

**BOROUGH OF EMERSON
COUNTY OF BERGEN**

NOTICE OF ADOPTION

ORDINANCE 1508-15

Introduced: September 1, 2015

Adopted: September 15, 2015

NOTICE IS HEREBY GIVEN that Ordinance 1508-15 was adopted on the second reading after a Public Hearing at the Regular Meeting of the Borough Council of the Borough of Emerson on the 15TH day of September, 2015. A copy of Ordinance 1508-15 is on file in the Borough Clerk's Office in the Municipal Building, 1 Municipal Pl., Emerson, NJ 07630.

**AN ORDINANCE AMENDING CHAPTER 77, POLICE
DEPARTMENT.**

BE IT ORDAINED, by the Mayor and Council of the Borough of Emerson, within the County of Bergen and State of New Jersey, as follows:

Section 1. Amending Section 77-6 – Qualifications for membership.

Section 77-6., "Qualifications for membership," of the Borough Code, is hereby amended to read as follows:

§ 77-6. Qualifications for membership.

The Emerson Police Department will not engage in continuous, overt recruitment activities. Active periods of advertisement and recruitment shall only occur when deemed necessary, by the governing body, to fill existing vacancies; and then only to the extent necessary to fulfill the requirements of the aforementioned recruitment strategy.

No person shall be appointed as a member of the Police Department unless he/she submits satisfactory evidence that he/she:

- A. Is a citizen of the United States;
- B. Is of good mental and bodily health sufficient to satisfy the Board of Trustees of the Police and Firemen's Retirement System of New Jersey that he would be eligible for membership in the retirement system;
- C. Is able to read, write and speak the English language well and intelligently;
- D. Is of good moral character and free from conviction of any crime constituting an indictable offense or any crime or offense involving moral turpitude;

E. Is able to pass such written, oral, physical, psychological, medical and drug testing examinations as shall be selected by the governing body and meet essential job functions;

F. Has a bachelor's degree from an accredited college or university recognized by the United States, or two-year associate's degree and two years' military service, or four years of military service with an honorable discharge;

G. Is a holder of a valid New Jersey driver's license; and

H. Otherwise meets all requirements of N.J.S.A. 40A:14-122 to 40A:14-127.

Section 2. Amending Section 77-7 – Determination of membership.

Section 77-7., "Determination of membership," of the Borough Code, is hereby amended to read as follows:

§ 77-7. Determination of membership.

A. Investigation of applicants. No applicant shall be appointed to any position with the Police Department until after the applicant shall have been fingerprinted and said fingerprints filed with the New Jersey State Police and Federal Bureau of Investigation, and no applicant shall be appointed until after there has been a thorough background and character investigation of the candidate that will also determine the candidate's fitness for the position.

B. Examinations, selection process. All personnel who have either a formal application or resume on file with the Emerson Police Department will be notified of the time and location of the written and physical examinations. The cost of the application and testing shall be determined by the overall selection process selected. The selection process is as follows:

- (1) Written Examination – The material used in this examination shall be of such a nature that it will fairly test a candidate's cognitive ability to perform as a police officer. The test contents and procedures shall be determined and administered by the Emerson Police Department or an outside agency. The test will be used to narrow the pool of candidates who will then move on to the physical examination.
- (2) Physical Examination – All applicants will be required to have an application on file with the Emerson Police Department. Applicants must provide an original physician's letter, dated within the past six months, indicating the applicant is capable of participating in rigorous physical activities in order to participate in the physical examination.

Test contents and procedures for the initial physical examination shall be determined by the Emerson Police Department or an outside agency. The physical testing, at a minimum, will include a 1.5 mile run, maximum push-up and maximum sit-ups. At the conclusion of the physical examination, the overall results will be analyzed and used in determining which applicants will move on to the oral interviews.

- (3) Police Committee Oral Interviews – The Police Committee, for the purpose of selecting new member(s) to fill existing vacancies in the Emerson Police Department, shall consist of the Chief of Police and one member of the Emerson Police Department selected by the Chief of Police, along with the Appropriate Authority. In the absence of any member of the Appropriate Authority, another council member may be used as an alternate.

The oral interview process shall consist of one or more interviews, as determined necessary by the Police Committee to narrow the pool of candidates to a group of finalists. The top six candidates will be ranked collectively by the findings of the Police Committee, who will then recommend the candidate(s) to be interviewed by the governing body for selection, ratification, and the offer of conditional employment as a probationary officer.

The Borough of Emerson and the Police Chief may decide to allow the selection process to include the consideration of a lateral transfer or candidates that are currently PTC certified in the State of New Jersey. Further consideration can be given to a candidate who is currently enrolled in an alternate route program sanctioned by the Police Training Commission while the hiring process is underway. If a decision is rendered to hire under the above provisions, the requirements for the written examination and physical examination process will be waived.

C. Required training course; probationary status.

- (1) Pursuant to N.J.S.A. 52:17B-66 et seq., no person shall be permanently appointed to the police force of the Borough of Emerson until after having successfully completed a police training course at an approved school. During the period of required training, the employee shall hold the rank of probationary officer. Employees shall be entitled to a leave of absence with pay during the period of the police training course. Following the completion of an employee's police training course, he or she shall be classified as a probationary employee with the Police Department for a period of one year from date of hire, with a possible six-month probationary extension, upon the recommendation of the Police Chief and approval by the governing body.
- (2) The governing body may waive the attendance of such training if satisfactory certification of previous accredited schooling under the Mandatory Police Training Act of the State of New Jersey is presented and found satisfactory. Police officers hired pursuant to this section shall be classified as probationary employees with the Police Department for a period of one year from the date of hire, with a possible six-month probationary extension, upon the recommendation of the Police Chief and approval of the governing body.
- (3) All non-sworn employees of the Police Department shall serve a probationary period of six months before becoming regular employees.
- (4) Probationary employees will be evaluated on a monthly basis throughout the entire period of their probation in an effort to determine their suitability for continued employment. Probationary employees will be advised of their progress and counseled when necessary in an effort to correct any deficient performance or behavior.
- (5) The Chief of Police shall make a recommendation to the governing body concerning the suitability for transition from probationary status to regular status for each probationary police officer. Such recommendation shall be submitted to the governing body no later than 10 days prior to the end of the probationary employee's period of probation. Nothing herein shall prohibit the Chief of Police from submitting such recommendation at any time during an employee's probationary period when such employee demonstrates that he/she does not possess the qualities and abilities to competently perform the duties of a Borough of Emerson Police Officer.

- (6) The governing body may terminate a probationary employee at any time during or at the end of the probationary period, or affirm the retention of the date as a full-time member of the police force.

D. Every member of the Police Department and special police officers, before entering upon the performance of their duties, shall take and subscribe an oath of affirmation to bear true faith and allegiance to the government established in this state under the authority of the people, to support the Constitution of the United States and the Constitution of the State of New Jersey and to faithfully, impartially and justly discharge and perform all the duties of their offices, which oaths or affirmations shall be filed with the Borough Clerk.

Section 4. Severability and Repealer.

- A. If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- B. All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.

Section 5. Effective Date.

This ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

Attest:

Jane Dietsche, RMC
Clerk

Louis Lamatina
Mayor

Introduced: _____

Adopted: _____