

**ORDINANCE 2013-10 AMENDING ORDINANCE 2011-13 OF THE TOWNSHIP
OF BERLIN, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY,
RELATING TO CHAPTER 40 OF THE CODE OF THE TOWNSHIP OF
BERLIN ENTITLED “POLICE DEPARTMENT”**

WHEREAS, Chapter 40 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, on November 21, 2011 the Township adopted Ordinance No. 2011-13 amending Chapter 40 of the Township Code; and

WHEREAS, the Governing Body has, consistent with the authority vested in it pursuant to N.J.S.A. 40A:14-118, determined that it is necessary to amend Ordinance No. 2011-13; and

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: Section 40-5(D) as set for in Ordinance 2011-13 is hereby amended, revised and supplemented to read as follows:

§ 40-5. Chief of Police.

D. 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, unless waived by the Appropriate Authority, 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) Unless waived by the Appropriate Authority, 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) Where a written examination is given, a candidate must achieve a score of at least 70% to proceed to the oral portion of the examination

procedure. 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) When a written test is given, 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% (30% in event written examination is waived)

Type	Weight (percentage)
Interview with Appropriate Authority	20% (30% in event written examination is waived)
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.

SECTION 2: Section 40-7 as set for in Ordinance 2011-13 is hereby amended, revised and supplemented to read as follows:

§ 40-7. 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, unless such written examination or submission is waived by the Appropriate Authority for good cause. 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), unless waived by the Appropriate Authority for good case, 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, unless waived for good cause. The written examination shall be given and supervised by the Chief of Police or his/her designee.

(b) Where a written examination is given, a candidate must achieve a score of at least 70%. to proceed to the oral portion of the examination procedure. 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) Where a written test is given, 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% (50% in event written examination is waived)
Performance evaluations	20% (30% in event written examination is waived)
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% (30% in event written examination is waived)

Type	Weight (percentage)
Interview with Appropriate Authority	20% (30% in event written examination is waived)
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.

SECTION 3: Except as set forth in Sections 1 and 2 above, the balance of Ordinance 2011-13 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 August 5, 2013

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 August 5, 2013 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 September 9, 2013 at 6:30 p.m. at the Berlin Township Municipal Hall, 135 Route 73 South, West Berlin, NJ.

Catherine Underwood
Township Clerk