

Ordinance

No. 7-2017

AN ORDINANCE AMENDING CHAPTER 56 OF THE CODE OF THE BOROUGH OF WESTVILLE (POLICE DEPARTMENT)

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Westville, County of Gloucester and State of New Jersey, that Chapter 56 is hereby amended by adding a new Article to be called "Off-Duty Employment" and to read as follows:

Section 1. A new Article is hereby created in Chapter 56 to be entitled "Off-duty employment".

Section 2.

(1) Purpose. For the convenience of those persons and entities that need the services of off-duty law enforcement officers of the Borough of Westville Police Department and to authorize the outside employment of the Borough police officers while off duty, the Borough hereby establishes a policy regarding the use of said officers.

(a) Members of the Police Department shall be permitted to accept policy related employment from private employers or school districts 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 Borough.

(b) Any person or entity wishing to employ off-duty police shall first obtain the approval of an officer designated by the Chief of Police to handle the invoicing, scheduling and processing of payments for extra-duty/off-duty police. Approval may be granted if, in the opinion of the designated officer, such employment would not be inconsistent with the efficient functioning and good reputation of the Police Department

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and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work. At the time the request for services is made, an authorized representative of the contracting unit shall complete the standardized request form and contract. Such form shall require a description of the site and the work that will be performed by the officer(s).

(c) Private parties or attorneys who utilize police officers in civil cases by request or subpoena shall be responsible to reimburse the Borough for the costs incurred for the officer's time while complying with the Subpoena. The time incurred by the officer will be billed by the Borough to the requesting private attorney or party at the rate established for extra-duty/off-duty assignments. A minimum of four hours will be billed for the officer's time for each day the officer is requested to appear. Officers will be compensated by the Borough pursuant to prior practice and the collective bargaining agreement for the time responding to the request or subpoena. This subsection shall not apply to internal administrative or disciplinary matters in which reimbursement to the Borough may not be applicable.

(2) Escrow accounts.

(a) Any person or entity requesting the services of an off-duty law enforcement officer in the Borough of Westville Police Department shall estimate the number of hours such law enforcement services are required, which estimate shall be

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reviewed by the designated officer, and, if the estimate is approved, in writing, by the designated officer, an escrow account with the Borough shall be established by the depositing of an amount sufficient to cover the cost estimate for the total estimated hours of service.

(b) Prior to posting any request for services of off-duty law enforcement 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, or his designee, shall not post a request for service from any person or entity unless all fees and the compensation required in the manner described above have been deposited with the Borough. No officer shall provide any such services for more hours than are specified in the request for services.

(c) In the event the funds in such an escrow account shall become depleted, services of off-duty law enforcement officers 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.

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(3) Request for services. All requests to the Borough for the services of off-duty law enforcement officers in the Borough of Westville Police Department for a period of one week or longer shall be forwarded to the Chief of Police for posting at least 10 days before such services are required. Any law enforcement officers, when so employed by the Borough, shall be treated as an employee of the Borough; provided, however, that wages earned for the outside employment shall not be applied toward the pension benefits of law enforcement officers so employed, nor shall hours worked for outside employment be considered in any way compensable as overtime.

(4) Rates of compensation; administrative fee; payment for services.

(a) Rate of compensation for contracting the services of off-duty law enforcement officers are established as follows:

[1] Rate of compensation for weekdays, per hour: \$65.00

[a] If the contractor cancels any work detail within two hours of the assigned start time, the contractor is responsible to compensate the assigned officer(s) a four-hour minimum pay rate and administrative fees.

[b] If the contractor starts the work detail and cancels the job after starting, the contractor is responsible to compensate the assigned officer(s) a minimum of four hours of pay and administrative costs.

[2] Rate of compensation for weekends, per hour: \$75.00

[a] If the contractor cancels any work detail within two hours of the assigned start time, the contractor is

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responsible to compensate the assigned officer(s) a four-hour minimum pay rate and administrative fees.

[b] If the contractor starts the work detail and cancels the job after starting, the contractor is responsible to compensate the assigned officer(s) a minimum of four hours of pay and administrative costs.

[c] Weekend is defined as Friday after 6pm until Sunday 11:59pm.

[3] Rate per day for use of police vehicle: \$50;

[4] An additional fee of 20% of the total cost of compensation and use of vehicle to the contracting unit is hereby established to cover administrative costs, overhead, and out-of-pocket expenses of the Borough of Westville.

(b) Payment of officers.

[1] Once an extra-duty/off-duty assignment is completed, the Chief of Police, or his designee, shall advise the Finance Department/Payroll Clerk, in writing, to pay the officer(s). The advice shall contain the name of the officer(s), date(s) of service, time and place of site/job, hours worked and rate of pay.

[2] The Finance Department/Payroll Clerk must confirm that funds are on deposit in the appropriate escrow account before issuing the paycheck requested above.

[3] The Finance Department shall provide to the Chief of Police, or his designee, monthly reports identifying

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contractors and indicating the status of their extra-duty/off-duty escrow accounts.

Section 3. Hourly Rates.

Hourly rates for extra-duty assignments can be modified by the governing body at any time once this Article is created by adoption of a Resolution.

Section 4. Repealer

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 5. Severability:

Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

Section 6. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: June 12, 2017

Adopted: July 10, 2017

BOROUGH OF WESTVILLE

**Michael O. Ledrich
COUNCIL PRESIDENT**

ATTEST:

**Christine A. Helder
CMC/MUNICIPAL CLERK**