

Ord. #10-11

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOUNT OLIVE, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND CHAPTER 48, POLICE DEPARTMENT, OF THE TOWNSHIP CODE IN ITS ENTIRETY

BE IT ORDAINED by the Township Council of the Township of Mount Olive, County of Morris, and State of New Jersey, as follows:

SECTION 1. Chapter 48, Police Department, of the Code of the Township of Mount Olive is hereby amended in its entirety to now read as follows:

CHAPTER 48 POLICE DEPARTMENT

ARTICLE I. GENERAL PROVISIONS

Section 1. Establishment of the Police Department

There is hereby created in and for the Township of Mount Olive, in the County of Morris and State of New Jersey, a Police Department.

Section 2. Composition

- A. The Mount Olive Township Police Department which shall consist of no more than a Chief of Police, and one (1) Captain, four (4) Lieutenants, ten (10) Sergeants, and a maximum of fifty (50) police officers, to be appointed to these positions by the Chief of Police at the approval of the Mayor with the budgetary approval of the governing body, as public need may require.
- B. In addition, the Police Department may employ clerical personnel and other employees to assist its officers in preserving peace and good order in the township.

Section 3. Purpose of the Police Department

The Police Department shall preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Township of Mount Olive; direct and control traffic; provide attendance and protection during emergencies; make appearances in court; cooperate with all other law enforcement agencies; and provide training for the efficiency of its members.

Section 4. Designation of Appropriate Authority

In accordance with N.J.S.A. 40A:14-118, the Mayor is hereby designated as the appropriate authority and is hereby vested with the powers and duties of an appropriate authority as delegated by law.

Section 5. Rules and Regulations

The Mayor shall, from time to time as may be necessary, adopt and amend the rules and regulations for the government and discipline of the Police Department and employees thereof. Said rules and regulations may fix and provide for the enforcement of such rules and regulations and the enforcement of penalties for the violation of such rules and regulations. All employees of the Police Department shall be subject to such rules and regulations and penalties.

Section 6. Chief of Police; powers and duties

The Mayor shall appoint a Chief of Police. The Chief shall be directly responsible to the Mayor for the efficiency and routine day-to-day operations of the Police Department. In the event that the Mayor is not available or is absent, then the Chief of Police shall report to the Business Administrator. The Chief of Police shall pursuant to policies established by the Mayor and consistent with Township ordinances:

- A. Administer and enforce the rules and regulations of the Police Department and any special emergency directives for the disposition and discipline of the Department and its officers and personnel.
- B. Have, exercise, and discharge the functions, powers and duties of the Police Department.
- C. Prescribe the duties and assignments of all subordinates and other personnel.
- D. Delegate such of his authority as he may deem necessary for the efficient operation of the Police Department to be exercised under his direction and supervision.
- E. Report to the appropriate authority in such form as shall be prescribed by such authority on the operation of the department, and make such other reports as may be requested by such authority.

Section 7. Duties and Responsibilities of Personnel

The duties and responsibilities of the members of the Township of Mount Olive Police Department shall be those set forth by law and as prescribed by the Department's Written Directive System established by the Chief of Police.

Section 8. Disciplinary Actions

Discipline of police officers will be imposed consistent with New Jersey State statutes, New Jersey Administrative code, and the Rules and Regulations of the Mount Olive Police Department. The written charges will be signed by the Chief of Police or designee as provided in the New Jersey Statutes and the Police Department's Rules and Regulations. Police officers may also be subject to discipline for violating other statutes, ordinances, and policies.

Section 9. Continuation of Personnel

The members of the Township of Mount Olive Police Department, as presently constituted, are hereby continued in their respective offices or positions. The salaries established by the Salary Ordinance or collective agreement now in effect shall prevail. Nothing contained in this Article

shall be considered as affecting the status, rank, tenure or any rights heretofore acquired by any member of the existing Department.

Section 10. Duration of Office and Employment

The members of the Police Department of the Township of Mount Olive shall severally hold their respective offices and continue in their respective employment during good behavior, efficiency and compliance with the residence requirement established by law.

Section 11. Emergency Duty

The Chief or other officer in charge of the Department shall have full authority to summon and keep on duty any and all members of the Police Department during the period of any emergency.

Section 12. Vacations

The members of the Township of Mount Olive Police Department shall be granted vacation time annually, with pay, as provided by the Personnel Ordinance or such other ordinance of the Township of Mount Olive or the negotiated contracts with the Mount Olive Fraternal Order of Police Lodge #122, the Mount Olive Fraternal Order of Police # 122 Superior Officer's Association and the Mount Olive Township Public Employees Association pertaining to vacation allowances of officers and employees of the township. A vacation schedule shall be assigned by the Chief of Police, with preference given to those with the most seniority based on time in rank. Probationary time shall be included in the computation of any period of continuous service in determining vacation allowances.

Section 13. Grievances

Any employee covered by a collectively negotiated agreement shall be required to bring grievances, as specified in that agreement, in accordance with the grievance procedure set forth therein.

Section 14. Special Duty

The Chief of Police, whenever, in his opinion, the public service so requires, may detail any of the members of said Department to any special or particular duty connected with the police service of the township and, for such purpose, may send any member or members outside of the township limits, together with any police car or equipment required in the performance of such special or particular police service.

Section 15. Extra-departmental Business or Occupation

No member of the Township of Mount Olive Police Department shall engage in any business or occupation other than that of police officer, unless, prior thereto, he shall make written application for permission to the Chief of Police to engage in such extra departmental business or occupation and shall obtain the approval, in writing, from the Chief of Police to engage in such activity.

Section 16. Physical Examinations for Members

A. Every member of the Township of Mount Olive Police Department must maintain himself in proper physical condition and good appearance at all times. A physical

examination shall be required once a year by the Township Doctor or such other doctor as shall be designated by the Chief of Police and the Mayor, to be paid for by the Township. All officers' physicals, after examination by the Township Doctor, will be made known to the Chief of Police, and the Mayor. Should an officer fail his physical, he cannot be scheduled to take another one by any other doctor unless and until the Chief of Police and the Mayor are notified of his failure and can determine if the officer is fit for duty.

- B. The Chief of Police may require any member of the Police Department to be examined by a physician approved by the township when, in the opinion of the Chief, such member gives evidence that he is unable to perform properly the duties of his position. Nothing herein contained shall prevent such member from submitting supplemental evidence of his condition as may be supplied by a physician of his own selection, in addition to the medical evidence obtained by the Chief, as above mentioned.
- C. Recommendations of the physician, so selected by the township, for corrective measures of physical deficiencies that are interfering with the duties of such member of the Township of Mount Olive Police Department shall be followed by such member.

Section 17. School Crossing Guards

Pursuant to NJSA 40A:9-154.1 et. seq., the Chief of Police may, from time to time, appoint as school crossing guards such persons as he shall deem to be qualified for such position. The powers and duties of school crossing guards shall be limited to the protection of children while on public thoroughfares in the Township of Mount Olive in connection with the attendance of such children at the several school in said township and to the direction and regulation of pedestrian and vehicular traffic at the various street interactions and crossings where they may be stationed. While on active duty, school crossing guards shall be under the jurisdiction of and subject to the order of the officers of the Mount Olive Police Department.

ARTICLE II. APPOINTMENT AND PROMOTIONS

Section 1. Appointment of Police Officers

The Chief of Police shall be responsible for establishing procedures for soliciting and testing candidates for membership on the police force, which procedures may include physical, mental, and psychological and such other tests as the Chief of Police deems appropriate. The Chief of Police may implement such procedures and transmit to the Mayor nominations for appointment to the Police Department. The Mayor may then appoint such nominees to fill the vacancies that exist in the Department.

Section 2. Qualifications

No person shall be appointed as a member of the Police Department unless such person meets all of the following qualifications:

- A. United States citizenship;

- B. Resident of New Jersey;
- C. Literacy in the English language and have attained a high school diploma or its functional equivalent and have received an Associate's Degree from an accredited college or university. Sixty-seven credits will be deemed equivalent to an Associate's Degree. An accredited college or university shall mean a college or university that attains accreditation from a US Department of Education approved accrediting agency and listing as accredited on the US Department of Education rolls of accredited colleges and universities.
- D. Must be able to satisfy all eligibility requirements for enrollment in the Police and Fire Retirement System of New Jersey;
- E. Good moral character and no record of conviction of an indictable offense or conviction of any offense involving moral turpitude;
- F. Satisfactory results on such tests, examinations or interviews as may be administered pursuant to this article such that it appears the applicant possesses adequate physical and mental skills to carry out the duties of a police officer.

Section 3. Probationary Period

- A. Sworn Police Officers
 - 1. Each police officer shall be required to serve a probationary period prior to permanent appointment to the department. The probationary period is one year from the date of completion of the police training course, or if already holding a valid New Jersey Police Training Commission Certification, one year from date of appointment, in accordance with N.J.S.A. 52:17B-66 et seq.
 - 2. During such probationary period such applicants shall be known as "probationary officers," and they may be discharged prior to or at the termination of said probationary period at the pleasure of the Chief of Police with the concurrence of the Appropriate Authority.
 - 3. No person shall be permitted to take a police training course, unless he holds a probationary appointment as a police officer in the Township of Mount Olive, and such appointee shall be entitled to a leave of absence, with pay, during the period of the police training course.
 - 4. Until such applicant is permanently appointed to the Department or rejected, the township may continue to employ him for a further probationary period not to exceed six (6) months.
 - 5. Upon the permanent appointment to the Department, all time served by any member during such probationary period shall be considered as service within the

Department and shall be applied toward any required tenure and promotion period.

6. This section shall not prohibit the hiring of a police officer from another community who has served as a probationary officer and completed the required police training course. Such officer shall be required to submit to the same probationary period as established above.

B. Civilian Police Employees

1. To the maximum extent permitted by law, the employment practices for Civilian Police Employees of the Township shall operate under the legal doctrine known, as “employment at will.” Within Federal and State law, and any applicable bargaining unit agreement, the Township of Mount Olive shall have the right to terminate an employee at any time and for any reason, with or without notice, except the Township of Mount Olive shall comply with all Federal and State legal requirements requiring notice and an opportunity to be heard in the event of discipline or dismissal.
2. New employees (or present employees transferring to new positions) will be hired (or promoted / transferred), subject to an initial probationary employment period of not less than one year as determined by the Chief of Police. At the end of the probationary period, the Supervisor will conduct an employee evaluation. New probationary employees may be discharged at any time during this period if the Chief of Police concludes that the employee is not progressing or performing satisfactorily. Under appropriate circumstances, the Chief of Police may extend the initial probationary period for an additional 6 months.
3. The probationary period (maximum of 18 months) for Civilian Police Employees shall end with either the employee being released from probation or termination. A positive or negative recommendation will be made by the employees direct supervisor with the assistance (if applicable) of the designated trainer. The final outcome will be documented in the probationary employee’s evaluation. The Chief of Police will make the final determination regarding all Civilian Police Employees probationary periods.
4. Nothing set forth in this section shall alter the Township’s “employment at will” policy for Civilian Employees. Employment with the Township of Mount Olive is at will and may be terminated at any time with or without cause or notice by the Chief of Police or the employee.

Section 4. Promotions

Promotions to the ranks of Sergeant, Lieutenant or Captain shall be made from within the membership of the Department as provided in this section. It shall be the responsibility of the Chief of Police to post adequate notice of the opportunity for promotion and to receive applications for promotion. Promotions shall be made in accordance with the terms and

conditions of the collective bargaining agreement(s) in effect between the Township and collective bargaining units representing police officers.

Section 5. Minimum Qualifications of Chief of Police

Any person to be considered for the position of Chief of Police of the Township of Mount Olive shall meet the following minimum qualifications:

- A. At least three (3) years of service on the Mount Olive Police Department and shall have served at least one year in the position of lieutenant or captain of police within the Mount Olive Police Department;
- B. An Associate's Degree from an accredited college or university. Sixty-seven credits will be deemed equivalent to the Associate's Degree. An accredited college or university shall mean a college or university that attains accreditation from a US Department of Education approved accrediting agency and listing as accredited on the US Department of Education rolls of accredited colleges and universities. Officers who were members of the department prior to March 31, 1995, must be in compliance with the Mount Olive Police Department Standard Operating Procedures.
- C. Successful completion of such interviews, examinations or tests conducted and/or required by the Appropriate Authority as is deemed necessary;
- D. Demonstrate excellent moral character;
- E. Proficient in the management of a Police Department, including but not limited to administration, budgeting, communications, controlling operations, investigations, patrol operations, training, purchasing, and internal affairs;
- F. Familiarity with Title 2C of the New Jersey Statutes commonly referred to as the "New Jersey Criminal Code," and Title 40 and Title 40A of the New Jersey Statutes insofar as they relate to the operation and administration of Police Departments.

Section 6. Preferred Qualifications of Chief of Police

Any person to be considered for the position of Chief of Police is expected to lead and set the standard for the officers and members of the department. Therefore it is imperative that the township select a candidate who possesses qualifications in excess of those minimally required for the position. It is desired that the Chief of Police possesses the following preferred qualifications:

- A. At least ten (10) years of service on the Mount Olive Police Department;
- B. Have received a Bachelor's Degree and/or other advanced degree in Criminal Justice, Management, Public Administration, Sociology or any other discipline deemed appropriate for the position from an accredited college or university. Any accredited college or university shall mean a college or university that attains accreditation from a

US Department of Education approved accrediting agency and listing as accredited on the US Department of Education rolls of accredited colleges and universities.

- C. Possesses certifications from professional associations indicating the candidate's commitment to personal professional development such as:
1. Certified Eligible Chief Law Enforcement Executive (CECLEE);
 2. Certified Public Manager (CPM);
 3. Certificate in Supervisory Management (CSM);
 4. Certificate from West Point Command and Leadership Program;
 5. Certificate from New Jersey State Association of Chief of Police Command and Leadership Program;
 6. Certificate from Northwestern School of Police Staff and Command (SPSC);
 7. Certificate from Executive Management Program (EMP);
 8. Certificate from New Jersey State Association of Chief of Police, Police Executive Institute;
 9. Certificate from Law Enforcement Executive Development Association (LEEDA);
 10. Certificate from FBI National Academy.
- D. Possession of any other certification in management and leadership that may be obtained by the candidate for the position.
- E. Proven project management and problem solving experience and abilities. The candidate should possess the skills and abilities to manage projects in terms of time, budget, and resources. The candidate should also demonstrate ability to not only Identify problems and Issues but to also solve those issues.
- F. The candidate should have strong communication skills.
- G. The candidate should have concrete examples of the skills, knowledge, and abilities to provide at any interview required.

ARTICLE III. EXTRA DUTY EMPLOYMENT

Section 1. Contracting for Police Services

Purpose:

For the convenience of those persons and entities which utilize the services of off-duty law enforcement officers of the Mount Olive Police Department and to authorize the outside employment of police while off-duty, the Township hereby establishes a policy regarding the use of said officers.

- A. Any request for police attendance at private events, work sites, businesses or any other activity not ordinarily provided shall be made to the Chief of Police.
- B. The Chief of Police, at his discretion, may assign members of the Police Department not on regular duty to provide police services at those events, work sites or activities. While on said duty, the members of the Department so assigned shall be under the supervision and control of the Chief of Police and superior officers of the Department and shall be subject to the provisions of this Article.
- C. For this service, the persons sponsoring or responsible for such events shall directly compensate, at the rate established by the township, the township for the services of the members of the Department who are assigned to the activity.

Fees Established:

- A. The rates to be charged for police services are established for the various ranks of police officers when performing off-duty services are determined annually as established in the Salary Ordinance and by the determined administrative fee assigned by the Township.
- B. Included in the fee shall be the officers Fair Labor Standards Act (FLSA) compensation based upon the current contractual agreement.
- C. The Department will, as often as is required, conduct a selection process for new and replacement officer candidates. The Department is authorized to charge a fee to cover the cost of and expenses involved in conducting such a process. The fee for processing an application to the Mount Olive Police Department is established as no more than \$75.00 and is to be submitted with the application.

Requests for Services:

- A. Extra-duty services will be requested through the Police Department on a form prescribed by the Chief of Police and payment is to be made at the time of the application. No work will be scheduled until sufficient funds are posted in an established escrow account.

- B. Work started by any contractor, business or individual which had not posted funds to such an escrow account, and where the work encroaches into any public right of way or where it affects the health and safety of the citizens and visitors to this community shall be stopped until adequate safety measures have been taken.
- C. Provided that the contractor, business or individual has established a history of satisfactory work within the Township and complete compliance with the Township's requirements and financial policies, the Chief of Police may schedule the work and permit the work to begin without first having received said funds in advance. The Chief shall only permit this exemption so long as the officers' union agrees to permit payment to the officer upon receipt of the contractors' payment. Should the employee union remove or withdraw such agreement then all work will be scheduled as established above.

SECTION 2. All ordinances of the Township of Mount Olive which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This Ordinance may be renumbered for purposes of codification.

SECTION 5. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

**TOWNSHIP OF MOUNT OLIVE
COUNTY OF MORRIS
STATE OF NEW JERSEY**

ATTEST:

Lisa Lashway, Clerk

Phil Tobey, Council President