. Employees shall not bring into or keep any intoxicating liquor or drugs on department premises except when necessary in the performance of a police related task. Liquor or drugs brought into department premises in the furtherance of a police related task shall be properly identified and stored according to department policy.
9. No employee shall report for regularly scheduled duty, with the odor of alcohol on their breath.
10. Employees of the department shall not consume alcoholic beverages within eight hours prior to reporting for duty.
11. No liquor license shall be held by any regular police officer, or by any profit corporation or association in which any such person is interested, directly or indirectly.

12. The Division of Alcoholic and Beverage Control (ABC) prohibits the employment of police officers who are employees of the local force in the municipality where the licensed business is located. Hence, members of the Howell Police Department may not be employed by a business located in the Township which is licensed to sell alcoholic beverages in this State. However, ABC laws and regulations do not prohibit members of the Howell Police Department from being employed by such licensed businesses which are located outside of the Township of Howell.
13. Police officers so employed shall not, while engaged in the selling, serving, possessing or delivering of any alcoholic beverages: (1) have in his possession any firearm, or; (2) wear or display any uniform, badge or insignia which would identify them as a police officer.
14. No police officer so employed shall be permitted to work in excess of twenty-four (24) hours per week in any such establishment.
15. No employee shall operate a Township vehicle after having consumed alcoholic beverages.
16. Employees shall not consume alcoholic beverages while off duty and in uniform or any recognizable component of the uniform.

3:2.3 Absence from Duty

Every employee who fails to appear for duty at the date, time and place specified without the consent of competent authority, is "absent without leave". Such absence must be reported in writing to the supervisor immediately. Absences without leave in excess of one day must be reported in writing to the Chief of Police. Any member who is absent without leave for a continuous period of 5 days shall forfeit their position in the department, pursuant to **N.J.S. 40A:14-122**.

3:2.4 Roll Call

Unless otherwise directed, members shall report to daily roll call at the time and place specified, properly uniformed and equipped. They shall give careful attention to orders and instructions avoiding unnecessary talking or movement.

3:2.5 Physical and Mental Fitness for Duty

Police officers shall maintain sufficient physical and psychological condition in order to handle the core functions required of a law enforcement officer in accordance with their duties and responsibilities, and shall immediately report their inability to perform the core functions of a law enforcement officer to their supervisor. Employees displaying conduct that may be harmful to themselves or others shall be reported to the Chief of Police and supervisor immediately.

3:2.6 Loitering

Sworn employees on duty or in uniform shall not enter any public places except to perform a police related task. Loitering and unnecessary conversation in such locations are forbidden. Employees off duty and not on any official standby shall not loiter in department areas.

3:2.7 Smoking

Employees shall not smoke on duty while in direct contact with the public nor when in or out of uniform in public view. An exception is at meal times and at that time they shall be as inconspicuous as possible.

There shall be no smoking in police headquarters, substations or in police vehicles. These areas are non-smoking areas.

3:2.8 Relief

Employees are to remain at their assignments and on duty until properly relieved by other employees or until dismissed by competent authority.

3:2.9 Suspending Patrol for Meal or Break

Members will be permitted to suspend patrol, subject to immediate call at all times, for the purpose of having one meal during their shift as set forth contractually and by law. However, at no time shall such member go out of service for such purpose, and he shall arrange to suspend patrol only at such time as it will cause the least interference with his regular duties.

3:2.10 Training

Employees shall attend in-service training as directed by the Chief of Police. Such attendance is considered a duty assignment, unless the prevailing collective bargaining agreement provides otherwise.

3:2.11 Reports

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

3:2.12 Inspections

From time to time the Chief of Police may call for full dress inspections of the department or any part therefore. Sworn employees directed to attend such inspections shall report in the uniform prescribed, carrying the equipment specified. Unauthorized absence from such inspection is chargeable as absence without leave.

3:2.13 Courtesy

When meeting in public, employees on duty shall conform to normal courtesy standards and refer to each other by rank/title.

3:2.14 National Colors and Anthem

Uniformed members will render full military honors to the National Colors and Anthem at appropriate times. Members and employees in civilian dress shall render proper civilian honors to the National Colors and Anthem at appropriate time.

3:2.15 Possession of Keys

No sworn employee, unless authorized by their supervisor shall possess keys to any premises, not their own, on or near his/her assignment.

3:2.16 Address and Telephone Numbers

Immediately upon reporting for duty members and employees shall record their correct residence address and telephone number with the Commanding Officer and administration office. Changes in address or telephone number shall be reported to the Commanding Officer and administration

office within 24 hours of the change. This shall be done in writing on the appropriate form and with the specified time whether the member or employee is working or on leave.

3:2.17 Distracters

The use of any item or object that distracts an employee from the performance of duty other than equipment authorized by the department is prohibited while on duty. Examples that are known to be distractions would be but limited to:

1. Devices used to access the Internet for purposes other than being used in the performance of duties;
2. Devices used to view DVD's and other forms of entertainment; or
3. Any other device that distracts department personnel from performing their duties in the most efficient and effect manner.

3:2.18 Driver's License

Employees operating department motor vehicles shall possess and maintain a valid New Jersey driver's license, with appropriate endorsements when made necessary by their assignment. Whenever a driver's license is revoked, suspended, or lost, the employee shall immediately notify the appropriate supervisor giving full details.

3:2.19 Substance Testing

1. Employees may be tested based upon reasonable suspicion. The Chief of Police is authorized to order individual testing provided it is in accordance with the New Jersey Attorney General's Drug Testing Policy. Specimens shall be ordered from an employee when there exists reasonable suspicion to believe that the employee is using substances. Employees who refuse to submit to a test based upon reasonable suspicion after being lawfully ordered to do so are subject to the same penalties as employees who test positive.
2. Random drug screening shall be ordered by the Chief of Police from time to time. If the Chief of Police orders random drug screening it shall be in accordance with the New Jersey Attorney General's Drug Testing Policy and any policy mandated by the Monmouth County Prosecutor. Employees who refuse to submit to a test when randomly selected are subject to the same penalties as those employees who test positive.
 - a. All sworn members of the agency are eligible for random drug testing, regardless of rank or assignment.
 - b. Ten percent of the number of sworn officers will be tested twice per year.
 - c. Random selection will be accomplished by use of software specifically designed for this purpose, if available.
 - d. The process will be verified by the supervisor of Internal Affairs. The process and any associated reports will be documented and filed appropriately and in a confidential manner.
 - e. One member of each collective bargaining unit will be permitted to witness the selection process but may not have knowledge of the names selected.

- f. Any member of the agency who discloses the identity of an officer selected for random testing or the fact that a random test selection is scheduled to take place prior to the collection of urine samples shall be subject to discipline.
- g. The system for collection will be prompt, efficient, and confidential to the extent possible. It will be conducted with minimal disruption to operations and will be carried out in a manner so as not to embarrass the officer.
- h. Any officer who refuses to submit to mandatory random drug testing will be subject to the same penalties as those officers who test positive for illegal use of drugs.

3:2.20 Use of Force

Employees shall follow department policy and procedure on the use of force.

3:2.21 All Other Conduct

Conduct not specifically addressed by law, department policy, public policy, philosophy, rule or regulation shall be consistent with existing law, department policy, public policy, philosophy, rule or regulation.

3:3 UNIFORM, APPEARANCE AND IDENTIFICATION

3:3.1 Regulation Uniforms Required

All members and uniformed employees of the department shall maintain in good order a regulation uniform. Members and uniformed employees shall be neat appearing, and well groomed while in uniform. All articles of uniform shall conform to the department uniform regulations. Uniforms shall be made of the material and the style prescribed in police orders, and such style shall not be altered or changed in any manner, whatsoever, unless authorized by the Police Chief.

3:3.2 Uniform - Manner of Dress

Normally, members and uniformed employees will wear the duty uniform on a tour of duty. However, Commanding Officers may prescribe other clothing as required by the nature of the duty to which a particular member is assigned. Employees will wear and maintain a uniform when so directed by the Police Chief.

3:3.3 Civilian Clothing - Manner of Dress

Members and employees permitted to wear civilian clothing during a tour of duty shall wear clothing that is suitable for a business environment and neat in appearance. Commanding Officers may prescribe other types of clothing when necessary to meet a particular police objective.

3:3.4 Carrying Required Equipment When In Uniform

While on duty, members who are required to wear the specified uniform shall always carry full equipment, as required by policy.

3:3.5 Carrying Required Equipment When in Civilian Clothes

While on duty, members who are required to wear civilian clothes shall carry full equipment as required by policy.

3:3.6 Carrying Equipment Off-Duty

When off-duty, each member may carry or have in his/her immediate possession his/her department issued/approved firearms.

3:3.7 Wearing or Carrying Identification

Employees shall wear or carry their department identification at all times, provided that it is practical under the circumstances.

3:3.8 Identification as Police Officer

Except when impractical or where the identity is obvious, police officers shall identify themselves by displaying the official badge or identification card before taking police action.

3:3.9 Personal Appearance

Every employee of the department, while on duty, must at all times be neat and clean in person, their clothes cleaned and pressed, and their uniform in conformity with the rules and regulation of this department.

1. Male Employees

Hair shall be evenly trimmed at all times while on duty. The style shall be no more than medium length and fullness. Bushy hair protruding from the sides, back or front of the head is prohibited. Hair shall not be of such length as to cover any portion of the ears or extend below the eyebrows when headgear is removed; nor shall it extend over the shirt or coat collar. A neat, tapered pattern shaped at the rear of the neck shall be maintained. Hair length or style shall not interfere with the wearing of headgear. Unusual, outrageous, or faddish haircuts are prohibited. These include, but are not limited to, names or symbols cut into the sides or top of the head, unusual shapes such as an arrow, Mohawk style, unusual dyes, colors or tints, etc.

Wigs or hairpieces may be worn while on duty only for cosmetic reasons to cover natural baldness or physical disfigurement. Wigs or hairpieces must be of good quality and fit, present a natural appearance, conform to the standards set forth in these rules and regulation, and fit properly beneath the uniform hat, when applicable. They must not interfere with the proper performance of duty or present a safety or foreign object damage hazard.

Sideburns shall not extend downward beyond the lowest part of the ear opening. Sideburns shall be trimmed and neat in appearance and the base shall be clean shave horizontal line.

A clean shaven appearance is required while in the Class A or Class B uniform, except that mustaches are permitted. Mustaches shall be neatly trimmed and shall not extend below or to the sides of the corner of the mouth. Mustache ends will not be waxed or twisted. Unusual dyes, colors or tints, etc are prohibited.

Beards shall not be permitted on sworn personnel while in Class A or Class B uniform except for medical or religious reasons. Waivers may be granted by the Chief of Police on a case-by-case basis and only with compelling supporting documentation. The Chief of Police may also grant a waiver for undercover operations.

Hair growing from the chest, neck, ears or nose shall be neatly trimmed. Chest hair shall not extend over the collar, tie or exposed T-shirt.

Fingernails shall be clipped and trimmed short. Nail polish and nail paintings are prohibited.

The wearing of earrings shall be prohibited while in uniform. Eccentric or faddish jewelry including, but not limited to, nose rings or studs, tongue rings or studs, eyebrow rings or studs, etc., shall be prohibited. While in uniform, only one ring per hand is permitted. While in uniform, neck chains shall not be worn on the outside of the uniform. This neck chain is in addition to any chain worn to identify the wearer as having a medical condition.

While in uniform, only one wristwatch in addition to any bracelet worn to identify the wearer as having a medical condition.

2. Female Employees

Hair shall be kept clean, neatly shaped, and arranged in a professional style. Hairstyles with a maximum of two braids may be worn. Pigtails are not permitted. When in uniform, hair shall not fall below a horizontal line level with the lower edge of the back of the collar. Long hair, including braids, must be neatly and inconspicuously fastened, pinned or secured to the head. Hair length or style shall not interfere with the wearing of headgear. Hair shall be coifed in such a manner as to not cause a hazard around machines or electronic equipment such as printers and copiers. Long hair may be worn in a bun or similar rolled style to conform to this standard.

Unusual, outrageous, or faddish haircuts are prohibited. These include, but are not limited to, names or symbols cut into the sides or top of the head, unusual shapes such as an arrow, Mohawk style, unusual dyes, colors or tints, etc.

When worn, hair ornaments shall not present a safety or foreign object damage hazard. Banana clips, combs, and sharp pins are not authorized. Barrettes similar to the hair color may be used to pin up hair.

Wigs or hairpieces may be worn while on duty only for cosmetic reasons to cover natural baldness or physical disfigurement. Wigs or hairpieces must be of good quality and fit, present a natural appearance, conform to the standards set forth in these rules and regulations and fit properly beneath the uniform hat, when applicable. They must not interfere with the proper performance of duty or present a safety or foreign object damage hazard.

Cosmetics may be applied so that colors blend with the natural skin tone. Exaggerated, outrageous, or faddish cosmetic styles are deemed inappropriate and shall not be worn. Lipstick colors shall be conservative and complement the individual. Long false eyelashes shall not be worn when in uniform.

Fingernails shall not exceed ¼" measured from the fingertip, for sworn personnel as it may interfere with the safe discharge of a firearm. Fingernails for non-sworn personnel shall not exceed ½" measured from the fingertip. Fingernail length shall not interfere with the

operation of electronic equipment or adversely effect performance. Nail polish colors shall complement the skin tone. Sworn personnel are prohibited from using nail polish colors that are bright, fluorescent, or that present unusual luminescence or reflection.

The wearing of earrings shall be prohibited while in uniform. Eccentric or faddish jewelry including, but not limited to, nose rings or studs, tongue rings or studs, eyebrow rings or studs, etc., shall be prohibited. While in uniform, only one ring per hand is permitted. While in uniform, neck chains shall not be worn on the outside of the uniform. This neck chain is in addition to any chain worn to identify the wearer as having a medical condition.

While in uniform, only one wristwatch in addition to any bracelet worn to identify the wearer as having a medical condition.

3. Tattoos

Tattoos cannot be vulgar, indecent, sexist, and racist or incite libidinous thoughts. Tattoos, similar markings or brands cannot be on the head, face, or neck.

4. Eyeglasses

Eyeglasses worn by sworn police personnel while on duty or in uniform shall be conservative in design.

3:4. DEPARTMENT PROPERTY AND EQUIPMENT

Employees are responsible for the proper care of department property and equipment assigned to them. Damaged or lost property may subject the responsible individual to reimbursement charges and appropriate disciplinary action. Employees shall not use any department property or equipment for personal business or pleasure.

3:4.1 Equipment On-Duty

Employees shall carry all equipment on duty as prescribed in department policy and procedure based on their assignment.

3:4.2 Firearms

Employees shall follow department policy and procedure on the care and handling of firearms.

3:4.3 Department Property and Equipment

Employees are responsible for the proper care of department property and equipment assigned to them or used by them in the course of duty.

3:4.4 Damaged - Inoperative Property or Equipment

Employees shall immediately report to their Commanding Officers on designated forms any loss of or damage to department property assigned to or used by them. The immediate superior will be notified of any defects or hazardous conditions existing in any department equipment or property.

3:4.5 Care of Department Buildings

Employees shall not mark, alter or deface any surface in any department building. No material shall be affixed in any way to any wall in department buildings without specific authorization from the Commanding Officer.

3:4.6 Notices

Employees shall not mark, alter, or deface any posted notice of the department. Notices or announcements shall not be posted on bulletin boards without permission of the Commanding Officer or unless in conformance with collective bargaining agreements. Under no circumstances will notices, pictures, etc. be posted that are degrading, obscene, or considered detrimental to the good order of the department. Final judgment of improperly posted material will be made by the Chief of Police.

3:4.7 Department Vehicles, Use

Employees shall not use any departmental vehicle without the permission of a shift supervisor. Departmental vehicles shall never be used for personal business or pleasure, unless expressly permitted under contractual language.

3:4.8 Operation of Motor Vehicles

Members and employees, when driving vehicles of any description, private or the department, shall not violate the traffic laws, except only in cases of absolute emergency, and then only in conformity with the law regarding same. They shall set an example for other persons in the operation of their vehicles.

3:4.9 Transporting Citizens

Citizens will be transported in department vehicles only when necessary to accomplish a police purpose. Such transportation will be done in conformance with department policy or at the direction of the Commanding Officer, immediate supervisor or communications center.

3:4.10 Presumption of Responsibility

In the event that Township property is found bearing evidence of damage which has not been reported, it shall be prima-facie evidence that the last person using the property or vehicle was responsible.

3:4.11 Inspection

Department property and equipment is and remains the property of the department and is subject to entry and inspection without notice, including, but not limited to, lockers, desks, filing cabinets, computers, and department vehicles.

3:4.12 Liability

If department property is damaged or lost as a result of misuse or negligence by an employee, that employee may be held liable to reimburse the department for the damage or loss and is subject to disciplinary action.

3:4.13 Responsibility for General Appearance and Maintenance

A driver shall be responsible for the general appearance and cleanliness of their assigned vehicle. The driver will further insure that all necessary equipment is present and in proper working condition.

3:4.14 Parking of Department Vehicles

It shall be the responsibility of any member operating a department vehicle to see that it is properly parked off the traveled portion of the highway at a crime scene, fire, etc., unless such vehicle is being used to light the scene, create a roadblock, or under other extenuating circumstances.

3:4.15 Emergency Calls and Use of Red Light and Siren

When an employee is operating a department vehicle, he or she shall not violate traffic laws except in cases of emergency and then only in conformity with state law and department policy and procedure regarding same. Employees driving any Department vehicle, when responding to an emergency call shall have safe control of their vehicle. When crossing street intersections where the traffic signal lights are against them or where there are stop signs, employees shall **STOP**. Employees shall use the red light and sound the siren on such calls and take utmost precaution. This regulation shall not relieve the driver of any authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall it protect the driver from the consequences of his/her reckless disregard for the safety of others. Nothing in this regulation shall be construed to limit any immunity or defense otherwise provided by law.

3:4.16 Care of Department Vehicles

An employee assigned to drive any department vehicle is accountable for the proper care of such vehicle and its equipment. He or she shall not leave such vehicle unattended, except when necessary in the performance of police duty. It shall be the responsibility of the driver to see that the vehicle is securely locked when it is necessary to leave it unattended.

3:4.17 Definition of "Driver"

Whenever the term "driver" is used in this section, all the responsibilities placed upon the driver are to be equally shared by any other officer assigned to the same vehicle at the same time.

3:4.18 Notification of Motor Vehicle Accidents

Whenever an employee is involved in any accident, or cause any damage, while in charge of, or using a motor vehicle owned by the Township, he/she shall as soon as possible notify the immediate supervisor. It shall be the duty of the immediate supervisor to cause an investigation to be made of same, and a written report made to the Chief of Police.

3:5. COMMUNICATIONS, CORRESPONDENCE

3:5.1 Restrictions

Employees shall:

1. Not use department letterhead stationery for private correspondence.
2. Only send correspondence out of the department over the signature of, or for the Chief of Police with proper authorization.

3:5.2 Forwarding Communications to Higher Commands

Any employee receiving a written communication for transmission to a higher command shall, in every case, forward such communication, unless withdrawn by the initiating party. A supervisor receiving a communication from a subordinate directed to a higher command shall endorse it indicating approval, disapproval, or acknowledgment.

3:5.3 Department Address - Private Use Of

Employees shall not use the department as a mailing address or delivery drop site for private purposes. The department address shall not be used for any private motor vehicle registration or driver license.

3:5.4 Telephones/Electronic Devices

Department telephone equipment and electronic devices may not be used for personal use and/or used for the transmission of messages involving toll charges without the express approval of a commanding officer.

3:5.5 Contracts

No employee shall make any contract on the part of or purchase any articles for use by the department without first having obtained the authorized consent of the Chief of Police.

3:5.6 Radio Discipline

All employees of the department operating the police radios shall strictly observe regulations for such operation as set forth in department orders and by the Federal Communications Commission.

1. Except in an emergency, all members shall use appropriate departmental codes when using the police radio. When Howell Township Personnel are participating with outside agencies and/or the Incident Command System is being utilized the use of clear text is appropriate.

3:5.7 Truthfulness

Employees shall not knowingly lie, give misleading information, or falsify oral or written communications in any official report when it is reasonable to expect that the information may be relied upon because of the employee's affiliation with this department.

3:5.8 Confidential Information

1. Employees shall not reveal any confidential business of the department. They shall not impart confidential information to anyone except those for whom it is intended, or as directed by their supervisor.
2. Employees shall not make known to any person, any department order which they may receive, unless so required by the nature of the order.
3. Contents of any department record or report filed in the police department shall not be exhibited or divulged to any person other than a duly authorized person, except on approval of the Chief of Police, or under due process of law, or as permitted under department regulations.

4. Employees shall not release or expose any employee's home address, home telephone, pager number, or personal information to a non-employee without the express permission of the Chief of Police.

3:6. PUBLIC ACTIVITIES

3:6.1 Conduct Toward the Public

Employees shall be courteous in their dealings with the public. They shall perform their duties, avoiding harsh, violent, profane or insolent language and shall remain calm regardless of provocation. Upon request, they are required to supply their names, photo identification and badge numbers in a courteous manner. They shall attend to all reasonable requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the department.

3:6.2 Impartial Attitude

All employees must remain completely impartial toward all persons coming to the attention of the department. Violations of the law are against the people of the state and not against the individual officer. All citizens are guaranteed equal protection under law. Exhibiting partiality for or against a person because of race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, familial status, liability for service in the Armed Forces of the United States, disability, atypical hereditary cellular or blood trait, genetic information, nationality, pregnancy or other protected class (**NJSA 10:5-1 et seq.**) is conduct unbecoming a public employee. Similarly, unwarranted interference in the private business of others when not in the interests of justice is conduct unbecoming a public employee.

3:6.3 Disparaging Nationality, Race, or Creed or Protected Class

Courtesy and civility toward the public is required of all employees of the department. Employees shall not use words which humiliate, disparage, demean, degrade, ridicule, or insult a person because of their race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, familial status, liability for service in the Armed Forces of the United States, disability, atypical hereditary cellular or blood trait, genetic information, nationality, pregnancy or other protected class (**NJSA 10:5-1 et seq.**).

3:6.4 Public Statements

Employees of the department shall not make public statements concerning the work, plans, policies, or affairs of the department, which may impair or disrupt the operation of the department or which are obscene, unlawful or defamatory except for those permitted by law.

3:6.5 Subversive Organizations

No employee shall be a member of or connected with any subversive organization except when necessary in the performance of duty and then only under the direction of the Chief of Police. A subversive organization is an organization with the purpose for revolutionary and rebellious acts against a government entity.

3:6.6 Affiliation with Certain Organizations Prohibited

Employees may become members of a fire department, auxiliary corps, first aid unit or other civic organization provided such membership does not interfere with their obligation as a department

employee. Employees shall not affiliate themselves with any organizations whose constitutions impose provisions which might in any way exact prior consideration and prevent the proper and efficient functioning of the department. This prohibition does not apply to the active military or naval services of the United States or of this State, in time of war, in an emergency, or for or during any period of training, or pursuant to or in conjunction with the operation of any system of selective service. (Source: N.J.S.A. 38:23-4).

3:6.7 Affiliation with Radical Group

No employees except in the discharge of police related duties shall knowingly associate with or have any dealings with any person or organization which advocates or which is instrumental in the violation of law, fostering hatred, prejudice or oppression against any individual or group.

3:6.8 Commercial Testimonials

Employees shall not permit their names or photographs to be used to endorse any product or service which is in any way connected with law enforcement without permission of the Chief of Police. No employee shall utilize the department name, affiliation, patch, badge, emblem, logo or reasonable facsimile thereof, in furtherance of any personal business, outside employment venture or objective without the express permission of the Chief of Police.

3:6.9 Public Appearance Requests

All requests for public speeches, demonstrations, and the like, will be routed to the Chief of Police for approval and processing. Employees directly approached for this purpose shall suggest that a party submit their request to the Chief of Police.

3:6.10 Publicity

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

3:6.11 Personal Preferment

No member or employee may seek the influence or intervention of any person outside the department for purposes of personal preferment, advantage, transfer or advancement.

3:6.12 Availability When on Duty

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

3:6.13 Responding to Calls

Members of the department shall respond without delay to all calls for police assistance from citizens or other members. Emergency calls take precedence. However, all calls shall be answered as soon as possible consistent with normal safety precautions and vehicle laws. Failure to answer a call for police assistance promptly, without justification, will be considered misconduct. Except under the most extraordinary circumstances, or when otherwise directed by competent authority, no member shall fail to answer any call directed to him.

3:7 POLITICAL ACTIVITIES

Nothing in this section shall be construed to prevent members and employees from becoming or continuing to be members of any political party, club, or organization; attending political meetings; expressing their views in private on political matters outside of the working hours; or voting with complete freedom in any election.

3:7.1 Participating - Political Activities

Employees shall not engage in political activity while on duty or while in uniform or at any time if to do so would conflict with their duties or impair their ability to perform their duties. No employee shall directly or indirectly use or seek to use their authority or official influence to control or modify the political actions of another person.

3:7.2 Election to Public Office

Employees may run for public office in accordance with New Jersey State Law, but may not campaign nor engage in any activity connected with candidacy for such office during any tour of police duty. Employees shall not display any political material on any governmental property or on their person while on duty or in uniform.

3:7.3 Non-partisan Activities - Limitation

Police officers may engage in non-partisan political activities except when such activities will impair or harm the operation or discipline of the department.

3:7.4 Soliciting Prohibited

Employees of the department shall not solicit contributions for political purposes while on duty nor shall they directly or indirectly use or attempt to use their official position to influence their office.

3:7.5 Contributions

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

3:7.6 Polling Duties

Employees shall not engage in any polling duties in the Township of Howell, except in the performance of their official duties.

3:7.7 Displaying of Political Material

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

3:8. JUDICIAL AND INVESTIGATIVE ACTIONS, APPEARANCE AND TESTIFYING

3:8.1 Court Appearance

Attendance at a court or quasi-judicial hearing as required by subpoena, resulting from department employment, is an official duty assignment. Permission to omit this duty must be obtained from the

prosecuting attorney handling the case or other competent court officials. When appearing in court, either the official uniform or business attire shall be worn. Employees shall present a neat and clean appearance, avoiding any mannerism which might imply disrespect to the court.

3:8.2 Testifying for the Defendant

Any employee subpoenaed to testify for the defense in any trial, hearing, or against the Township or department in any hearing or trial shall notify their supervisor upon receipt of the subpoena. The employee may not testify for on behalf of a defendant as a character witness in any criminal prosecution. The chain of command shall be used.

3:8.3 Department Investigations - Testifying

Employees are required to answer questions by or render material and relevant statements to a competent authority in a departmental personnel investigation when so directed. Employees shall be advised of and permitted to invoke all applicable constitutional and statutory rights, including consultation with their designated representative.

3:8.4 Truthfulness

Employees are required to be truthful at all times whether or not under oath. To maintain employment as a sworn police officer with the Howell Township Police Department, officers must be able to give credible testimony in any court of law.

3:8.5 Criminal and Civil Action, Court Appearance - Subpoena

Employees shall not volunteer to testify in civil or criminal actions and shall not testify unless legally subpoenaed. Employees shall accept all subpoenas legally served. If the subpoena arises out of department employment or if the employee is informed that they are a party to a civil or criminal actions arising out of department employment, they shall immediately notify their supervisor or designee of the existence of the subpoena and the nature of the matter at issue.

3:8.6 Civil Depositions and Affidavits

Members and employees shall confer with their commanders before giving a deposition or affidavit on a civil case. If a commander determines that the case is of importance to the town, he shall inform the Police Chief before the deposition or affidavit is given.

3:8.7 Civil Cases

Employees shall not serve civil process or assist in civil cases unless the specific consent of the Chief of Police is obtained. They shall avoid entering into civil disputes, particularly while performing their duties, but shall prevent or abate a breach of the peace or crime in such cases.

3:8.8 Duty of Employees to Appear and Testify

It shall be the duty of every employee to appear and testify upon matters directly related to the conduct of his office, position or employment before any court, grand jury, or the State Commission of Investigation. Any employee failing or refusing to so appear and to so testify shall be considered "absent without leave" and shall be subject to removal from his/her office, position or employment.

CHAPTER 4

PERSONNEL REGULATIONS

4:1. SURRENDER OF DEPARTMENT PROPERTY

4:1.1 Upon Separation from the Department

Members and employees are required to surrender all department property in their possession upon separation from the service. Failure to return non-expendable items may cause the person to reimburse the department for the fair market value of the article(s). The Chief of Police shall withhold a final paycheck upon separation until all department property is surrendered.

4:1.2 Under Suspension

Any employee under suspension shall immediately surrender their badge, handgun and all other department equipment requested, to their commanding officer pending disposition of the case. Any employee under suspension shall immediately surrender all department or Township property in their possession to the commanding officer to which they are assigned.

4:2. DUTY HOURS, DAYS OFF, VACATIONS

4:2.1 Hours of Duty

1. Members of the department shall have regular hours assigned to them for active duty, and when not so employed, they shall be considered off duty.
2. The fact that they technically may be off duty shall not be held as relieving members from the responsibility of taking proper police action on any matter coming to their attention at any time. Proper police action shall be in accordance with New Jersey Law and department policy and can range from arrest to notification of the appropriate law enforcement agency, as determined by the police matter, (e.g. indictable crime, disorderly persons offense, petty disorderly persons offense, and traffic violations).

4:2.2 Days Off

Members and employees are entitled to days off which are to be taken in accordance with a schedule established by the Police Chief.

4:2.3 Suspension of Vacation, Day Off, or Leave of Absence

Any vacation, day off, or leave of absence may be suspended when a sudden and serious emergency arises and when, in the judgment of the Police Chief, such action should be taken.

4:2.4 Selection of Vacation

Annual vacation periods shall be selected in accordance with collective bargaining agreements.

4:2.5 Vacation Scheduling

Vacation schedules shall be arranged by Commanding Officers and coordinated with the Chief's office. The Police Chief shall determine the number of members who may be granted vacation at a given vacation period.

4:2.6 Vacation Address

Any member who is scheduled for an approved vacation may be required by his superior officer to leave a vacation address or phone number.

4:3. SICK AND INJURY LEAVE

4:3.1 Reporting Sick or Injured

Members and employees unable to report for duty because of sickness or injury shall make an immediate report to the department in person or by telephone. If unable to report, a relative or other responsible person shall notify the department of the member's sickness or injury either in person or by telephone.

4:3.2 Sick or Injured on Duty

Members taken sick or injured on duty shall report the fact to their superior and shall remain on duty until relieved, unless excused by a superior officer. The exception to this rule would be where the sickness or injury is disabling to the point of preventing compliance.

4:3.3 Unauthorized Absence

Members or employees who absent themselves in an improper manner shall be subject to disciplinary action. Unauthorized absence occurs when members or employees:

1. Feign illness or injury;
2. Deceive the town physician in any way as to their true condition;
3. Are injured or become sick as the result of improper conduct or of intemperate, immoral, or vicious habits or practices;
4. Violate any provisions concerning reporting of sickness or injury.

4:4 LEAVE OF ABSENCE FOR DEATH IN FAMILY

4:4.1 Bereavement Leave

Bereavement leave shall be administered in accordance with the collective bargaining agreement.

4:5 MILITARY LEAVE OF ABSENCE

4:5.1 Military Reserve Leave

A member or employee who is a member of the organized reserve of the Army of the United States, United States Marine Corps Reserve, United States Air Force Reserve, United States Naval Reserve, or other affiliated organization shall be entitled to leave of absence from duty without loss of pay or time on all days during which he shall be engaged in field training. Such leave of absence shall be in addition to the regular vacation allowed such member or employee. (Source: N.J.S.A 38:23-1).

4:5.2 Enlistment or Re-Enlistment in National or State Military Organization

Members and employees of the department shall not enlist, re-enlist, or accept a commission in any Federal or State military organization without having made prior notification to the Police Chief.

4:5.3 Field Training Leave

Members or employees going on military leave for field training must notify their Commanding Officer at least 30 days before the date their training period is scheduled to begin. They must also submit copies of their official military orders at least five days prior to the date they are to report for duty.

4:5.4 Draft Board Determination

When a member or employee has been classified 1-A by Selective Service or ordered to report for examination, he shall immediately notify his Commanding Officer.

4:6 STATE OR COUNTY LEAVE

4:6.1 Leave of Absence

State or County Agency - Leave of absence without pay may be granted by the authority in charge to a member or officer of a municipal police department or force in order that his services may be made available to the State or County, or to a State or County department or agency. A request for a leave of absence shall be made in writing by the member or officer and the State or County, or the State or County department or agency, desiring his service, but no such leave of absence shall be used to displace an incumbent. (Source: N.J.S.A. 40A:14-136). This statute authorizes the Chief of Police to grant or refuse to grant a leave of absence to a police officer in order that the police officer renders his services to another city department or city agency.

4:6.2 Limitations on Period of Absence: Extension

Any such leave of absence shall not be for more than one year, but may be extended, in the same manner or as originally granted, but in the aggregate, shall not exceed five years. (Source: N.J.S.A. 40A:14-136).

4:6.3 Retention of Pension and Retirement Benefits

Neither membership in the municipal Police Department or force, nor pension or retirement rights shall be affected by such leaves of absence, but pension contributions shall be payable notwithstanding such leaves of absence.

4:6.4 Rights on Resumption of Office, Position or Employment

Upon the expiration of any such leave of absence, the member or officer shall return to his original duties and resume his office, position or employment with the said department or force and be entitled to all salary adjustments, increments, seniority and pension rights, as if no leave had been granted. (Source: N.J.S.A 40A:14-136).

4:7 INTERNAL GRIEVANCES

4:7.1 Internal Grievances

The Police Chief or his designee shall recognize and deal with the members of the police department for the adjustment of any grievances, which may arise in accordance with the current procedures agreed upon by the governing body and the employee bargaining unit, and any grievance committees established by the respective associations.

4:8. RESIGNATION

4:8.1 Resignation to be in Writing

All resignations must be in writing and bear the signature of the person resigning. Employees shall provide the Chief of Police, unless granted prior approval, not less than fourteen (14) days written notice.

4:9. SECONDARY EMPLOYMENT

4:9.1 Secondary Employment

Employees may engage in secondary employment consistent with department policy.

CHAPTER 5

DISCIPLINARY REGULATIONS

5:1 DISCIPLINARY ACTION

5:1.1 Disciplinary Action

Department employees regardless of rank or assignment, shall be subject to disciplinary action, according to the nature or aggravation of the offense, for violating their oath and trust by committing an offense punishable under the laws or statutes of the United States, the State of New Jersey, local ordinances, or failure, either willfully or through negligence or incompetence to perform the duties of their rank or assignment; or for violation of any written or verbal order, policy and procedure or rule and regulation of the department; or for failure to obey any lawful instruction, order, or command of a superior or supervisor. Disciplinary action in all cases will be decided on the merits of each case.

The disciplinary system established herein shall reflect the overarching emphasis for improving the quality of service being delivered by employees of this department. Discipline should not engender a strictly negative connotation. The disciplinary process is meant to correct employee actions and conduct that tend to impede the efficient and effective operation of the department. The proper use of discipline can achieve this objective without realizing a reduction in morale. Training and counseling shall be a function of the department's overall disciplinary system. In lieu of discipline, training and counseling shall be corrective actions used to modify an employee's performance.

5:1.2 Establishing Elements of Violation

Existence of facts establishing a violation of the law, ordinance, or rule is all that is necessary to support any allegation of such a basis for disciplinary action. Nothing in this directive prohibits disciplining or charging employees merely because the alleged act or omission does not appear herein, in the department, or in laws and ordinances within the cognizance of the department.

5:2 DEPARTMENT AUTHORITY TO DISCIPLINE

All disciplinary procedures shall be in accordance with the laws of the State of New Jersey, applicable case law, collective bargaining agreements, Township personnel manual, administrative regulations, and Township ordinance. With the exception of emergency suspensions, department discipline must be taken or approved by the Chief of Police. If it is the Chief of Police that is to be disciplined, action must be taken or approved by the Appropriate Authority or his designee.

5:2.1 Corrective Actions/Disciplinary Dispositions

A system of progressive discipline shall be used, wherever appropriate and practicable. Discipline shall follow the basic concepts of due process as established by State law. The following actions may be taken regarding any conduct felt to be in violation of any policy, procedure, rule and regulation of the police department:

- 5:2.1.1** In certain situations, discipline is not required in order to correct employee or member performance in various areas. All training and counseling resulting from a performance issue shall be documented and forwarded through the appropriate chain of command to the Chief of Police or designee. Performance based issues may be corrected by using the following actions:

Training - Training is encouraged as a means of improving employee effectiveness and performance through positive and constructive methods. Training and discipline are not mutually exclusive. Certain minor performance based issues may be handled through targeted training. Supervisors have an affirmative obligation to observe the conduct and appearance of employees and detect those instances when corrective action (training) may be necessary. Training includes:

- Verbal Instruction - The supervisor, depending on the circumstances, may provide individual on the spot training where such is indicated.
- Peer Training - The supervisor may assign the employee to another employee with experience in the area where training is indicated.
- In-Service Training - The supervisor may refer the employee to an in-service training program.

Counseling – Counseling is indicated where personal actions or job performance are in conflict with basic police practice and agency written directives. In addition to training, certain performance based issues or a minor rule violation are sufficiently minor in nature and may be handled by supervisors by documenting the counseling session on a performance notice. Facts to be considered in making these decisions will include, but are not limited to the person's intent, receptivity of the supervisory consulting and their desire to correct the problem. More serious infractions may indicate the need for a stronger response in place of, or in addition to, counseling.

- 5:2.1.2** Repeat performance based issues or minor misconduct issues may be corrected through discipline by using the following actions:

Verbal Reprimand (written) - They are intended to be the least intrusive form of discipline. To be effective, however, written verbal reprimands must be timely. Otherwise, the employee or member may believe future infractions will be tolerated. In some cases, a minor infraction may warrant more than counseling, but less than a written reprimand. In some cases, the misconduct may warrant more than counseling, but less than a written reprimand. In these instances, a report of the offense shall be documented and issued to the employee or member as a verbal reprimand. The final disposition notice regarding the discipline shall be filed in the member's or employee's personnel file in accordance with Department policy.

Written Reprimand - In some cases, the misconduct may warrant more than a verbal reprimand, but less than formal charges. In these instances, a report of the offense shall be documented and issued to the employee or member as a written reprimand. The final disposition notice regarding the discipline shall be filed in the member's or employee's personnel file in accordance with Department policy.

- 5:2.1.3** Serious misconduct issues or repeat minor misconduct issues may be corrected with more serious discipline using one or more of the following actions:

Formal Charges - Serious violations and those committed as one in a series of repeated violations require swift and certain punitive measures in order to maintain proper discipline within the department. The final disposition notice regarding the discipline shall be filed in the member's or employee's personnel file in accordance with Department policy. The following disciplinary actions may be taken in accordance with **N.J.S.A. 40A:14-149**, and applicable case law.

- Suspension without pay;
- Loss of a promotional opportunity;
- Demotion;
- Discharge from employment.

5:2.1.4 All punitive actions applied as a result of discipline shall be documented and forwarded through the appropriate chain of command to the Chief of Police or designee.

5:2.2 Appeals Procedure

The appeals procedures in a disciplinary action shall be consistent with **N.J.S.A. 40A:14-147** and the municipal ordinances, as well as in accordance with the respective collective bargaining agreements or individual employee employment contract. Appeals must be filed within 20 days of disposition.

5:2.3 Endorsement and Forwarding of Disciplinary Reports

Each level in the chain of command must endorse and forward reports bearing on disciplinary matters. Such endorsement may be one of approval, disapproval, or modification. No employee shall alter or cause to be altered or withdrawn any disciplinary report except by the employee initiating the report. The initiating employee shall have the affected employee initial the report, indicating they have full knowledge of the change or withdrawal as soon as practical. Disciplinary reports in transit through the chain of command shall not be delayed, but must be reviewed, endorsed, and forwarded as soon as possible. Disciplinary reports shall be filed in accordance with current department directives.

5:2.4 Informing the Person Being Disciplined

The employee being disciplined shall be informed of the charges, in writing and granted all procedural rights and safeguards in accordance with **N.J.S.A. 40A:14-147 to 151**.

5:2.5 Misconduct Observed by Police Personnel

Whenever any command or supervisor observes or is informed of the misconduct of another employee which indicates the need for disciplinary action, they shall take authorized and necessary action in compliance with the Rules and Regulations.

HOWELL POLICE DEPARTMENT GENERAL ORDER			
VOLUME: 2	CHAPTER: 8	# OF PAGES: 7	
SUBJECT: HARASSMENT IN THE WORKPLACE			
EFFECTIVE DATE: May 14, 2014		ACCREDITATION STANDARDS: 1.4.2	SUPERSEDES ORDER #:
BY THE ORDER OF: Chief Ronald T. Carter			

PURPOSE: The purpose of this general order is to establish the procedures for defining the behavior, for reporting responsibilities of personnel, investigating the complaint and training personnel on the department's policy and procedures concerning harassment in the workplace. Unlawful discrimination/harassment undermines the integrity of the employment relationship, compromises equal employment opportunity, debilitates morale and interferes with work productivity. This general order applies to all employees, both sworn and civilian and applicants for employment in the Howell Police Department. The Howell Police Department will not tolerate harassment or discrimination by anyone in the workplace including supervisors, co-workers, or non-employees.

This general order applies to conduct which occurs in the workplace and also extends to conduct which occurs at any location that can be reasonably regarded as an extension of the workplace, such as any field location, any off-site business-related social function, or any facility where Howell Police Department business is being conducted and discussed.

POLICY: The Howell Police Department is committed to providing every employee with a workplace free from discrimination, and harassment and differential treatment. All forms of unlawful employment discrimination based upon race, creed, color, belief, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, familial status, liability for service in the Armed Forces of the United States, disability, atypical hereditary cellular or blood trait, genetic information, religion, nationality, pregnancy or other protected class are prohibited and will not be tolerated. Sexual harassment is a form of unlawful gender discrimination and, likewise, will not be tolerated.

This general order pertains to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, compensation, fringe benefits, working conditions and career development.

PROCEDURE:

I. DEFINITIONS

- A. Harassment is defined as discrimination or disparate treatment against any person because of their protected class that includes: race, creed, color, belief, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, familial status, liability for service in the Armed Forces of the United States, disability, atypical hereditary cellular or blood trait, genetic information, religion, nationality, pregnancy or other protected class. **(NJSA 10:5-1 et seq.)**
1. The harassing conduct must be unwelcomed and coercive. Sexual harassment may be homosexual or heterosexual in nature. Gender based harassment need not be sexual in nature to violate the law. Under New Jersey law, harassment can be in the form of either sexual advances or intimidation or hostility towards a man or woman solely because he/she is a man or woman.
- B. Sexual Harassment is further defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature including, but not limited to when:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
 4. Sexual harassment generally falls into three categories:
 - a. Quid pro quo sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexual bribery or other verbal or physical conduct based on the gender of the affected employee when submission to such conduct is made either explicitly or implicitly a term or condition of employment or submission to or rejection of such conduct by an individual is used as a basis for employment decisions.
 - b. Hostile work environment sexual harassment includes unwelcome sexual advance, sexual assault, sexual coercion, requests for sexual favors, seductive behavior and other verbal or physical conduct of a sexual nature which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Gender-based harassment may give rise to a claim of a hostile environment whether or not sexual activity or language is involved, if it has the purpose or effect of abusing, devaluing or subordinating the members of one sex and it adversely affects an individual's employment opportunities.

- c. Third party sexual harassment is unwelcome behavior of a sexual nature or based on sex that is not directed at an individual but is a part of an individual's work environment.

II. AUTHORITY

- A. Authority is established under:
 - 1. Title VII of the Civil Rights Act of 1964 as amended
 - 2. N.J.S.A. 10:5-1 et seq. (New Jersey Law Against Discrimination)
 - 3. N.J.S.A. 11A:1-1 et.seq.
 - 4. N.J.A.C. 4A:7-1.3

III. PROHIBITED CONDUCT

- A. It is a violation of this general order for any person to use their authority to make any sexual advance toward an individual over whom the person is authorized to make, recommend or otherwise to influence personnel actions; to grant, recommend, or refuse to take personnel action on the basis of an employee's gender or sexual orientation or in exchange for sexual favors; or to take or fail to take a personnel action as reprisal against any employee for rejecting or reporting a sexual advance. Sexual advances or requests for sexual favors can be in the form of either expressed or implied comments, writings, actions, or inactions.
- B. It is a violation of this general order to engage in any employment practice that treats a person less favorably based upon their protected class.
- C. It is a violation of this policy to use derogatory or demeaning slurs to refer to a person's protected class that may have the effect of harassing a person or creating a hostile work environment. Harassment or the creation of a hostile work environment can occur even if there was no intent on the part of an individual to harass or demean another.
- D. Examples of prohibited behaviors that constitute sexual harassment include, but are not limited to:
 - 1. General or specific gender-based remarks and comments;
 - 2. Unwanted physical contact such as intentional touching, grabbing, pinching, brushing against another's body, impeding or blocking movement;
 - 3. Verbal or written sexually suggestive or obscene comments, jokes or propositions including but not limited to; letters, notes, e-mail, texting, invitations, gestures or inappropriate comments about a person's clothing;
 - 4. Visual contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects cartoons posters, magazines or pictures of scantily clad or clothed individuals;

5. Explicit or implicit suggestions of sex by a supervisor or manager in return for a favorable employment action such as hiring, compensation, promotion, or retention;
 6. Suggesting or implying that failure to accept a request for a date or sex would result in an adverse employment consequence with respect to any employment practice such as performance evaluations or promotional opportunity;
 7. Continuing to engage in certain behaviors of a sexual nature after an objection has been raised by the target of such inappropriate behavior;
 8. Retaliation because of an individual's complaint or testimony about harassment.
- E. Examples of behaviors that may constitute prohibited workplace discrimination or harassment include, but are not limited to:
1. Discriminating against an individual with regard to terms and conditions of employment because of that individual's protected class;
 2. Treating an individual differently because of their protected class or because an individual has the physical, cultural or linguistic characteristics of a protected class or group;
 3. Treating an individual differently because of marriage to or association with persons of a protected class or group; or because an individual's name or spouse's name is associated with a protected class or group;
 4. Calling another by an unwanted nickname which refers to one or more of the above characteristics, or telling ethnic, racial, etc. jokes, parables, or stories that harass an employee or family member or create a hostile work environment;
 5. Using derogatory references regarding any protected characteristics in any job-related communication;
 6. Engaging in threatening, intimidating, or hostile acts in the workplace based upon the protected class;
 7. Displaying or distributing material in the workplace that contains language or images that are derogatory or demeaning based upon any protected class.

IV. EMPLOYEE RESPONSIBILITIES

- A. It is the responsibility of each employee to respect the rights of co-workers
- B. Employees subjected to any form of prohibited discrimination/harassment, including sexual harassment, are encouraged, whether directly or through a third party, to notify the alleged harasser that the behavior in question is offensive and unwelcome. However, failure to do so does not preclude filing a complaint.
- C. Employees who observe any behavior by another employee that constitutes prohibited harassment shall promptly report the incident. Employees who observe

any condition, such as graffiti, cartoons, posters or calendars that are sexual in nature, sexually suggestive, discriminatory or harassing in nature shall promptly report the condition to their supervisor.

- D. Employees are expected to document all incidents of harassment in order to provide the fullest basis for investigation.
- E. Any employee who believes that they had been harassed or are being harassed shall report the incident(s) as soon as possible, in writing, so that the appropriate steps are taken to protect the employee from further harassment, and so that appropriate investigative measures are initiated.
- F. Any employee with knowledge of any form of prohibited harassment, whether directed at them or against others, must immediately report it in writing as indicated below.

V. COMPLAINT PROCEDURES

- A. Employees who believe that they have been subject to harassment may report the incident directly to their immediate supervisor or the Township Manager, who will ask the employee to complete a Harassment Complaint Form. The complaining party should specify the name of the alleged harasser and any and all witnesses to such alleged harassment. Completion of the written Complaint form is preferred but not required. This does not have to occur on Township property during regular work hours for an employee to file a complaint under this policy.
- B. Any individual uncomfortable reporting an incident to the Township's Manager should feel free to go to any management representative that he or she feels most comfortable to relay the problem, (i.e. Chief of Police). Under no circumstances shall an employee be required to make a report of harassment to the person he/she is accusing of harassment. To the extent the claim is against the Township Manager, the employee should report it to the Township Clerk.
 - 1. If the offending person is in the employee's chain of command, the employee may report the incident to the next level of command above the offending person or directly to the Internal Affairs Officer or Chief of Police. If the offending person is the Chief of Police, the complaint shall be forwarded to the Monmouth County Prosecutor's Office with notification to the Township Manager.
 - 2. If the complaint is submitted confidentially to the Internal Affairs Officer or Chief of Police, the person reporting should include as many facts and circumstances as available.
 - 3. The officer in charge of Internal Affairs shall immediately notify the Chief of Police if the complaint contains evidence of criminal activity.
 - 4. The Internal Affairs Officer shall include a determination whether other employees are being harassed by the person, and whether other agency employees participated in, or encouraged the harassment.
- C. It is recommended, but not required, that an individual who believes that he/she has been subjected to harassment from either a co-worker or a supervisor should confront his/her harasser and make clear that such behavior is not welcome.

Thereafter, the individual should immediately bring the matter to the attention of his/her immediate supervisor or Chief of Police. If this is not practical, or if the employee does not feel comfortable with this avenue of redress, the employee may bring the complaint directly to the Township Manager or other Township representative as set forth above.

VI. SUPERVISOR RESPONSIBILITIES

- A. In order to ensure the integrity of the work environment supervisors are required to ensure adherence to and compliance with this general order and to create an atmosphere free from harassment and to communicate the department's policy of non-discrimination to all subordinates. Upon becoming aware of possible prohibited discrimination/harassment, including sexual harassment, supervisors at all levels are required to:
1. Take appropriate immediate action to stop the harassing condition and/or behavior; and
 2. Inform the employee of their right to file a discrimination complaint; and
 3. Document and preserve any evidence/exemplars present; and
 4. Notify the Chief of Police through the chain of command of the incident and the action taken; and
 5. Submit an ***Internal Affairs Investigation Report*** documenting their actions and observations.

VII. SUPPLEMENTAL

- A. Investigation
1. The investigation procedures for harassment in the workplace complaints shall be in accordance with the department's written directive on Internal Affairs and the New Jersey Attorney General's Internal Affairs Guidelines.
- B. Retaliation
1. Retaliation against any employee who alleges that they were the victim of prohibited discrimination/harassment, including sexual harassment, or against any employee who provides information in the course of the investigation into claims of prohibited discrimination/harassment, including sexual harassment, in the workplace is prohibited.
 2. Any employee bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall not be subjected to adverse employment consequences based on such involvement or be the subject of retaliation.
- C. False Accusations and Information
1. Purposely or knowingly making a false accusation of unlawful discrimination/harassment, including sexual harassment, or knowingly providing false information in the course of an investigation of a complaint is

grounds for criminal, civil, and administrative sanctions. However, complaints made in good faith, even if found to be unsubstantiated, will not be considered false accusations.

D. Confidentiality

1. All complaints and investigations shall be handled to the extent possible, in a manner that will protect the privacy of those involved.
2. To the extent practical and appropriate under the circumstances, confidentiality will be maintained throughout the investigatory process. In the course of an investigation it may be necessary to discuss claims with the alleged harasser or other persons who may have relevant knowledge. Therefore, it may be necessary to disclose information to persons with a legitimate need to know about the matter. All persons interviewed will be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned. Failure to comply with this confidentiality directive may result in disciplinary action.

E. Training

1. Training regarding this general order shall be provided to all employees to ensure continued compliance.

F. Additional remedies:

1. There are various ways to which employees may file prohibited discrimination/ harassment, including sexual harassment, complaints within the agency, either concurrently or sequentially.
2. Nothing contained within this general order shall preclude any employee from filing a complaint with the New Jersey Division on Civil Rights and the United States Equal Opportunity - Commission in accordance with N.J.A.C. 4 A:7-3.2(b).

G. Remedial Action

1. Punitive measures shall be consistent with the Department's Rules and Regulations.

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JAN/2020