ORDINANCE 07-2016

CITY OF ABSECON

AN ORDINANCE AMENDING THE CODE OF THE CITY OF ABSECON CHAPTER 69 – POLICE DEPARTMENT

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF ABSECON CITY, NEW JERSEY that Chapter 69 – Police Department be amended as follows:

ARTICLE I. GENERAL PROVISIONS

§69-1. Department Established.

There is hereby created in and for the City of Absecon, in the County of Atlantic and State of New Jersey, a Police Department. The Absecon City Police Department may consist of a Chief of Police, a Captain, Lieutenants, Sergeants and Police Officers. In addition, the Police Department may employ Special Police Officers, Crossing Guards, Police Matrons and other personnel to assist its officers in preserving the peace and good order in the City. Personnel shall be appointed from time to time by the Mayor and for which City Council has approved by budget appropriation.

§69-3C Designation of Appropriate Authority.

In Accordance with N.J.S.A. 40A:14-118, the Mayor of the City of Absecon is hereby designated as the Appropriate Authority and is hereby vested with the powers and duties of an Appropriate Authority as delegated by law.

§69-5 Chief of Police.

There is hereby created within the Department of Police the position of Chief of Police, who shall be appointed by the Mayor. The Chief of Police shall be directly responsible to the Mayor as the appropriate authority for the efficiency and routine day-to-day operation thereof, pursuant to policies established by the appropriate authority under N.J.S.A. 40A:14-118.

A. Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel.

B. Have, exercise, and discharge the functions, powers and duties of the force.

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 force to be exercised under his direction and supervision; and

E. Report at least monthly to the appropriate authority in such form as shall be prescribed by such authority on the operation of the force during the preceding month, and make such other reports as may be requested by such authority.

§69-13 General Provisions Regarding Promotional Procedures.
[1997 Code §69-8; Ord. No. 19-00]

A. Examinations will be conducted for promotions to the rank of Sergeant with the administering of a promotional exam. The Chief of Police is responsible for administering the promotional process.

B. Only those Officers deemed eligible by these procedures will be permitted to take part in the promotional examination, (see Section **69-14** for eligibility).

C. All promotional examinations will consist of all the elements as outlined in Section **69-15** of these procedures.

D. Administration of these procedures will be in conformance with the guidelines outlined herein and in accordance with specific test rules as outlined in Section **69-16**.

E. Officers who suffer from a demotion in rank for just cause other than for budgetary reasons shall not be permitted to take a promotional examination for a period of three years beginning when the demotion took effect. Any officer demoted for disciplinary reasons, upon re-promotion shall not retain any seniority rights owing to that rank.

F. All promotions to the rank of Sergeant and above shall be subject to a six-month probation period which can be extended an additional six months at the discretion of the Mayor for just cause. Officers not successfully completing their probationary period will, for just cause, be subject to demotion to their previous rank.

G. All qualified officers will be considered for all promotions for which they are eligible without regard to race, color, religion, sex, national origin, age, marital or veteran status, politics or personal favoritism, except as may be permitted by law.

H. The written and oral examination for Sergeants will be conducted by the Examination Committee as provided for in Section **69-16** of these procedures.

§69-14 QUALIFICATIONS

A. To qualify for the Sergeants' promotional examination one must comply with the following eligibility requirements:

(1) To participate in the Sergeants' promotional process a candidate shall:

(a) Have served as a patrolman in the Absecon Police Department.

(b) Be a present member of the Absecon Police Department.

(c) Have served as a full-time member of the Absecon Police Department for at least five years continuously, next preceding the examination date.

(d) Have acquired as a minimum an Associate's Degree in Law Enforcement or 64 credits towards a Bachelor's Degree, in Criminal Justice from an accredited college or university.

(2) To participate in the Lieutenants' promotional process a candidate shall:

(a) Have served as a Police Officer in the Absecon Police Department.

(b) Be a present member of the Absecon Police Department.

(c) Have held the rank of Sergeant in the Absecon Police Department for at least three years, including acting and permanent time, which must be continuous and uninterrupted, next preceding the date of the written examination.

(d) Have acquired as a minimum an Associate's Degree in Law Enforcement or 64 credits towards a Bachelor's Degree, in Criminal Justice from an accredited college or university.

(3) To participate in the Captains' promotional process a candidate shall:

(3) To participate in the Captains' promotional process a candidate shall:

(a) Have served as a Police Officer in the Absecon Police Department.

(b) Be a present member of the Absecon Police Department.

(c) Have held the rank of Lieutenant in the Absecon Police Department for at least 2 years, including acting and permanent time, which must be continuous and uninterrupted, next preceding the date of the vacancy notice. (Note: If no current Lieutenants' meet the eligibility requirements, Sergeants' may be considered provided they meet the eligibility requirements in subsection a, b and d of this Section.

(d) Have acquired as a minimum an Associate's Degree in Law Enforcement or 64 credits towards a Bachelor's Degree, in Criminal Justice from an accredited college or university.

B. For the appointment to the position of Chief of Police, a candidate shall:

(1) Have served as a Police Officer in the Absecon Police Department for a minimum of 10 years.

(2) Be at present a sworn Police Officer in the Absecon Police Department.

(3) Have held the rank of Sergeant or above in the Absecon Police Department for a period of time not less than three years.

(4) Have acquired a minimum of a Bachelor's Degree from an accredited college or university.

§69-15 Tests and Point Allocations.

[1997 Code §69-10; Ord. No. 22-99; Ord. No. 19-00]

All tests for the position of Sergeant and point allocations shall be prepared for the Sergeants' examination and administered in accordance with the guidelines as set forth herein:

A. Written Test: Shall consist of law enforcement material related to the rank of Sergeant for the Sergeant examination. Each Officer taking the written examination must be given the exact same test. A maximum of 25 points will be allocated for the test. The allocation will be established by the Examination Committee.

B. Oral Test: Shall consist of questions prepared by the Examination Committee just prior to the time of the test. Questions must be related to the law enforcement professional and for the rank of Sergeant for a determination by the Examination Committee. Each officer taking the oral examination must be asked the same question(s). A maximum of 25 points will be allocated for the test. The allocation will be established by the Examination Committee.

C. If a candidate fails any portion of the selection process, they will not continue to the next phase. Any grade less than Seventy percent will be considered failing.

D. Evaluation – Chief of Police/Peer. Evaluations by the Chief of Police and Peers shall be in the following four areas of Officer performance (as noted in Section **69-16F**). Officers demonstrated:

(1) Knowledge
(2) Personal Traits
(3) Skills and Abilities
(4) Leadership

A Peer review is a review conducted by a candidate's peer who is not eligible for promotion. For example, for a Sergeant position, a peer review will be conducted by all officers not eligible for a Sergeant promotion. For a Lieutenant position a peer review will be conducted by all officers.

These are the four areas to be considered in evaluating the Officer's performance. For the Chief's evaluation a total of 25 points may be allocated and for the Peer evaluation a total of 20 points. The evaluations explained in this Section **69-15** are not bound to the following breakdown but rather that is presented merely as a guide. Maximum point allotment are as follows:

Chief

Excel	25 points
Acceptable	15 points
Unacceptable	0 points

Peer

Excel	
Acceptable	20 points
Unacceptable	10 points
	0 points

E. Seniority:

(1)	0-5	years	1 point
	6-10	years	2 points
	11-15	years	3 points
	16-20	years	4 points
	21-25	years	5 points

(2) A maximum of 5 points will be allocated for years of service.

F. Lieutenants' and Captains' Promotional Process

(1)In accordance with N.J.S.A. 40A:14-129, due consideration shall be given to the length and merit of service and to seniority in accordance with N.J.S.A. 40A:14-129, as amended, to any candidate for promotion to Lieutenant and Captain. Due consideration shall also be given to the recommendation of the Chief of Police and Mayor, which shall be based on the aforementioned statutory factors, and a review of the performance of the candidate(s) by the Chief of Police and the Mayor.

§69-16 Rules and Regulations for Conducting Tests.

[1997 Code §69-11; Ord. No. 19-00; Ord. No. 05-2008; Ord. No. 08-2008]

All tests for the position Sergeants shall be conducted in accordance with the following rules and regulations:

A. Promotion tests will be conducted on weekdays between the hours of 9:00 a.m. and 3:00 p.m.; preferably at a municipally owned building.

B. A notice of the test shall be posted on the Police Department bulletin board at least 30 days prior to the test date.

C. Any Officer who is eligible and wants to take the test must notify the Chief in writing at least seven days prior to the test date. The Chief shall provide a final list of all eligible applicants to the Mayor.

D. Any Officer scheduled to take a promotional test may be excused from duty for 24 hours prior to the time of the test without pay or compensatory time.

E. All employees who take the text will be allowed to see their own test and the grades received after the official results are announced and posted within 14 days of such posting.

F. Job performance evaluations will be completed by the Chief, prior to the examination. Evaluations will be compiled on the Supervisory Rating Form designed for evaluating Police Officers in determining point allocation. The Chief will base his evaluations of Officers by generally acceptable Police standards and comparison among other Officers taking the promotional examination. Standardly accepted valuation techniques, i.e., ranking paired comparisons, etc. shall be used in evaluating Officers.

G. The written and oral test will be given by the New Jersey Chief's Association Examination Committee. If for some reason the New Jersey Police Chief's Association cannot conduct the tests an impartial examination committee may be agreed upon by the Mainland PBA Local #77 and the City of Absecon to conduct the testing. It is the full responsibility of the Examination Committee to determine the content and confidentiality of the examination with the guidelines as provided for by these procedures.

H. At least two Chiefs or Examiners will be required to administer the written and oral tests. No one conducting the testing may reside or be employed in Atlantic County nor have any personal knowledge of any of the candidates taking the examination.

I. Scoring and grading of the written and oral tests results will be completed by the Examination Committee.

J. The Examination Committee will forward the test results and the grades received for the written and oral tests by sealed envelope to the Chief of Mayor within five working days of the completion of the examination.

K. The Mayor along with the Chief will take the test results which were forwarded by the Examination Committee and compute according to the point schedule established in these procedures, with all points and earned in the written and oral portions. They will add those points due each Officer according to the schedule for job performance, seniority and college achievement. The complete total or accumulated points will be the Officer's score for promotional purposes.

L. Promotions must be made according to the standing of the Officers and in the exact order of the list established by the testing. A promotional list will be valid for a period of two years from the date of the test.

M. In the event that two or more candidates achieve the same final score, a resident shall be appointed rather than a nonresident. In the event that more than one achieving the same final score is a resident or in the event that all achieving the same final score average are nonresidents, the Chief and Mayor shall have the responsibility of selecting the Officer to be promoted form among those with the same final average score, in the event that the Chief and Mayor cannot agree on the selection as indicated above, then a Committee consisting of the Mayor, Chief and three City Council members of the Public Safety Committee shall make the selection of the Officer to be promoted.

N. For all promotions to the rank of Lieutenant and Captain, the Chief of Police will serve notice on each eligible candidate. Each eligible candidate shall inform the Chief of Police within 10 days of receiving such notice of their intent to participate in the promotion process. Failure to respond to such notice disqualifies that candidate from being considered for promotion.

O. Promotions to the rank of Lieutenant and Captain must be made according to the standing of the eligible candidates in the exact order of the list established by Chief of Police and Mayor. A promotional list will be valid for a period of two years from the date establishment.

P. Within ten (10) days of the decision of the Mayor and Council on a promotion, a candidate may file a written letter of appeal. Said letter must contain the reason(s) or justification(s) for an appeal and must be submitted to the Chief of Police and Mayor. The Mayor and the Chief of Police will assess the request, and make a determination of how the request will be addressed on a case-by-case basis.

BE IT FURTHER ORDAINED that:

1. Any Ordinance or parts of ordinances, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of any such inconsistency.

2. This ordinance shall take effect upon final adoption and publication as required by Law.

DATED: April 7th, 2016

INTRODUCTION ONLY

SIGNED: _____
John R. Armstron, Mayor

INTRODUCTION ONLY

ATTEST: _____
Carie A. Crone, RMC, Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on March 17th, 2016. Laid over and advertised for public hearing and final adoption on April 7th. 2016.