

ORDINANCE 14 - 19

AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING BOROUGH CODE CHAPTER 4, ADMINISTRATION OF GOVERNMENT, REGARDING SECTION § 4-14, POLICE DEPARTMENT

WHEREAS, the Mayor and Council for the Borough of Mount Arlington reviewed and desires to amend and supplement Borough Code Chapter 4, Administration of Government, regarding section §4-14, Police Department.

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that the Borough Code Chapter 4, Administration of Government, is hereby amended and supplemented to read in its entirety as follows:

Chapter 4 ADMINISTRATION OF GOVERNMENT

§ 4-14. Police Department.

- A. Establishment. There shall be a Police Department in the Borough which shall consist of a Chief of Police, one (1) Lieutenant, four (4) Sergeants and nine (9) patrolmen and may include more officers as deemed necessary by the Mayor and Council to properly preserve peace and good order in the Borough. [Amended 7-16-1986 by Ord. No. 86-9; 5-16-2001 by Ord. No. 01-08; 8-22-2005 by Ord. No. 18-05; 4-14-2008 by Ord. No. 05-08]
- B. Appointment; control. The officers and members of the Police Department shall be appointed by the Mayor with the advice and consent of the Council. The Council shall designate the office to be filled and the salary to be paid. The Chief of Police shall report to the Mayor and Council through the Borough Administrator. The police officers serving under the Chief of Police shall report directly to the Chief of Police. Pursuant to N.J.S.A. 40A:14-118, the Mayor and Council are hereby designated as the appropriate authority to adopt and promulgate rules and regulations for the government of the force and for the discipline of its members. [Amended 9-21-1988 by Ord. No. 88-10]
- C. Qualifications. No person shall be appointed to the Police Department unless that person shall:
- (1) Be a citizen of the United States.
 - (2) Be a resident of New Jersey.
 - (3) Be not more than 35 years or less than 18 years of age, except as otherwise provided by law.
 - (4) Be sound of body and mind and of good health, sufficient to satisfy the board of trustees of the police and firemen's retirement system of New Jersey that he or she is eligible for membership in the retirement system.
 - (5) Be able to read, write and speak the English language well and intelligently.1
 - (6) Be of good moral character and not have been convicted of an indictable offense or of a crime involving moral turpitude.
 - (7) Submit to an oral examination to be conducted in accordance with the Rules and Regulation for the governance of the Borough's Police Department.

- (8) Has earned at least an associate's degree, or at least sixty (60) credits from an accredited four (4) year college or university, with a concentration in police science, public safety administration, political science, criminal justice or a related field prior to the date of appointment.

D. Probationary and permanent appointments.

- (1) All appointments to the position of patrolman shall be made from among persons who possess the qualifications set forth in Subsection C.
- (2) Each appointee shall serve a twelve-month probationary period, and during such period his/her appointment shall be subject to revocation at any time without cause or hearing. The probationary period may be extended to a maximum of eighteen (18) months in order for the appointee to successfully complete a police training course as prescribed by law. No person shall receive or accept a permanent appointment unless he or she has successfully completed the course. On the expiration of the probationary period, if all conditions and standards are met, appointment shall be made to the position of patrolman.

E. Oath of allegiance. Before entering upon the performance of his/her duties each member of the Police Department shall take and subscribe an oath to bear true faith and allegiance to the government established in this state, to support the Constitutions of the United States of America and the State of New Jersey and to discharge faithfully, impartially and justly all the duties of his office. The oath of affirmation shall be filed with the Clerk.

F. Continuation of duty. The permanent members of the Police Department shall hold their offices and employment during good behavior and efficiency, and no person shall be removed from office or employment for political reasons or for any cause other than incapacity, misconduct or disobedience of just rules and regulations established for the Department, and then only on written charges and hearing in accordance with law, provided that any member of the Department who is absent from duty without just cause for a period of five (5) days continuously shall at the expiration of such time cease to be a member of the Police Department.

G. Powers and duties. The powers and duties of the officers and members of the Police Department shall be as prescribed by the laws of the state, the ordinances and resolutions of the Borough and such rules and regulations as may now or hereafter be adopted by resolution for the government and discipline of the Department. All members of the Department shall have the power to serve and execute all processes issued by the Municipal Judge.

H. Detective Division.

- (1) There is hereby established within the Police Department of the Borough of Mount Arlington a branch or division which shall be known as the "Detective Division." Said Division shall consist of such superior officers and patrolmen who are members of the Borough Police Department as may be necessary for the efficient operation of the Division.
- (2) Members of the Borough of Mount Arlington Police Department may be assigned to and reassigned from the Detective Division by the Chief of Police with the approval of the governing body. Assignment to and reassignment from the Detective Division shall in no way affect the existing status, title, seniority or rights of such members of the Police Department so assigned or reassigned; nor shall the creation of the Detective Division and the assignment of members of the Police Department thereto constitute the creation of a new office or rank within the Police Department. [Amended 5-7-2007 by Ord. No. 08-07]

- (3) The Detective Division shall be in charge of all investigative activities of the Police Department under the direction of the Chief of Police and shall be responsible to and receive orders only from the supervisor assigned to oversee the Detective Division, or in his/her absence or incapacity, the Chief of Police. **[Amended 5-7-2007 by Ord. No. 08-07]**
- (4) The Detective Division shall be charged with such duties and responsibilities and shall perform such functions as may be prescribed by the department regulations enacted by the Mayor and Council.

I. Police manual and rules and regulations. There is hereby adopted by the Mayor and Council of the Borough of Mount Arlington for the purpose of adopting a police manual and rules and regulations for the operation, government and discipline of the Police Department of the Borough of Mount Arlington, that certain manual entitled "Police Manual and Rules and Regulations for the Operation, Government and Discipline of the Police Department of the Borough of Mount Arlington," three (3) copies of which manual have been and now are filed in the Office of the Clerk of the Borough of Mount Arlington, and the same is hereby adopted and incorporated as fully as if set out at length herein, and shall take effect from the date of this chapter.

- (1) The aforesaid manual entitled "Police Manual and Rules and Regulations for the Operation, Government and Discipline of the Police Department of the Borough of Mount Arlington," when adopted, shall be posted by the Chief of Police within five (5) days of the adoption of this chapter in the Municipal Building on the bulletin board assigned to the Police Department, and a copy thereof shall be delivered to each and every member of the Department within five (5) days after the adoption thereof and/or any amendment or repeal thereof. Each member of the Police Department shall, within thirty (30) days from the delivery thereof, acknowledge that he or she has received a copy thereof, has read the same and is familiar with the content thereof.
- (2) The manual herein may from time to time be amended and portions thereof repealed by resolutions and/or ordinances of the Mayor and Council of the Borough of Mount Arlington as provided by law.
- (3) If any clause, sentence, subdivision, paragraph, section or part of said Police Manual and Rules and Regulations for the Operation, Government and Discipline of the Police Department of the Borough of Mount Arlington be adjudged by any court of competent jurisdiction to be invalid, said judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subdivision, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

J. Suspensions; fines; demotion; removal from office. **[Amended 9-21-1988 by Ord. No. 88-10; 5-7-2007 by Ord. No. 08-07]** No permanent officer of the Police Department shall be removed from office, employment or position, or suspended, removed, fined or reduced in rank except in accordance with state law, at N.J.S.A. 40A:14-147.

K. Private employment of off-duty police officers. **[Amended 11-21-1988 by Ord. No. 88-13]**

- (1) Any request for a police officer to attend at a private gathering or to provide traffic assistance to a private business shall be made to the Chief of Police.
- (2) The Chief of Police, at his/her discretion, may assign members of the Police Department not on regular duty to perform such work. While performing work for a private individual or business, the police officer so assigned shall be under the supervision and control of the Chief of Police and superior officers of the Police Department and shall be subject to the provisions of this chapter and the rules and regulations applicable to the Department. In determining whether to

assign a member of the Police Department to private employment, the Chief of Police shall consider the Borough's own manpower needs and the appropriateness of the work for a police officer.

- (3) For their services, each police officer so employed shall be compensated at a rate equal to one and one-half (1 1/2) times the officer's regular hourly rate as established by the borough in its salary ordinance. The person or business requesting the services shall pay the required fee to the Borough, which will in turn pay the officer. In addition to the officer's pay, the person or business requesting the services shall include in the amount paid to the Borough an administrative fee equal to sixteen percent (16%) of the officer's pay to compensate the Borough for the expense of administering this program, including the costs of social security payments, workmen's compensation payments, payroll and overhead. All monies received pursuant to this section shall be deposited into and disbursed from an escrow account specifically designed for this purpose. **[Amended 5-7-2007 by Ord. No. 08-07]**
- (4) The Chief of Police shall recommend to the Mayor and Council for inclusion in the police manual such further rules and regulations governing the employment of off-duty police officers as the Chief of Police shall deem necessary for the effective operation of this program.
- (5) Any person or entity requesting police services under this section must first execute an indemnity and proof of insurance agreement in a form approved by the Borough Attorney, Borough Mayor and Council and the Chief of Police.

L. Promotions of Police Chief. **[Added 12-22-2008 by Ord. No. 21-08]** Pursuant to the authority of the Mayor and Council of the Borough of Mount Arlington to establish the position of the Police Chief for the Mount Arlington Police Department, once the Mayor and Council of the Borough of Mount Arlington have certified by resolution that the position of Chief of Police is vacant and will be filled, a notice shall be posted on the bulletin board of the Police Headquarters and the Mayor and Council shall implement the procedures contained herein below:

- (1) In order to be considered for the rank of Police Chief the officer may be a member of the Mount Arlington Police Department and hold the rank of Sergeant or above for a minimum of one (1) year. A Bachelor's degree, Master's degree is preferred. Preference given to hiring from within the Police Department.
- (2) All candidates for promotion to the rank of Police Chief must successfully complete the psychological examination conducted by a psychiatrist or psychologist or by a professional psychological service organization appointed by the Mayor and Council of the Borough of Mount Arlington.
- (3) Psychological testing will be conducted for objective suitability traits and attributions. Testing shall relate to motivation, intelligence, team compatibility, endurance, social judgment, stress tolerance, self control and emotional stability. Candidates shall be evaluated for supervisory potential, ability to analyze the management role, as well as leadership and attitudes towards directing and disciplining former peers.
- (4) The test shall be scored on a pass/fail basis as to suitability with evaluation reports and ranking order of candidates which shall be provided to the Mayor and Council.
- (5) All candidates for promotion to the rank of Chief must successfully complete an oral examination conducted by an outside testing agency appointed by the Mayor and Council of the Borough of Mount Arlington. A standardized interview will be conducted by the outside testing agency (i.e. State Chiefs of Police Association) by a Board of three (3) examiners at least one (1) of which will be a Personnel Evaluator from the outside testing agency. None will be an officer, employee, resident or relative thereof, of the Borough of Mount Arlington.
- (6) Each candidate's performance will be rated on a standardized form and a score for the interview will be derived. A report of those scores will be reviewed with these determinations:

acceptability, Yes or No; point score for each candidate. The weight of the raw score on the oral test will equal thirty percent (30%) of the overall evaluation score of the candidate. Training and education shall equal thirty percent (30%) of the overall evaluation score of the candidate. Time in service with the Mount Arlington Police Department shall equal twenty (20%) percent of the overall evaluation score of the candidate. In a case of a tie breaker between applicants, seniority shall be used to make the final determination. See N.J.S.A. 40A:14-129.

- (7) The Mayor and Council shall select a Chief from among all eligible candidates.
- (8) Interviews may be conducted by the Mayor and Council to help in the selection, in which case all eligible candidates will be interviewed. The Borough Administrator and Police Chief may be present to assist. The interview shall equal twenty percent (20%) of the overall evaluation score of the candidate.
- (9) The Mayor and Council shall consider all testing, experience, and other information. Throughout the course of the testing, the Mayor and Council will be provided the periodic results. The selection will be made by secret ballot of the governing body. A majority vote will prevail. There will be no veto power.
- (10) A probationary period of one (1) year shall be served.

M. Promotional process for Sergeant and Lieutenant. The following criteria shall be used to determine eligibility for promotion to the rank of Sergeant and Lieutenant:

- (1) Sergeant: Must have a minimum of five (5) years experience, including probation, as a Police Training Commission certified police officer. All candidates must have an associate's degree or at least sixty (60) credits from an accredited four (4) year college or university with a concentration in police science, public safety administration, political science, criminal justice or a related field required to be completed by December 31, 2017.
- (2) Lieutenant – Must have obtained rank of Sergeant. All candidates must have an associate's degree or at least sixty (60) credits from an accredited four (4) year college or university with a concentration in police science, public safety administration, political science, criminal justice, or a related field. Bachelor's degree preferred.

A potential Sergeant and Lieutenant candidate's years of service and/or years in present rank for eligibility purposes must be met as of the date of the notice of a promotional examination is posted. There shall be no exception to this requirement.

All promotions to Sergeant and Lieutenant shall be made from the membership of the Borough of Mount Arlington Police Department, provided that the candidate meets the eligibility requirements of this section and successfully completes the examination process as contained herein.

Sergeant and Lieutenant promotional process: At least forty five (45) days prior to the date an oral question and answer examination is scheduled, a notice shall be posted at the Police department that will set forth the following:

- 1) The position available through promotion.
- 2) The date the examination will be conducted.
- 3) The location of the examination.
- 4) The time the examination will begin.
- 5) A list of study materials.

Furthermore, the promotional process shall adhere to all requirements as set forth in Borough of Mount Arlington Police Policies and Procedures Promotional Process (Volume I and Chapter 5)

N. College Reimbursement.

- (1) For officers hired prior to February 1, 2012, the Borough will reimburse an officer for up to twelve (12) credits per year of Undergraduate or Graduate classes, with a grade of "C" or better, at a cost not exceeding the "Rutgers University" resident rate, and for the cost of all course required textbooks. Reimbursement shall be for class enrollment and course required textbooks only. No reimbursement for travel, meals or any other expenses including study materials and supplies will be considered. Any application fee(s) required to be paid by the officer as a prerequisite to being accepted as a student at the college or university, but not for a specific course, will be the responsibility of the officer.

Provided the officer has obtained a grade of "C" or better, the officer shall be reimbursed by the Borough for approved college tuition expenses within thirty (30) days of submitting proof of final grade. Any officer who accepts reimbursement from the Borough must remain employed with the Borough of Mount Arlington for at least two (2) years after completing his/her last class. Officers will be required to refund one hundred percent (100%) of the fees paid for classes and expenses presently enrolled or previously taken with two (2) years if he/she voluntarily leaves the employment of the Borough of Mount Arlington during the course or within two (2) years of completing the course with the exception of retirement.


SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 3. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

SECTION 4. This Ordinance shall take effect upon final publication as provided by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on November 6, 2019 and will be further considered after a Public Hearing held on December 3, 2019 at the Municipal Building at 10:00 A.M.

ATTEST:



Lizbeth Dwyer
Acting Borough Clerk

BOROUGH OF MOUNT ALRINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY



Michael Stanzilis
Mayor