

ORDINANCE 2011-13 OF THE TOWNSHIP OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 22 OF THE CODE OF THE TOWNSHIP OF BERLIN ENTITLED "POLICE DEPARTMENT"

WHEREAS, Chapter 22 of the Code of the Township of Berlin ("Township") establishes and sets forth the powers, duties, rules and regulations of and for the Township's police department; and

WHEREAS, the Governing Body, consistent with the authority vested in it pursuant to N.J.S.A. 40A:14-118, has determined that it is in the best interest of the police department, as well as the public health, safety and welfare of the municipality and its residents, to amend Chapter 22;

NOW THEREFORE, be it Ordained by the Mayor and Township Council of the Township of Berlin, County of Camden, State of New Jersey, as follows:

SECTION 1: Chapter 22 of the Code of the Township of Berlin is hereby amended, revised and supplemented to read as follows:

§ 22-1. Establishment of Department; composition.

A. There is hereby created in and for the Township of Berlin a police department, which shall consist of a Chief of Police, one lieutenants, up to five sergeants, and up to eleven patrolmen, to be appointed to these positions by the governing body of the Township.

B. In the event of an officer in any of these positions being on leave immediately preceding an announced retirement or a suspension with intent to dismiss, the Appropriate Authority may, for the efficiency of the department and subject to his discretion, appoint an interim replacement to serve in the vacant position, subject to that person meeting the qualifications for that position. Alternatively, the Appropriate Authority may leave a position vacant in its discretion.

C. The Mayor and Township Council may decrease the force for reasons of economy pursuant to N.J.S.A. 40A:14-143. In case of demotion from the higher ranks, the officers or members to be so demoted shall be in the inverse order of the dates of their appointment. When the service of members or officers is terminated, such termination shall be in the inverse order of their appointment. Any member or officer who is demoted or whose service is terminated by reason of such decrease shall be placed on a special employment list, and in the case of subsequent promotions, a person so demoted shall be reinstated to his former rank and, in the case of termination of service and new appointment, prior consideration shall be given to the persons on the special employment list.

D. The Mayor and Township Council may also appoint such clerical, secretarial and administrative employees, community service officers, school crossing guards and police technicians as they deem necessary and prudent. These employees shall not be members of the Police Department within the meaning of any provision of Chapter 14, Title 40A, of the Revised Statutes of New Jersey, as amended and supplemented. These employees shall carry out and obey all orders and instructions of the Chief of Police or any other officer having supervisory authority within the Department.

§22-1.1. Chain of Command.

A. The following chain of command shall exist within the Police Department:

- (1) Chief of Police;
- (2) Lieutenant;
- (3) Sergeant;
- (4) Patrolman.
- (5) Special officer (if any).
- (6) Civilian employee.

B. Each rank/position shall be subordinate to all higher ranks.

C. Civilian employees shall report to their assigned supervisor or designee, or in his/her absence, the ranking officer on duty.

§ 22-2. Appointment and qualification.

A. [NO CHANGE]

B. [NO CHANGE]

C. No applicant shall be appointed to any position with the Police Department until after the applicant has been fingerprinted and the fingerprints filed with the New Jersey State Police and Federal Bureau of Investigation. No applicant shall be appointed until after there has been a thorough background and character investigation of the candidate that will also determine the candidate's fitness for the position.

§ 22-3. General powers and duties of department. [NO CHANGE]

§ 22-4. Chief of Police; powers and duties; appointment.

A. – G. [NO CHANGE]

H. Candidates for the position of Chief of Police shall participate in a promotional procedure administered by the Appropriate Authority. The reviewing committee, which shall be made up of the Appropriate Authority, the current Chief of Police (unless he/she is involved in pending discipline or litigation with the Township) and two police executives from other agencies. The reviewing committee shall consider the following: the candidate's knowledge of criminal law and procedure, police science and police administration, leadership and management ability, general knowledge of Berlin Township local government and N.J.S.A. 40A:14-118, knowledge of budgeting and personnel management, the candidate's poise, alertness, ability to communicate clearly and effectively, ability to effect good working and public relations and moral character. To be considered for the position of Chief of Police, the candidate must hold the rank of lieutenant or sergeant.

I. The Appropriate Authority shall appoint the Chief of Police and may appoint a reviewing committee to assist in the process.

J. Promotional testing procedure. The promotional testing procedure for the Berlin Township Police Department for the position of Chief of Police shall consist of a written examination (and/or narrative) and an oral examination in which all candidates will be given the same questions, a personal interview with the Mayor and Township Council, a review of the candidate's service record, education, merit and experience.

(1) Written examination.

(a) The written test shall be supplied by a professional testing company, professional law enforcement organization or such other written examination approved by the Appropriate Authority. The written examination shall be given and supervised by a designee of the Appropriate Authority.

(b) To proceed to the oral portion of the examination procedure, a candidate must achieve a score of at least 70%. Candidates will be notified in writing of their grades on the written portion of the exam by the Appropriate Authority or its designee.

(2) Oral examination.

(a) Candidates who achieved a minimum qualifying score (70%) on the written examination will be permitted to sit for an oral examination by the reviewing committee.

(b) The oral examination by the reviewing committee shall focus on leadership and management skills, knowledge of police practices and procedures, knowledge of the laws applicable to police work, knowledge about Berlin Township and its form of government, knowledge of the Police Department Ordinance, and knowledge of N.J.S.A. 40A:14-118. The reviewing committee shall grade each candidate on a one-hundred-point scale.

(c) The reviewing committee shall grade each candidate's oral interview on a 100 point basis. In order to proceed to the final portion of the promotional process, a candidate must achieve a score of at least 70%.

(3) Personal Interview.

Candidates for the rank of Chief of Police may be interviewed by the Appropriate Authority.

(4) Record review.

(a) Candidates that successfully achieve a score of 70% on the written examination or written submission and 70% on the oral examination shall proceed to the next step in the promotional process, the review of service record.

(b) The reviewing committee shall examine the length and merit of candidate's service. The examination process shall give specific weight to performance evaluations, experience, military service, demonstrated leadership ability, education and disciplinary history.

(c) The weight to be given each portion of the review shall be:

Type	Weight (percentage)
Written test or submission	20%
Oral exam	20%
Interview with Appropriate Authority	20%
Performance evaluations	20%
Leadership evaluation	10%
Experience	5%
Education	5%
	Associates degree or 60 college credits = 2.5%
	Bachelors degree = 5%

Type	Weight (percentage)
	Two years of active-duty military experience (including Coast Guard) or six years' Reserves or National Guard can be substituted for Associates Degree or 60 college credits, if honorably discharged.
	Associates Degree or 60 college credits and two years of active-duty military experience (including Coast Guard) or six years' Reserves or National Guard will be worth 5%, if honorably discharged

Discipline shall be a minus depending on seriousness and timeliness of the infractions.

K. The review committee shall rank each candidate based on the total score as outlined above. The candidates shall then be ranked from the highest to lowest based on score. The list shall include the candidate's names and the final scores.

L. The results of the promotional process with the final scores of the candidates and any other information that may be pertinent shall be submitted to the Appropriate Authority, which shall make the final promotional decision.

M. Test results shall remain valid for a period of two years and subsequent promotions may be made based upon these test result. However, the Township may call for a new promotional process at any time.

§ 22-5. Appropriate Authority.

A. The Governing Body of the Township of Berlin shall be designated as the "Appropriate Authority," pursuant to N.J.S.A. 40A:114-118. The Appropriate Authority shall be responsible for the overall performance of the Police Department.

B. The Appropriate Authority shall adopt rules and regulations, or amendments thereto, for the government of the Police Department and for discipline of its members. Proposed rules and regulations may be submitted by the Chief of Police, the Township Solicitor or Special Counsel to the Appropriate Authority.

C. The Appropriate Authority shall adopt the rules and regulations in writing which will be sent to the Chief of Police along with a true copy of the rules and regulations or any amendments thereto.

D. Upon receipt of written notice of the adoption of rules and regulations by the Appropriate Authority, the Chief of Police shall publish and distribute copies to the

members of the Department, who shall review and become familiar with the contents and provisions thereof.

E. Failure to follow or comply with the rules and regulations shall subject any member of the Police Department to discipline pursuant to N.J.S.A. 40A:14-147.

§22-5.1. Promotions.

A. The Mayor and Township Council desire to promote the most qualified candidates to positions of higher rank. This section establishes the eligibility requirements and the process for promotion to all higher ranks.

(1) Promotions shall be made on the basis of merit, experience, education, demonstrated ability and competitive examinations. In accordance with N.J.S.A. 40A:14-129, the promotion of any officer must be made from the membership of the Department.

(2) No person shall be eligible for promotion unless he or she shall have served as a full-time police officer in the Berlin Township Police Department for a period of three years as required by N.J.S.A. 40A:14-130.

(3) No person shall be eligible for promotion unless he or she has previously served as patrolman in the Department as required by N.J.S.A. 40A:14-129.

(4) Promotions shall be open to members of the next lowest rank, unless the Appropriate Authority, in the best interest of the Department, chooses to test a wider pool of candidates. Generally, a pool of less than three eligible candidates will not generally be considered "in the best interest of the Department."

B. Upon receiving instructions from the Appropriate Authority to do so, the Chief of Police shall announce the promotional process to members of the Department at least 45 days before a written test is to be given and at least 15 days before a written submission is to be submitted. The announcement shall be posted in common areas of the Department accessible to all members and shall also be sent in writing to each eligible officer's home address. The announcement shall contain, at a minimum, the rank to be filled, the date(s) of the exam(s), source materials or reading lists from which exam questions will be taken or topics from which questions will be formulated. Candidates who qualify shall notify the Chief of Police of his/her interest in taking the examination by submitting a letter of interest no later than 10 calendar days after the promotion announcement. This time period may be extended at the discretion of the Appropriate Authority. Failure to submit a timely letter of interest will make an officer ineligible to participate in the promotional process.

C. Where two or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-129, or to a resident of the Township of Berlin over a nonresident pursuant to N.J.S.A. 40A:14-122.6.

D. The Appropriate Authority shall make all department promotions and may appoint a reviewing committee to assist in the process.

E. Promotional testing procedure. The promotional testing procedure for the Berlin Township Police Department shall consist of a written examination (and/or narrative) and an oral examination in which all candidates will be given the same questions, a review of the candidates' service record, education, merit and experience.

(1) Written examination.

(a) The written test shall be supplied professional testing company, professional law enforcement organization or such other written examination approved by the Appropriate Authority. The written examination shall be given and supervised by the Chief of Police or his/her designee.

(b) To proceed to the oral portion of the examination procedure, a candidate must achieve a score of at least 70%. Candidates will be notified in writing of their grades on the written portion of the exam by the Chief of Police or his/her designee.

(2) Oral examination.

(a) Candidates who achieved a minimum qualifying score (70%) on the written examination will be permitted to sit for an oral examination by the Appropriate Authority or its designee.

(b) The oral examination shall focus on leadership and management skills, knowledge of police practices and procedures, knowledge of the laws applicable to police work, knowledge about Berlin Township and its form of government, knowledge of the Police Department Ordinance, and knowledge of N.J.S.A. 40A:14-118. The reviewing committee shall grade each candidate on a one-hundred-point scale. The Appropriate Authority, or its designee, shall be present at this step.

(c) The Appropriate Authority, or its designee, shall grade each candidate's oral interview on a 100 point basis. In order to proceed to the final portion of the promotional process, a candidate must achieve a score of at least 70 %.

(3) Personal Interview.

Candidates may be interviewed by the Chief of Police and/or the Appropriate Authority, or its designee.

(4) Record review.

(a) Candidates that successfully achieve a score of 70% on the written examination or written submission and 70% on the oral examination shall proceed to the next step in the promotional process, the review of service record.

(b) The reviewing committee shall examine the length and merit of candidate's service. The examination process shall give specific weight to performance evaluations, experience, military service, demonstrated leadership ability, education and disciplinary history.

(c) The weight or percentage of each portion of the process shall be as follows:

[1] Sergeant.

Type	Weight (percentage)
Written test	30%
Oral exam	30%
Performance evaluations	20%
Leadership evaluation	10%
Experience	5%
Education	5%

Associates degree or 60 college credits = 2.5%

Bachelors degree = 5%

Two years of active-duty military experience (including Coast Guard) or six years' Reserves or National Guard can be substituted for Associates Degree or 60 college credits, if honorably discharged.

If Associates Degree or 60 college credits and two years of active-duty military experience (including Coast Guard) or six years' Reserves or National Guard will be worth 5%, if honorably discharged.

Discipline shall be a minus depending on seriousness and timeliness of the infractions.

[2] Lieutenant.

Type	Weight (percentage)
Written test or submission	20%
Oral exam	20%
Interview with Appropriate Authority	20%
Performance evaluations	20%
Leadership evaluation	10%
Experience	5%
Education	5%

Associates degree or 60 college credits = 2.5%

Bachelors degree = 5%

Two years of active-duty military experience (including Coast Guard) or six years' Reserves or National Guard can be substituted for Associates Degree or 60 college credits, if honorably discharged.

Associates Degree or 60 college credits and two years of active-duty military experience (including Coast Guard) or six years' Reserves or National Guard will be worth 5%, if honorably discharged

Discipline shall be a minus depending on seriousness and timeliness of the infractions.

F. The review committee shall rank each candidate based on the total score as outlined above. The candidates shall then be ranked from the highest to lowest based on score. The list shall include the candidates' names and the final scores.

G. The results of the promotional process with the final scores of the candidates and any other information that may be pertinent shall be submitted to the Appropriate Authority, which shall make the final promotional decision.

H. Test results shall remain valid for a period of two years and subsequent promotions may be made based upon these test result. However, the Township may call for a new promotional process at any time.

§ 22-6. Discipline.

A. No Discipline Without Just Cause.

Pursuant to N.J.S.A. 40A:14-147, and except as otherwise provided by law, no permanent member of the Police Department shall be removed from office, employment or position for political reasons or for any cause other than incapacity, misconduct or disobedience of the rules and regulations established for the government of the Police Department, nor shall such member be suspended, removed, fired or reduced in rank from or in office, employment or position therein, except for just cause or as otherwise provided in this section.

B. Preliminary investigation.

(1) Upon an allegation of wrongdoing made by a citizen or another officer against any officer of the Police Department, the allegations of wrongdoing shall be investigated in accordance with the “Internal Affairs Policy and Procedures” of the Police Management Manual promulgated by the Police Bureau of the Division of Criminal Justice in the Department of Law and Public Safety, which are hereby adopted.

(2) These guidelines shall be applied and followed consistent with any with any applicable tenure or civil service laws, and shall not supersede any provisions relating to internal affairs investigations contained in any collective bargaining agreement.

(3) After completion of the investigation, if the investigating officer believes that there is sufficient cause to file a formal complaint, he/she shall prepare a written report, together with all supporting documentation, which shall be forwarded to the Chief of Police.

C. Review by Chief of Police.

(1) If, after reviewing said report and supporting documentation, the Chief of Police believes that sufficient cause exists to file a formal complaint, the Chief shall prepare and serve said formal complaint, specifying a time, date and place for a hearing within the time limits and as required in N.J.S.A. 40A:14-147.

(2) Consistent with the Attorney General’s Internal Affairs Policy and Procedures Guidelines, the Appropriate Authority shall be provided with a copy of the report summarizing the nature and disposition of all internal affairs investigations upon their completion. These reports, and the information contained therein, shall be deemed confidential and shall not be released except as permitted by law.

D. Hearing.

(1) At the time and place fixed for such hearing, the hearing officer shall receive evidence concerning the charges and shall afford the accused an opportunity to be heard, to cross-examine witnesses appearing in support of the charges, to present evidence on his own behalf, to be represented by counsel and, in general, permit the accused every opportunity to provide his defense.

(2) The hearing officer shall have the power to hear and determine the charge or charges against the officer. The hearing officer shall have the power to subpoena witnesses and documentary evidence, which said subpoena may be enforced by the Superior Court in accordance with N.J.S.A. 40A:14-148.

(3) A verbatim transcript shall be made of said hearing, the cost of which shall be paid by the Township.

E. Hearing officer.

(1) The hearing officer shall be an independent third party appointed by the Appropriate Authority.

(2) The hearing officer shall make findings of fact and recommendations in within 30 days of the date of the close of evidence. The hearing officer shall decide the guilt or innocence of the accused based on a preponderance of the evidence. The decision of the hearing officer shall be set forth in a detailed report, including specific findings of fact. In the event that the guilt of the accused is established, the report shall contain a detailed explanation for any suggested penalty, including a discussion of any aggravating or mitigating factors.

F. Appropriate Authority's Determination.

(1) Within 30 days of the date of the receipt of the hearing officer's report, the Appropriate Authority will issue the final decision, which may affirm, modify or reject the report of the hearing officer.

(2) In the event that the officer is found guilty of any charges, the Appropriate Authority shall impose a penalty which may include any of following:

(a) Removal from office as a member of the Police Department and employee of the Township.

(b) Reduction in rank.

(c) Suspension from duty without pay for any period not to exceed six months.

(d) Suspension with pay for any period.

(e) Public Reprimand.

(f) Private Reprimand.

(g) Restitution for loss of property or costs of investigations or other actions.

(h) Fines.

(i) Any of the above penalties singly or in combination with each other.

(3) In the event that the hearing officer determines that the accused is not guilty of all of the offense(s) charged, that charge(s) will be dismissed and the accused shall be reinstated, and if the accused had been suspended without pay, any back pay accrued during the period of suspension shall be paid to the accused, less any funds earned by the officer from other sources during the time of his/her suspension.

G. Appeals.

Any member of the Police Department who has been convicted after any hearing offenses may seek review of the conviction in the Superior Court pursuant to N.J.S.A. 40A:14-150.

H. Suspension of officer charged with offense.

(1) Notwithstanding any other provision of this section, pursuant to N.J.S.A. 40A:14-149.1, whenever an officer of the Township Police Department is charged under the laws of this state, another state or of the United States with an offense, the police officer may be suspended from performing his/her duties with pay until the case is disposed of at trial, until the complaint is dismissed or until prosecution is terminated.

(2) If a grand jury returns an indictment against the officer or the said officer is charged with an offense which is a high misdemeanor or which involves moral turpitude or dishonesty, the officer may be suspended from his duties without pay until the case against him is disposed of at trial, until the complaint is dismissed or until the prosecution is terminated.

(3) If a suspended police officer is found not guilty at trial of all charges, all charges are dismissed or the prosecution is terminated completely, the officer

shall be entitled, as required by N.J.S.A. 40A:14-149.2, to recover all pay withheld during the period of suspension, subject to the results of any disciplinary proceeding or administrative action instituted pursuant to this section.

(4) If any municipal police officer is suspended with pay and is found guilty of the charges brought against him, the police officer shall reimburse the Township for all pay received by him during the period of his suspension according to N.J.S.A. 40A:14-149.3.

I. Alternative Procedures.

(1) In the event that the Chief of Police suffers from incapacity, or has committed misconduct or disobedience of the rules and regulations established for the government of the Police Department, the Appropriate Authority shall act as the charging official and may file disciplinary charges as permitted by law.

(2) The Appropriate Authority may appoint an investigator, who need not be a member of the Police Department, to conduct an investigation. All members of the Police Department and all other Township employees shall cooperate with the investigation.

(3) Any hearing of the charges against the Chief of Police shall be heard by a hearing officer in the manner set forth in Paragraph E above. The disposition of the matter, including the imposition of any penalty, shall be made by the Appropriate Authority.

§ 22-7. Salaries. [NO CHANGE]

§ 22-8. Employment other than regularly assigned working hours. [NO CHANGE]

§ 22-9. Required training course; probationary status.

A. All members of the Police Department shall successfully complete the Basic Police Training course given at an academy or facility approved by the New Jersey Police Training Commission pursuant to N.J.S.A. 52:17B-66 et seq.

B. The Appropriate Authority may waive the attendance of a police training academy for those applicants who have previously been certified as a municipal police officer by the New Jersey Police Training Commission and if satisfactory certification of previous accredited schooling under the Mandatory Police Training Act of the State of New Jersey is presented. The Appropriate Authority may permit an applicant to undergo a modified course of training with the prior approval of the New Jersey Police Training Commission of such training Police officers hired pursuant to this section shall be classified as probationary employees with the Police Department for a period of one year from the date of hire.

C. During the period of required training, the employee shall hold the rank of probationary officer. Employees shall be entitled to a leave of absence with pay during the period of the police training course. Following the completion of an employee's

police training course, he/she shall be classified as a probationary employee with the Police Department for a period of one year.

D. Probationary officers will be evaluated on a monthly basis throughout the entire period of their probation in an effort to determine their suitability for continued employment. Probationary employees will be advised of their progress and counseled when necessary in an effort to correct any deficient performance or behavior.

E. No later than 30 days before the expiration of an officer's probationary period, the Chief of Police shall submit a written evaluation of the officer to the Appropriate Authority regarding the fitness of the officer for permanent employment. The Appropriate Authority may retain the employee, dismiss the employee, or with the agreement of the employee, extend the probationary period for an additional six months, at which time the Chief of Police shall reevaluate the probationary officer and submit a written evaluation no later than 30 days before the expiration of the extended probationary term. The Appropriate Authority shall either retain or dismiss the employee.

F. Notwithstanding the foregoing provisions, the Chief of Police may recommend the dismissal of a probationary officer at any time if he/she believes that the officer does not have the ability, aptitude or willingness to adequately perform the duties of Berlin Township police officer. The Appropriate Authority may accept the Chief of Police's recommendation and terminate the officer or may decide to continue the officer's employment on a probationary basis.

G. Whenever the Chief of Police recommends the dismissal of a probationary officer, the probationary officer shall be given a copy of the Chief of Police's evaluations and shall be permitted to present his/her response to the Appropriate Authority within 10 days of receipt of the evaluation. The response may either be written or given orally, at the discretion of the Appropriate Authority.

H. All non-sworn employees of the Police Department shall serve a probationary period of six months before becoming regular employees.

I. Probationary employees will be evaluated on a monthly basis throughout the entire period of their probation in an effort to determine their suitability for continued employment. Probationary employees will be advised of their progress and counseled when necessary in an effort to correct any deficient performance or behavior.

J. No later than 30 days before the expiration of a non-sworn employee's probationary period, the Chief of Police shall submit a written evaluation of the employee to the Appropriate Authority regarding the fitness of the employee for regular employment. The Appropriate Authority may retain the employee, dismiss the employee, or with the agreement of the employee, extend the probationary period for an additional six months, at which time the Chief of Police shall reevaluate the probationary employee and submit a written evaluation no later than 30 days before the expiration of the

extended probationary term. Thereafter, the Appropriate Authority shall either retain or dismiss the employee.

K. Notwithstanding the foregoing provisions, the Chief of Police may recommend the dismissal of a probationary employee at any time if he/she believes that the officer does not have the ability, aptitude or willingness to adequately perform the duties of the employee. The Appropriate Authority may accept the Chief of Police's recommendation and terminate the employee or may decide to continue the employee on a probationary basis.

L. Whenever the Chief of Police recommends the dismissal of a probationary employee, the probationary employee shall be given a copy of the Chief of Police's evaluations and shall be permitted to present his/her response to the Appropriate Authority within 10 days of receipt of the evaluation. The response may either be written or given orally, at the discretion of the Appropriate Authority.

M. None of the foregoing provisions shall be construed as providing any employee with tenure status.

§ 22-10. Oath or affirmation.

Every member of the Police Department and special police officers, before entering upon the performance of their duties, shall take and subscribe an oath or affirmation to bear true faith and allegiance to the government established in this state under the authority of the people, to support the Constitution of the United States and the Constitution of the State of New Jersey and to faithfully, impartially and justly discharge and perform all the duties of their offices, which oaths or affirmations shall be filed with the Township Clerk.

§ 22-11. Special Emergency Directives.

Pursuant to N.J.S.A. 40A:14-118, the Appropriate Authority shall have the authority to issue special emergency directives for the management, operation and discipline of the Police Department and its members and to promote the health, safety and welfare of the residents of the Township of Berlin. For the purposes of this section, an "emergency" means any sudden, unexpected or unforeseeable event requiring the immediate use or deployment of law enforcement personnel as shall be determined by the Appropriate Authority, the Chief of Police or such other officer who has been given the authority of designating an "emergency" within or effecting the Township of Berlin.

§ 22-12. Applicability of Policies and Procedures Manual of the Township of Berlin.

The provisions of the Berlin Township Policies and Procedures Manual, as amended, shall apply to all members and employees of the Berlin Township Police

Department. In the event that the provisions of this Chapter, the Rules and Regulations of the Berlin Township Police Department, any applicable collective bargaining agreement or any federal or state law provide greater or more liberal benefits to the member of the Police Department, those provisions shall be applied.

§ 22-13. Off Duty Employment by Police Officers.

A. Off-duty employment is any employment or position that will not require the use, or potential use of law enforcement powers by the off-duty employee.

B. Sworn police officers may engage in off-duty employment, subject to the restrictions or limitations stated herein, that (1) is not law enforcement in nature; (2) does not require the use of police powers as a condition of employment (3) presents no potential conflict of interest with the officer's responsibilities as a law enforcement officer and (4) is not performed during assigned hours of duty. Some examples of employment representing conflicts of interest are:

1. Process servers, repossessions, bill collectors, towing of vehicles, collection of monies or merchandise for private purposes.

2. Personnel investigations for the private sector or any employment, which might require the police officer to access police information, files, records, services as condition of employment or use such thereof.

3. Appearing in uniform during the performance of tasks other than that of police nature.

4. Assisting, in any manner, in the case preparation for the defense in any criminal proceeding.

5. Conducting activities for a business or labor group that is on strike.

6. Working in occupations that are regulated by, or that must be licensed through the police department.

7. Employment that constitutes a threat to the status or dignity of the police department or law enforcement, such as:

a. Establishments that sell sexually explicit books, magazines, sexual devices, videos, cd's, or services of a sexual nature.

b. Any groups dedicated to racist, ethnic or gender related beliefs or philosophies.

C. Sworn police officer wishing to engage in regular off-duty employment will submit a memo to the Chief of Police through the proper and established chain of

command and receive permission from the Chief of Police (or his designee) to engage in regular off-duty employment. The memo shall contain:

1. The name, address, telephone number, email address and business website of the employer.
2. The nature of the work performed.
3. The officer's off duty work schedule, including the days and hours worked.
4. Such other information as the Chief of Police may require.

D. Eligibility for Off Duty Employment.

1. Members of the Police Department are eligible to accept off duty employment only during periods when they are not assigned to regular duty and at times when such off duty employment will not interfere with the efficient performance of their regularly scheduled police duties. The Chief of Police or his/her designee shall monitor all off duty employment to ensure that the Township's interests are protected.

2. To be eligible for off duty employment, a sworn officer must be in good standing with the Department. Officers who have not completed their probationary periods or who are on medical or disability leave are not eligible for extra-duty assignments.

3. The following conditions apply to off-duty employment:

a. Sworn officers may work no more than four hours of extra-duty work in a work day while working a normal 12 hour shift. Sworn officers may work no more than 8 hours of extra-duty work in a work day while working a normal 8 hour shift. At no time are sworn officers permitted to work more than 16 hours in a 24 hour period

b. Sworn officers assigned to extra-duty work may be subject to a recall for regular duty at any time and shall immediately leave the extra-duty assignment and shall respond as required by the Department of Police.

4. The Chief of Police shall include in his/her monthly report to the Appropriate Authority information about the off duty work of members of the Department.

5. A member of the Department may be required to limit or terminate off duty employment if the Chief of Police determines that the off-duty employment interferes with or threatens the status and dignity of the Department or ability of the member to perform his/her duties as a sworn police officer.

SECTION 2: The Table of Contents of Chapter 22 shall be amended to add a new "Section 22-1.1 – "Chain of Command"; "Section 22-5.1 – Promotions"; "Section 22-9 – "Required training course; probationary status"; "Section 22-10 – Oath or affirmation"; "Section 22-11 – Special Emergency Directives"; "Section 22-12 – Applicability of Policies and Procedures Manual of the Township of Berlin"; and "Section 22-13 – Off Duty Employment by Police Officers."

SECTION 3: Except as set forth in Sections 1-2 above, the balance of Chapter 22 shall not be affected by this Ordinance.

SECTION 4: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 6: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Introduced: October 24, 2011

Adopted:

Notice is hereby given that the foregoing Ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Berlin, Camden County, New Jersey on October 24, 2011 and the same was ordered published pursuant to statute. Said ordinance will be further considered for final adoption at a meeting of the Mayor and Council of the Township of Berlin on November 21, 2011 at 6:30 p.m. at the Berlin Township Municipal Hall, 135 Route 73 South, West Berlin, NJ.

Catherine Underwood
Township Clerk