

ORDINANCE 2019-07

**ORDINANCE OF THE TOWNSHIP OF WASHINGTON, COUNTY OF WARREN,
STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 30, *POLICE
DEPARTMENT*, OF THE CODE OF THE TOWNSHIP OF WASHINGTON**

WHEREAS, the Township Committee of the Township of Washington, County of Warren, State of New Jersey, desires to supplement and amend Chapter 30 of the Code of the Township of Washington in order to bring up-to-date the government and efficient working of the entire Department.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Washington, County of Warren, State of New Jersey that Chapter 30 of the Code of the Township of Washington be supplemented and amended to read as follows:

SECTION 1

§30-2 shall be amended as follows:

§30-2. Composition; probationary appointments.

Said Police Department shall consist of a Chief of Police, not more than two (2) Lieutenants, not more than six (6) Sergeants, not more than four (4) Corporals, not more than four (4) Detectives and such other regular full-time or part-time police officers as may be appointed by the Washington Township Committee. All new hires shall be for a one-year probationary period and may be dropped from the rolls or discharged at any time during said probationary period. At the termination of the one-year probationary period, all police officers so appointed shall continue in their respective employment during good behavior, efficiency and residence in the State of New Jersey. Furthermore, the Washington Township Committee may appoint a Deputy Chief of Police as a temporary position, in accordance with Section §30-8. Promotion Policy (recommendation of the Chief of Police) and upon notification of a pending retirement of the Chief of Police. The position of Deputy Chief of Police shall be for transitional purposes only. Said position of Deputy Chief of Police will not be considered a vacant position once the position of Chief of Police is filled.

§30-3 shall be amended as follows:

§30-3. Special police officers.

- A. The Township Committee may, by resolution, also appoint special police officers for terms not exceeding one year each and may revoke such appointments without cause or

hearing. Said special police officers shall exercise all powers of police officers while on duty. Their powers, rights and duties shall immediately cease at the expiration of the terms for which they were appointed or upon revocation of their appointment.

§30-4 shall be amended as follows:

§30-4. Powers and duties of department members.

- A. The Chief of Police shall be the chief executive of the Police Department, and the Chief of Police and all members of said Department shall severally perform the duties imposed upon them respectively by this chapter and by such orders, rules and regulations as may from time to time be adopted by the Township Committee of the Township of Washington.
- B. Each full-time member of the Police Department shall devote their primary time and attention to the services of the Department, with certain hours being allocated for the performance of regular tours of duty. Full-time officers are considered to be at all times available for duty and must act promptly at any time that their services are required, except when on authorized leave or in the event of disability.
- C. Each part-time member of the Police Department shall serve at such hours and in such manner as directed by the Chief of Police or such superior officer as may be designated by the Township Committee. Each part-time member may be employed by persons or organizations other than the Township of Washington and engage in outside employment, provided that the nature of the employment is not inconsistent with the position and dignity of a police officer.

§30-5 shall be amended as follows:

§30-5. Compensation.

The Township Committee shall fix by ordinance the compensation to be paid to the Chief of Police, regular police officers, special police officers and part-time police officers.^[1] The Chief of Police shall cause to be kept a register of the number of days and parts of days actually served on regular duty of each regular, special and part-time police officers.

^[1] Editor's Note: For provisions regarding compensation, see Ch. 34, Salaries and Compensation.

§30-6 shall be amended as follows:

§30-6. Continuation of employment; reasons for termination.

The members of the Police Department shall severally hold their respective offices and continue in their respective employment during good behavior, efficiency and residence in the State of New Jersey, and no member shall be removed from office or employment in the Police Department for political reasons or for any cause other than incapacity, misconduct, non-residence or disobedience of the rules and regulations established for the government and discipline of the Police Department,

provided that any member of the Police Department who shall be absent from duty without just cause for a term of five days continuously and without leave of absence shall, at the expiration of such five days, cease to be a member of the Police Department.

§30-7 shall be amended as follows:

§30-7. Requirements for appointment.

No one shall be appointed as a newly hired officer of the Police Department unless they meet the following requirements:

- A. Shall be a citizen of the United States between the ages of 21 and 35 inclusive and a resident of the State of New Jersey. The age requirement herein set forth shall not, however, apply to those persons serving as Washington Township Special Police Officers.
- B. Shall be of good reputation and sound moral character and shall not have been convicted of any crime or offenses involving moral turpitude.
- C. Shall be sound in body and of good health sufficient to satisfy the Board of Trustees of the police and firemen's retirement system of New Jersey as to his eligibility for membership in the retirement system.
- D. Shall be able to pass the standards set by the Physical Qualification Test established in the Washington Township Police Department Policy concerning the selection process for hiring new officers [16-001].
- E. Shall have normal hearing in both ears and 20/20 vision corrected.
- F. Shall have the ability to distinguish colors.
- G. Must possess a valid New Jersey auto driver's license.
- H. Shall be a graduate of high school or an equivalent institute of learning

SECTION 2

Chapter 30, *Police Department*, of the Township Code is hereby amended to create a new section 8 entitled *Promotions*.

§30-8. Promotion Policy

Promotion denotes vertical movement in the organization hierarchy from one rank classification to another, accompanied by increases in salary. Validity of the promotional process can only be accomplished through clear concise procedures. A promotional process has been developed to identify employees who possess the ability to assume greater responsibilities combined with the

necessary skills and knowledge to perform competently at a higher organizational level. This policy is established for the positions of Corporal, Sergeant, Lieutenant and Deputy Chief.

§30-8.1 Definitions:

I. Formal Disciplinary Action - Any Criminal or Departmental Charge, Rule or Regulation Violation resulting in a suspension or loss of days in lieu of a suspension.

II. Promotional Psychological Examination - A psychological Examination conducted by The Institute of Forensic Psychology or similar agency to confirm the candidate's ability to mentally and emotionally handle a promotion to an administrator level position (rank of Lieutenant or higher). *Note: This examination cannot be used to determine an individual's fitness for duty and will only be used to either confirm or deny the candidate's mental and emotional qualifications for promotion.*

§30-8.2 Procedure:

I. Eligibility

A. Desired Assignment - Corporal or Detective

1. **Who is eligible** - Patrol Officers who have completed at least five years of service (including probation) with the Washington Township Police Department. If no Officers within the Department meet the qualifications, the Township reserves the right to hire qualified individuals from outside the Department.
 - a) Candidates must have at least two continuous years of service immediately preceding the assignment with no formal disciplinary action taken.
 - b) Candidates shall have demonstrated consistent performance at or above the overall average of statistical data on all previous assignments.
 - c) There shall be no advanced educational requirement for an assignment to Corporal or Detective. However, training related to criminal investigations is preferred for candidates for assignment to Detective.
 - d) In the event that there are no eligible candidates for the assignment to Corporal or Detective due to the five years of service requirement, section 1 above may be waived.

B. Desired Rank - Sergeant

1. **Who is eligible** - Both Patrol Officers and Corporals who have completed at least five years of service (including probation) with the Washington Township Police Department.

- a) Candidates must have at least two continuous years of service immediately preceding the promotion with no formal disciplinary action taken.
- b) Candidates shall have demonstrated consistent performance at or above the overall average of statistical data on all previous assignments.
- c) There shall be no advanced educational requirement for a promotion to Sergeant.
- d) In the event that there are no eligible candidates for the promotion to Sergeant due to the five years of service requirement, section 1 above may be reduced to three years.

C. Desired Rank - Lieutenant

- 1. **Who is eligible** - Both Corporals and Sergeants who have served at least three years as a supervisor with the Washington Township Police Department.
 - a) Candidates must have at least two continuous years of service immediately preceding the promotion with no formal disciplinary action taken.
 - b) Candidates shall have demonstrated consistent performance at or above the overall average of statistical data on all previous assignments.
 - c) All candidates must have at least an associate degree **or** two (2) years of active duty military service **or** have attended some form of advanced police executive training such as the FBI National Academy or NJSACOP Command and Leadership Academy to be eligible for promotion to Lieutenant.

D. Desired Rank - Deputy Chief

- 1. **Who is eligible** - Both Sergeants and Lieutenants who have served at least five years as a supervisor with the Washington Township Police Department.
 - a) Candidates must have at least two continuous years of service immediately preceding the promotion with no formal disciplinary action taken.
 - b) Candidates shall have demonstrated consistent performance at or above the overall average of statistical data on all previous assignments.
 - c) All candidates must have at least a bachelor's degree **or** four (4) years of active duty military service **and** have attended some form of advanced police executive training such as the FBI National Academy or NJSACOP Command and Leadership Academy to be eligible for promotion to Lieutenant.

- d) All prerequisites for eligibility for promotions/assignments, including educational degree/police executive training requirements, years of service and/or years in present rank, must be met as of the date the notice of a promotional examination is posted. There shall be no exceptions to this requirement.

II. Written Examination

- A. All candidates for promotion/assignment to the assignment/rank of Corporal, Sergeant or Lieutenant shall submit to a departmental written examination.
- B. All candidates for promotion to the rank of Deputy Chief shall submit to a NJSACOP Chief Promotional Written Examination.
- C. The written examination shall be pass/fail. The purpose of the Written Examination is to assess the candidate's basic police knowledge and must be passed in order to move on to the second phase in the testing process. A score of 80% or greater shall be considered a passing score.
- D. At least sixty (60) days prior to the date a written examination is scheduled, a notice shall be posted at the Police Department that will set forth the following:
 - 1. The position currently available.
 - 2. The date that the examination will be conducted.
 - 3. The location of the examination.
 - 4. The time the examination will begin.
 - 5. A list of study materials.

III. Oral Question-and-Answer Examination/Personal Interview.

- A. A Police Promotional/Assignment Committee, consisting of the Chief of Police and Lieutenant(s), shall conduct an oral question-and-answer examination and shall interview candidates for promotion/assignment to the ranks of Corporal, Sergeant and Lieutenant. At the Chief of Police's discretion, the Township Administrator or other area Police Chiefs may sit on the Promotional Committee for a Lieutenant Promotion.
- B. For Deputy Chief promotional testing, the outgoing Chief of Police, at least two (2) Police Chiefs from nearby communities, and the Township Administrator shall make up the Promotional Committee. During times when the outgoing Chief of Police is not available, the Township Committee may choose to request that the NJSACOP conduct the interview process.
- C. Those candidates for promotion/assignment to the ranks of Corporal, Sergeant, Lieutenant, or Deputy Chief who have received passing scores on the departmental written examination shall be eligible to participate in the oral question-and-answer examination/personal interview and shall be notified of their scheduled examination and interview date at least ten (10) days prior to that date. Officers with a passing written

examination score shall be ranked from highest to lowest score. The highest passing score shall be worth the max twenty (20) points, the second highest score shall be worth nineteen (19) points and so on subtracting down by one point to the lowest passing score.

- D.** The question-and-answer examination shall consist of four (4) questions (rank/assignment specific) posed to the candidates to which the candidates must provide oral answers. The questions shall be based on hypothetical situations, and the same questions shall be given to each of the candidates. The candidate's oral answers to the questions posed shall be evaluated by the Committee with regard to the candidate's practical application of acceptable police operating procedures applicable to the situations presented. Each Committee member shall score each oral answer, with thirty-two (32) points being the maximum attainable score. The candidate's overall score for each answer shall be the average of the combined scores of each Committee member.

Each answer shall be worth eight (8) points [for a total of thirty-two (32) points for the four (4) questions] of a candidate's overall score for the oral questions-and-answer examination portion.

- E.** The interview portion will be based mainly on a candidate's past performance and evaluations and shall represent eighteen (18) points of a candidate's overall score for the oral question-and-answer examination/personal interview. The main supporting information to be viewed during the interview will come from each candidate's personnel file. Each candidate shall be given the opportunity to make a personal statement if he/she chooses to do so. Each Committee member shall grade each candidate based on the interview. The maximum attainable score for the interview shall be eighteen (18) points. The candidate's overall score for the interview shall be the average of the combined scores of each Committee member. Factors to be considered by the Committee in scoring the interview shall be:

1. The candidate's performance/leadership skill.
2. The candidate's initiative.
3. The candidate's breadth of knowledge.
4. The candidate's educational background.
5. The candidate's training.
6. The candidate's career development.
7. The candidate's supervisory knowledge.
8. The candidate's supervisory experience.
9. The candidate's attitude.
 - a) Abuse of sick time.
 - b) Efforts in supporting Department goals and objectives.
 - c) Handling Department equipment.
 - d) Communication and interaction with fellow employees and the public.
10. Discipline.
11. Commendation.

- 12. Appearance and demeanor.
 - 13. Special assignments.
 - 14. Job/Assignment specific training or knowledge.
 - 15. Letters of approbation from outside the department concerning a potential candidate received between the date that notice of a promotional/assignment examination is posted and the conclusion of the promotional/assignment examination shall not be considered for the posted examination.
- F. The oral question-and-answer examination and personal interview shall have a combined maximum score of fifty (50) points.

IV. Seniority

- A. Seniority will be assessed at the final stage of the promotional/assignment process for all candidates for all ranks.
- B. Seniority shall be worth one-half (1/2) of a point for every year of service with the Washington Township Police Department up to a maximum often (10) points.
- C. Seniority shall be determined by the number of years of service completed as of the date that the notice of promotional/assignment examination was posted.

Seniority = 10

V. Chief's / Administrator's Assessment

- A. The Chief of Police or, in his absence, the Township Administrator (*for Deputy Chief promotion only*) shall personally rate each candidate for assignment/promotion on a scale of one (1) being the lowest - twenty (20) being the highest based on the Chief's personal opinion about the candidate's level of agency commitment and Esprit De Corps.

Chief's / Administrator's Assessment = 20

VI. Examination Final Overall Score

- A. The Written Examination is worth a maximum of twenty (20) points.
- B. The four oral question-and-answer questions are worth a maximum of thirty-two (32) points.
- C. The Interview assessment is worth a maximum of eighteen (18) points.
- D. Seniority is worth one-half (1/2) of a point for every year of service completed with the Washington Township Police Department up to a maximum seniority bonus of ten (10) points.

- E. The Chief's / Administrator's Assessment is worth up to a maximum of twenty (20) points.
- F. In order to determine the overall final score for promotion/assignment, add the written exam rank/score, the oral question-and-answer examination/personal interview, plus seniority plus the Chiefs Assessment.

Written Exam =	20
Question 1 =	8
Question 2 =	8
Question 3 =	8
Question 4 =	8
Interview =	18
Seniority =	10
Chief's Assessment =	20
Total -	100

VII. Summary

- A. If applicable, a candidate may view his/her written test and compare the answers with the answers from the answer key. Each candidate wishing to do so shall have ten (10) days from the date of the test to request this review; after ten (10) days, he/she will not be allowed to view the written examination and/or answer key.
- B. Upon completion of the examination process, each candidate will be provided with testing results in a written review form which includes his/her:
 - 1. Written examination score.
 - 2. Oral question-and-answer examination/personal interview score.
 - 3. Seniority.
 - 4. Chief's Assessment
 - 5. Overall ranking.
- C. **Chief of Police / Police Promotional Committee.**
 - 1. The Chief of Police or the Police Promotional Committee, as may be applicable to the promotion being considered, shall submit the final examination results to the Mayor and Township Committee, along with a recommendation for their review and action.
 - 2. The Police Chief or his/her designee shall be responsible for all examination phases of the promotional process.

3. No member of the Police Department shall be promoted unless and until the Township Committee adopts a resolution approving the recommendation of the Chief of Police, or the Police Promotional Committee, as may be applicable to the promotion being considered.

VIII. Physical and Psychological Examinations

- A. Lieutenant and Deputy Chief candidates with the highest test scores, must first pass a Physical and Promotional Psychological Examination prior to being officially promoted. *Note: a passing Departmental Physical conducted within one (1) year or less of a promotion shall count.*
- B. The candidate receiving the highest overall final score for the assignment of Corporal shall be assigned to that position. The candidate receiving the highest overall final score for the ranks of Sergeant, Lieutenant or Deputy Chief shall be recommended by the Chief of Police/Township Administrator to the Mayor and Township Committee for promotion. In the event that the Chief of Police deems the individual with the highest score not to be eligible/qualified because of the results received from the individual's promotional psychological and/or physical examinations, he will inform the candidate of said results and then present the next highest scoring eligible candidate for promotion.

IX. Examination Eligibility List

- A. Candidates who successfully complete the promotional/assignment examination process but do not receive a promotion/assignment at the conclusion of the process may be placed on a promotional/assignment list for the same rank for which the candidates were examined.
 1. The list will be active for one (1) year from date of final results being published. A candidate on the list may be recommended for promotion/assignment to the appropriate rank without further examination (except Article VIII, if applicable) within the one- year time period.
 2. The establishment of a list will be made upon recommendation of the Police Promotional Committee to the Mayor and Township Committee and the adoption of a resolution establishing the list by the Township Committee.

SECTION 3

REPEAL

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4

SEVERABILITY

If any section, subsection, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

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

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced to pass on the first reading meeting of the Township Committee of the Township of Washington held on August 20, 2019 and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Committee to be held on September 17, 2019 at 7:30 p.m. or as soon thereafter as the Township Committee may hear this Ordinance at the Municipal Building, 211 State Route 31 North, Washington, New Jersey at which time all persons interested may appear for or against the passage of said Ordinance.

Ann Kilduff, RMC
Township Clerk