

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF SOUTH HARRISON AMENDING CHAPTER 24, ARTICLE III, OF THE SOUTH HARRISON TOWNSHIP CODE ENTITLED EXTRA-DUTY DETAILS OF THE POLICE DEPARTMENT**

**WHEREAS**, the Township Committee of the Township of South Harrison has determined that certain amendments to the Township Code within Chapter 24, Article III, entitled "Extra-Duty Details" are required that concern Extra-Duty (Off-Duty) Details afforded to members of the South Harrison Township Police Department.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of South Harrison, in the County of Gloucester and State of New Jersey, that Chapter 24, Article III, entitled "Extra-Duty Details" of the South Harrison Township Code is hereby amended, as follows:

**SECTION I: PURPOSE.**

The purpose of this Ordinance is to amend the Sections recited below within Article III of Chapter 24 of the South Harrison Township Code entitled "Extra-Duty Details".

**SECTION II: ADOPTION.**

Chapter 24, Article III, of the South Harrison Township Code entitled "Extra-Duty Details" is hereby amended, in part, to read as follows:

**§24-13. PURPOSE**

Unchanged.

**§24-14. EXTRA-DUTY DETAILS PERMITTED UNDER CERTAIN CONDITIONS.**

Officers of the Township of South Harrison Police Department shall be permitted to accept and perform Police-related employment and services for private persons or entities, including school districts, only during off-duty hours and at such time as will not interfere with the efficient performance of regularly scheduled or emergency duty for the Township, as determined by the Township of South Harrison Chief of Police or his authorized designee. Officers of the Township Police Department shall be permitted to perform Police-related services subject, however, to the following conditions:

- A. All such work performed by the Police Officer shall be in his/her official capacity as an employee of the Township Police Department and subject to its supervision and control.

- B. The Police Officer shall be paid for the extra-duty services by the Township Police Department at a rate of pay determined by the Township for such Police-related work.
- C. The Township Chief of Police, or his designee, shall bill the private person or entity for all such services performed based on the prevailing rate established by the Township, which may be amended from time to time by Resolution adopted by the Township Committee.
- D. The Township Chief of Police, or his designee, shall establish the procedure for assigning police officers to such duty referenced in this Section.
- E. No Township Police Officer shall engage in any employment for police-related services with any private person or entity, except in the manner established pursuant to this Section. To be eligible for extra-duty employment, a sworn Officer must be in good standing with the South Harrison Township Police Department. Officers on medical or disability leave are not eligible for extra-duty assignments. The Chief of Police shall include in his monthly report to the appropriate authority information about extra-duty work of members of the Department.

**§24-15. EXTRA-DUTY EMPLOYMENT TO BE VOLUNTARY.**

Any such extra-duty employment shall be voluntary, and may be accepted or declined solely at the option of the Officer (provided the extra-duty employment is approved in the manner described herein). Acceptance of such extra-duty employment shall not be a condition of employment or promotion within the South Harrison Township Police Department. Officers of the South Harrison Township Police Department are eligible to accept off-duty employment only during periods when they are not assigned to regular duty and at such times when off-duty employment will not interfere with the efficient performance of their regularly scheduled Police duties. The Chief of Police, or his designee, shall monitor all off-duty employment to ensure that the Township's interests are protected.

**§24-16. DEFINITIONS.**

As used in this Article, the following terms shall have the meaning indicated:

**EMPLOYER** – Any individual, partnership, corporation, business entity or other organization, located either within or outside the Township of South Harrison, including, but not limited to, schools.

**EXTRA-DUTY** – Any voluntary outside employment when a Police Officer is not scheduled for a shift of duty by the Township of South Harrison Police Department and that

calls for the actual or potential use of law enforcement powers by the Police Officer Employee. This shall be limited to employment as a security guard, traffic control officer, or plainclothes surveillance officer.

**IN THE EMPLOY OF THE EMPLOYER** – All times when a Police Officer is scheduled for and does, in fact, work for an “outside employer” as extra-duty, as such term is defined in this Section.

**PLAINCLOTHES SURVEILLANCE OFFICER** – A position of employment involving the wearing or carrying of a Township of South Harrison Police Department badge or the carrying of a firearm or other dangerous weapon, as such term is defined by N.J.S.A.2C:39-1, et seq.

**POLICE OFFICER** – Any class of Police Officer of the Township of South Harrison.

**SECURITY GUARD** – A position of employment involving the wearing of a Township of South Harrison uniform, badge, and/or the carrying of a firearm or other dangerous weapon, as such term is defined by N.J.S.A.2C:39-1, et seq.

**TRAFFIC CONTROL OFFICER** – A position of employment involving the wearing of a Township of South Harrison Police uniform while directing or monitoring traffic within or outside the municipal boundaries of the Township of South Harrison.

**WORKERS COMPENSATION INSURANCE** – All forms of insurance, including self-insurance, required under N.J.S.A.43:15-1, et seq.

**§24-17. CHIEF OF POLICE APPROVAL REQUIRED.**

Any person, entity, or organization wishing to employ off-duty Police for extra-duty work shall first obtain the approval of the South Harrison Township Chief of Police, which approval shall be granted if in the opinion of the Chief such employment would not be inconsistent with the efficient functioning and good reputation of the Township of South Harrison Police Department, and would not unreasonably endanger or threaten the safety of the Officer or Officers who are to perform the work. The procedure for extra-duty assignment approval is memorialized within §24-30. The Chief of Police is hereby authorized and directed to establish such Rules and Regulations as are necessary to implement this Section.

**§24-18. MINIMUM TIME OF ASSIGNMENTS; CANCELLATION.**

Extra-duty assignments shall be a minimum of four (4) hours. Cancellation of an assignment by an employer with less than twenty-four (24) hours advanced notice to the Chief of Police shall be subject to this minimum.

**§24-19. LIABILITY AND INSURANCE REQUIRED.**

Unchanged.

**§24-20. ESCROW ACCOUNT.**

Unchanged.

**§24-21. EMPLOYER VIOLATION AND PENALTIES.**

Unchanged.

**§24-22. COMPLIANCE WITH ARTICLE REQUIRED.**

Unchanged.

**§24-23. ATTIRE.**

Unchanged.

**§24-24. COMPLIANCE WITH SAFETY STANDARDS OR TRAFFIC RELATED DETAILS.**

Unchanged.

**§24-25. POLICE ACTION IN SERIOUS OR EMERGENCY MATTERS.**

Unchanged.

**§24-26. ELIGIBILITY.**

Unchanged.

**§24-27. WAGES.**

Unchanged.

**§24-28. TOWNSHIP RESERVATION OF RIGHT TO DECLINE OUTSIDE EXTRA-DUTY EMPLOYMENT.**

The Chief of Police, as well as the Township of South Harrison, reserves the right to decline to approve any extra-duty employment as herein defined.

**§24-29. DEFENSE AND INDEMNIFICATION.**

Unchanged.

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Information

**§24-30. PROCEDURE.**

Unchanged.

**§24-31. RATES OF COMPENSATION; ADMINISTRATIVE FEES; PAYMENT FOR SERVICES.**

Rates of compensation for contracting the services of off-duty law enforcement officers for extra-duty shall be at a fixed rate per hour for the Officer that shall be established by Resolution authorized by the Township Committee. Additionally, an Administrative Fee shall be charged to cover the Administrative costs, overhead, and out-of-pocket expenses for the Officer that are incurred by the Township of South Harrison including, but not limited to, an Administrative Fee for use of a Township of South Harrison vehicle. All fees related to this Section shall be set and established by Resolution adopted by the Township Committee from time to time.

**§24-32. PERFORMANCE OF POLICE-RELATED SERVICES IN OTHER POLICE JURISDICTIONS.**

Officers of the South Harrison Township Police Department are hereby authorized and empowered to perform extra-duty Police-related services for private persons, entities, or organizations during off-duty hours in other Police jurisdictions, subject to the approval by the Chief of Police. Rates for compensation and payment of Officers engaged in such extra-duty assignments shall be that rate of payment and compensation established by Ordinance in the outside jurisdiction.

**§24-33. TOWNSHIP ADMINISTRATION OF EXTRA-DUTY PAYMENTS.**

All payments made by an employer for extra-duty employment including, but not limited to, Administrative costs, shall be placed in an Extra-Duty Police Account to be known and established as the "Police Extra-Duty Trust Account", and all funds collected for services rendered and disbursements made shall be by and through such Account. Officers of the South Harrison Township Police Department shall be paid for services performed on the scheduled pay dates and on the submission of a time voucher approved by the Chief of Police, or his designee, and presented to the Township Treasurer for payment from the aforesaid Account. No disbursement shall be made for extra-duty services rendered until full payment has been received on account of such service from the employer. The Chief of Police, or his designee, shall bill for all such services rendered by Officers of the Department, and shall keep such further books and records as may be deemed appropriate by the Township Committee or the Township Auditor.

- A. Any employer requesting extra-duty services of an off-duty Officer shall submit a deposit in the "Police Extra-Duty Trust Account" based upon the Police Chief's estimate of time required by the employer based upon the prevailing rate established by the Township. The

deposit shall be made prior to any Officer providing extra-duty services, and in the event the employer's Escrow Account becomes depleted, extra-duty services shall be immediately terminated by the Police Chief.

- B. All funds, if any, remaining in the employer's Escrow Account after the extra-duty services are completed and paid for, shall be returned to the employer, unless the employer elects to leave the escrowed amount in the Account for future extra-duty employment.

**§24-34. EXEMPTIONS; WAIVER OF EXTRA-DUTY COMPENSATION.**

Any school district, charity or other non-profit organization recognized by the Internal Revenue Code may apply to the Police Chief for an exemption from all fees codified within this Section. The Application for Exemption shall be in writing and forwarded to the Police Chief. Additionally, any Police Officer may voluntarily elect to donate any extra-duty compensation earned to an employer that is recognized by the Internal Revenue Code as a charitable or non-profit organization, which election by the Officer shall be communicated to the Police Chief prior to commencing the extra-duty employment with the charitable or non-profit employer including school districts.

**§24-35. POLICE VEHICLE.**

The Chief of Police shall determine if extra-duty assignments require the use of a South Harrison Township vehicle and, if so determined, the Police Chief shall impose and charge a fee of Twenty-Five Dollars (\$25.00) per hour, minimum four (4) hours per use for the use of said vehicle with such fee to be payable to the Township. The Township Committee reserves the right to amend the Police Vehicle Fee from time to time by Resolution.

**SECTION II. REPEALER**

Ordinances or provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency. Specifically, Ordinance No. 0-03-08 codified within Chapter 24, Article III, of the Township Code entitled "Extra-Duty Details of the Police Department" is hereby repealed and amended by the Ordinance adopted herein.

**SECTION III. INVALIDITY**

If any Section, Paragraph, Subdivision, Clause or Provision of this Ordinance shall be adjudged invalid, such adjudication shall only apply to the Section, Paragraph, Subdivision, Clause or Provision, and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION IV. EFFECTIVE DATE**

This Ordinance shall take effect upon adoption and publication according to law.

**SECTION V. SAVED FROM REPEAL**

All Ordinances or parts of Ordinances not inconsistent with the terms and provisions of this Ordinance are hereby saved from repeal.

**TOWNSHIP OF SOUTH HARRISON**

BY: \_\_\_\_\_  
**JAMES MCCALL, MAYOR**

Dated: November 13, 2013

**ATTEST:**

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**NANCY E. KEARNS, RMC, TOWNSHIP CLERK**

**NOTICE**

The foregoing Ordinance was introduced at a regular meeting of the Township Committee of the Township of South Harrison conducted on November 13, 2013, and will be considered for a final hearing and adoption, at a meeting to be held on the 4<sup>th</sup> day of December 2013, at 7:30 p.m., at which time any objections hereto will be heard. During the week prior to and up to and including the date of said meeting, copies of the Ordinance will be made available at the Office of the Township Clerk, located at the Municipal Building within the Township of South Harrison at 664 Harrisonville Road, Harrisonville, New Jersey, for members of the general public who request same.

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**NANCY E. KEARNS, RMC, TOWNSHIP CLERK**

**NOTICE**

Notice is hereby given that the foregoing Ordinance O-13-11 was finally adopted at the Meeting of the South Harrison Township Committee held on the 4<sup>th</sup> day of December 2013, at 7:40 p.m., in the South Harrison Township Municipal Building, 664 Harrisonville Road, Harrisonville, New Jersey.

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**NANCY E. KEARNS, RMC,  
TOWNSHIP CLERK**