

Ordinance 2020-10

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2, ENTITLED
“ADMINISTRATION”, SUBSECTION 2-19.19, ENTITLED “ENGAGEMENT OF SERVICES OF
OFF-DUTY POLICE OFFICERS”, OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF HIGHTSTOWN, NEW JERSEY**

WHEREAS, the Administrator and Police Chief of the Borough find it necessary to amend the ordinance of the Borough governing the engagement of services of off-duty police officers to address the use of the third-party administrator with the scheduling of such services; and

WHEREAS, it is also necessary to address the FOP Agreement changes effective July 1, 2020 regarding the rate of compensation for such services; and

WHEREAS, the Mayor and Borough Council agree that the requested changes are required as requested.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer, and State of New Jersey, as follows:

Section 1. That Chapter 2, entitled “Administration”, Subsection 2-19.19, entitled “Engagement of Services of Off-Duty Police Officers”, is hereby repealed in its entirety and replaced with the following:

Subsection 2-19.19 Engagement of Services of Off-Duty Police Officers.

a. *Purpose.* To establish a policy regarding the hiring and use of off-duty Hightstown Borough police officers by any entity or person other than the Borough of Hightstown.

1. Members of the Police Department shall be permitted to accept police-related employment only during off-duty hours, only if authorized by the Chief of Police, and only at such time as will not interfere with the efficient performance of regularly-scheduled or emergency duty for the Borough.

2. Any person or entity wishing to employ off-duty police officers shall first contact the Police Department to obtain the Borough’s contracted Third Party Outside Employment Administrator information for such services.

b. *Requests for Outside Employment Services.*

1. Any party or employer requesting the outside employment services of an off-duty Borough police officer shall submit the following information to the Chief of Police for approval; the estimated length (number of days) of the detail, work hours of the detail and number of officers requested. The Chief of Police shall review the request and determine if it includes an adequate number of off-duty officers to ensure security, crowd control or traffic safety. The Chief of Police shall have the authority to require the requesting party to hire additional officers to make sure that any security, crowd control or traffic safety concern is met.

2. No officer shall arrange with any party to work outside employment privately, or without the authorization of the Police Chief, to provide such services.

3. Every officer shall have the right to turn down without any penalty any request to work an outside employment detail. No officer shall be required or ordered to work any extra duty detail.

4. The Police Chief shall keep in view the needs of the Borough for shift coverage in determining whether to approve or to deny any request for off-duty officer services by any party or entity.

5. Requests by a party to hire off-duty officers must be made to the Borough's Outside Employment Administrator (3) three business days prior to the date off-duty officers are needed. Emergency requests to hire off-duty officers will be evaluated on a case by case basis and approved by the Chief of Police.

c. Outside Employment assignment/rate for extra duty.

1. The rate charged by the Borough of Hightstown for outside employment performed by officers of the Hightstown Police Department shall be in accordance with the collective negotiations bargaining agreement between the Borough and FOP, a copy of which is on file in the Municipal Clerk's office.

2. A fifteen dollar (\$15.00) per hour Administrative Fee shall apply for each hour of outside employment performed by

officers of the Hightstown Police Department. This fee shall be in addition to the hourly rate determined by the negotiations bargaining agreement between the Borough and FOP. The Administrative Fee shall be retained by the Borough and shall not be paid to officers who perform the services.

d. Minimum number of hours.

1. There shall be a minimum obligation of four (4) hours pay for each off-duty officer hired to work an outside employment detail. This four (4) hour pay obligation shall not apply to any Borough/Board of Education and related entities off-duty activities/events.

e. Use of marked police vehicles. In the event that a party or employer employs any off-duty Borough police officer pursuant to this section, in addition to any compensation to be paid to the Borough pursuant to the requirements herein, there shall also be a twenty (\$20.00) per hour per vehicle fee for the use of marked or unmarked police vehicles.

f. Penalty. Any person or entity who employs off-duty Borough police officers in order to perform the above services without first having complied with the requirements of this section shall be subject to the fines set forth section 1-5 of the Borough Code for each day that the party or entity employs any Borough police officer, unless a waiver of said requirements shall have been granted, in advance, by the Police Chief. Any officer or employee of the Hightstown Police Department who provides off-duty services in a manner other than as specified in this section shall be subject to prosecution for violation of the Borough Code, and also for disciplinary process and penalties, including administrative penalties up to and including dismissal, in addition to the penalties set forth in section 1-5 of the Borough Code.

g. Cancellation Policy. With the exception of Borough and Board of Education and related entities matters, if a job is cancelled with less than twelve (12) hours notice the applicable officers will receive compensation for four (4) hours. This payment for said assignment, and the administrative fee shall apply and be payable by the person or entity who reserved said services. This four (4) hour pay obligation shall not apply to any Borough/Board of Education and related entities off-duty activities/ events.

h. Control vested in the Police Chief. The Police Chief of the Borough of Hightstown shall be responsible for the overall conduct of the members of the Police Department in following the rules and regulations promulgated herein, and shall insure that the terms, conditions and provisions of this section shall be fully and faithfully carried out. Additionally, the Police Chief shall have authority to control officers engaged in off-duty or outside employment pursuant to this section, and shall further have the authority and the duty to commence disciplinary process as to any and all officers so engaged in outside employment by private employers, should cause for such charges arise or exist. The Police Chief shall be accountable for the failure to abide by or to enforce the terms of this section as to off-duty employment by police officers.

i. Adherence to Department Rules and Regulations. While employed as an off-duty officer on an outside employment detail, officers shall adhere to all department rules, regulations, policies and procedures. Officers shall also follow any commands or directions given to them by the Chief of Police, Supervisor or On-Duty Officer In-Charge (OIC).

Section 2. This Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 3. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Introduction: September 8, 2020

Adoption:

ATTEST:

DEBRA L. SOPRONYI
MUNICIPAL CLERK

LAWRENCE D. QUATTRONE
MAYOR