

Township of Lawrence
County of Mercer

Ordinance No. 2281-17

AN ORDINANCE AMENDING ORDINANCE NO. 2221-15
ESTABLISHING PROVISIONS GOVERNING
SPECIAL DUTY ASSIGNMENTS FOR POLICE OFFICERS

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey that Section II entitled "Administration of Government" is hereby amended as follows:

Section I.

Section 2-65 Manual of police discipline, practices, etc.

- (A) Subject to the approval.....
- (B) Special duty assignments for police officers are governed as follows:
 - (1) Purpose

For the convenience of those persons and entities which utilize the services of off-duty police officers and to authorize the {outside} special duty employment of Township police while off-duty, the Township hereby establishes a policy regarding the use of said officers.

- (a) Sworn officers of the Police Division shall be permitted to accept police related employment for private employers only during off-duty hours and at such times as will not interfere with the efficient performance of regularly scheduled or emergency duty for the Township.
 - (b) Any person or entity wishing to employ a[n off-] special duty police officer shall first obtain the approval of the Chief of Police (or designee), 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 Police Division and would not unreasonably endanger or threaten the safety of the employee or employees who are to perform the work.
- (2) Escrow Accounts
 - (a) Any person or entity requesting the services of a[n off-] special duty police officer shall estimate the number of hours such services are required, which estimate shall be approved by the Chief of Police, and shall establish an escrow account with the Chief Financial Officer of the Township by depositing an amount sufficient to cover the rates of compensation and administrative fees set forth in Subsection 8 for the total estimated hours of service.

- (b) **Prior to posting any request for services of ~~off-~~ special duty police officers, the Chief of Police or his designee, shall verify that the balance in the escrow account of the person or entity requesting services is sufficient to cover the compensation and fees for the number of hours specified in the request for services. The Chief of Police shall not post nor offer a request for services from any person or entity unless all fees and compensation required in the manner described above have been deposited with the Chief Financial Officer. No officer shall provide any services for more hours than are specified in the request for services.**
- (c) **In the event the funds in said escrow account become depleted, services of off-duty employees shall cease and requests for further or future services shall not be performed or posted until additional funds have been deposited in the escrow account in the manner prescribed above.**
- (d) **The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the escrow account in order to avoid any interruption of services.**
- (e) **Failure to pay. In the event the person or entity contracting for such services should fail to pay any balance due for services performed by the members of the Lawrence Township Police Department, such failure shall be deemed a violation of this Ordinance and subject the person or entity to the violations and penalties set forth below.**
- (f) **Exemption. All public utility companies that are under the jurisdiction of and regulated by the New Jersey Board of Public Utilities are exempt from the provisions set forth in this section requiring advance payment to the escrow account; provided, however, that there are no amounts previously due that are outstanding prior to any officer engaging in any further special duty assignments.**
- (e) **The Township may choose to utilize a secondary service to administrate and perform the above actions related to the special duty employment process. These actions include but are not limited to: Communicating with said person or company to schedule extra duty assignments, Scheduling the Officers for the said assignments, Invoicing person or entity and receiving escrow and or payments from person or entity in a manner set forth by the secondary service provider. The secondary service provider may charge an additional fee for services that is above and in addition to the fee structure stated above and utilize business type collection rules as set forth in the contract/agreement between the Township and the secondary service provider.**
- (f) **The secondary service provider will reimburse the Township via ACH or other funds transfer methods, according to the fees set forth in this ordinance, due to the Township and Officer, in a timely manner, usually coinciding with payroll periods for the special duty assignment that the officers have**

performed or were scheduled for in that period, in accordance with the above listed rules of employment between the Township and person(s) or entity seeking services.

(3) Requests for Service

All requests to the Township for the services of **[off-] special** duty police officers shall be forwarded to the Chief of Police or the secondary service provider for posting at least ten (10) days prior to the date that such services are required. Any employee assigned and working pursuant to this regulation shall be treated as an on-duty employee of the Township with the exception that wages earned for outside employment shall not be applied toward pension benefits, shall not be considered overtime and shall be paid at a rate of pay as described in Subsection 8.

- (a) The Chief of Police will be responsible for scheduling employees who will be assigned to **[off-] special** duty work as described herein.
- (b) The Chief of Police may establish a limit on assignments per officer to ensure that **[off-] special** duty work does not impair an officer's ability to perform during regularly-scheduled tours of duty.
- (c) The Chief of Police shall determine if a Township vehicle is required for the **[off-] special** duty assignment and shall assign a vehicle in such cases as he deems necessary. A vehicle fee will be charged to the person or entity for the use of such vehicle(s). The vehicle fee will be charged at a rate as described in Subsection 8. No administrative fee will be added to the hourly vehicle rate.
- (d) All police services within the Township shall be delivered by officers from the Lawrence Township Police Department. If the Chief of Police determines that the demand cannot be met by the Lawrence Township Police Department he may request additional law enforcement officers from outside agencies.

(4) [Extra] Special Duty Assignments Voluntary

The work to be performed shall be considered a special duty assignment from independent contractors and will not be considered a direct assignment. The taking of any **[extra] special** duty assignments shall be on a voluntary basis in accordance with a fair and reasonable system established and administered by the Chief of Police. Any employee of the Township assigned and working pursuant to this regulation shall be treated as an on-duty employee of the Township with the exception that wages earned for outside employment shall not be applied toward pension benefits, shall not be considered overtime and shall be paid at a rate of pay as described in Subsection 8.

The Township reserves the right to assign an on-duty employee to fill a special duty assignment that cannot be filled in such cases where the Chief of Police deems such action to be in the best interest of the Township. In such cases, the Township shall first

have posted such assignment without attaining a qualified employee. Should an employee be assigned on-duty, the employee shall receive his/her regular rate of compensation for the assignment. The Township shall retain the right to bill for such an assignment.

(5) Cancellation of Assignment

Any assignment which is canceled on less than four (4) hours notice shall be charged against the party and paid to the employee so assigned. Any other canceled assignment shall not be billable to the party nor payable to the employee.

(6) Chief's Order to Vacate Assignment

The Chief of Police has the authority to order any employee to vacate or terminate any special duty assignment in response to emergency situations or whenever the assignment creates an unacceptable risk to health, safety and/or welfare of the employee and/or the public in the sole determination and discretion of the Chief of Police. The contractor shall not be responsible for any compensation for the time that the employee is away from the special duty assignment and shall have no claim for costs or damages against the Township, the Chief or the employee arising from the termination of special duty assignment other than the prorated return of any costs prepaid to the Township.

(7) Township to Provide Insurance Coverage

The Township shall be responsible to provide all necessary insurance coverage, as required by law, including, but not limited to, workers compensation, public liability, and claims for damage, for personal injury including death or damage to property which may arise as a result of the Township's performance under the contract. The Township may, however, discipline or remove any employee from eligibility for special duty assignments if, in the opinion of the Chief of Police, his/her job performance or actions place the Township in a position that may result in a claim for liability.

(8) Rates of Compensation; Administrative Fee; Payment for Services

Rate of compensation for contracting the services of ~~off-~~ **special** duty police officers shall be established as described herein:

Rates of Compensation; Administrative Fee; Payment for Services (hourly rates)

Off- Special Duty Police Officer Road/Utility/Construction	\$75.00
Off- Special Duty Sergeant as Supervisor Security Assignment	\$50.00
Off-Duty Lieutenant as Supervisor	\$56.00
Off- Special Duty Police Officer Security Assignment	\$45.00
Emergent Requests less than 48 hours notice (additional)	\$10.00 per hour
Emergent Requests less than 4 hours notice (additional)	\$25.00 per hour
Marked Patrol Vehicle	\$28.00
Administrative Fee <u>per officer hour</u>	\$5.00

(9) Length of Assignment

The minimum payment for any assignment shall be four (4) hours at the rates described above.

(10) Emergent Circumstances

Nothing contained herein shall prohibit special duty assignments where emergent conditions make compliance with one or more provision of this ordinance infeasible.

(a) Where emergent circumstances result in a request for a special duty assignment, the Chief Financial Officer may waive the requirement of an escrow deposit as provided for in paragraph B. (2) (a) "Escrow Accounts".

(b) In emergent circumstances the Chief of Police may authorize a special assignment with less than the ten (10) day posting requirement provided for in paragraph B (3) "Requests for Service"

(c) In emergent circumstances where a special duty assignment is requested within 48 hours but more than 4 hours of the special duty assignment an additional cost of \$10.00 per hour will be added to the officer's rate. Requests within 4 hours of the special duty assignment an additional cost of \$25.00 per hour will be added to the officer's rate. The additional cost will assist in obtaining coverage during the late or emergent request for police services.

(11) Violations and Penalties

Unless another penalty is provided by New Jersey Statute, every person, entity, contractor or utility convicted of a violation of a provision of this Chapter shall be subject to a fine of not less than \$250 or more than \$1000. This fine is in addition to any outstanding funds owed to the Township or secondary service provider regarding services performed by the Lawrence Township Police Department.

Section II. Repealer

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

Section III. Severability

If any section, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason, the remaining portions of said ordinance shall not be affected thereby and shall remain in full force and effect.

Section IV. Effective Date

This ordinance shall take effect twenty (20) days after adoption thereof.

Additions _____
Deletions []

Adopted: December 5, 2017

RECORD OF VOTE

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Bobbitt	X						X
Mr. Kownacki	X						
Ms. Lewis	X						
Mr. Powers	X					X	
Mayor Maffei	X						