

**BOROUGH OF EMERSON
COUNTY OF BERGEN
NOTICE OF ADOPTION**

ORDINANCE 1533-16

Introduced: September 6, 2016

Adopted: September 20, 2016

NOTICE IS HEREBY GIVEN that the following ordinance 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 20th day of September, 2016. A copy of Ordinance 1533-16 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, SECTION 8 "PROMOTIONS"**

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 77-8 – Promotions. Subsection D.

Section 77-8., Subsection D of the Borough Code, is hereby amended to read as follows:

§ 77-8. D.

The reviewing committee for departmental promotions shall, at a minimum, consist of the Chief of Police and the appropriate authority. If a member of the appropriate authority cannot attend or be part of the process, then another member of the governing body designated by the appropriate authority may take that member's place in this process. The Captain, at the Chief's discretion, may also be part of the reviewing committee.

Section 2. Amending Section 77-8 – Promotions. Subsection F. "Promotional standards for promotion to rank of Sergeant."

Section 77-8., Subsection F "Promotional standards for promotion to rank of Sergeant." of the Borough Code, is hereby amended to read as follows:

§ 77-8. F. Promotional standards for promotion to rank of Sergeant.

- (1) Promotion policy. Promotion denotes vertical movements in the organization hierarchy from one rank classification to another. Validity of the promotional process can only be accomplished through clear and concise procedures. A promotional process has been developed to identify employees who possess the ability to assume greater responsibilities combined with the necessary skills and knowledge to perform competently at a higher organizational level. This policy is established for the position of Sergeant.
- (2) Eligibility for promotion. In order to be eligible for promotion from patrol officer to the rank of Sergeant, said officer must serve for a period of five full calendar years as a patrol officer within the Borough of Emerson. For those hired after January 1, 2009, the Sergeant shall have graduated from high school and possess, from an accredited college or university recognized by the United States Department of Education, at least an associate's degree, or the equivalent in college credits, and two years of military service, or a bachelor's degree, or four years of military service with an honorable discharge.
- (3) Promotional criteria.
 - (a) All candidates seeking promotion to the rank of Sergeant shall be evaluated based upon the following criteria:
 - [1] Written examination: 20% of total score.
 - [2] Oral in-house examination: 20% of total score.
 - [3] Job performance evaluation: 30% of total score.
 - [4] Seniority: 10% of total score.
 - [5] Mayor and Council interview: 20% of total score.
 - (b) Criteria described.
 - [1] Written examination.
 - [a] All candidates for promotion shall submit to a written examination. The written examination shall be administered by the New Jersey State Association of Chiefs of Police or the Department of Personnel (DOP), at the discretion of the governing body.
 - [b] At least 30 days prior to the date a written examination is scheduled, a notice shall be posted at the Police Department that will set forth the following:
 - [i] Position available through promotion.
 - [ii] Date the examination will be conducted.
 - [iii] The location of the examination.
 - [iv] The time the examination will begin.
 - [v] A list of study materials.
 - [c] The written examination shall be graded. The applicant shall receive the following percentages toward overall score based upon the score attained on the written examination:

Written Test Score	Percentage Overall Score
0 to 59.99	0%
60 to 61.99	1%
62 to 63.99	2%
64 to 65.99	3%
66 to 67.99	4%
68 to 69.99	5%
70 to 71.99	6%
72 to 73.99	7%
74 to 75.99	8%
76 to 77.99	9%
78 to 79.99	10%
80 to 81.99	11%
82 to 83.99	12%
84 to 85.99	13%
86 to 87.99	14%
88 to 89.99	15%
90 to 91.99	16%
92 to 93.99	17%
94 to 95.99	18%
96 to 97.99	19%
98 to 100	20%

[d] The results of the written examination shall be valid for a period of two years from the completion of the test.

[2] Oral examination:

- [a] All candidates participating in the written examination phase shall be eligible to participate in the oral examination phase. The oral examination shall be administered by the Chief of Police, together with up to two additional members of the Borough of Emerson Police Department to be selected by the Chief of Police or by the New Jersey State Association of Chiefs of Police, at the discretion of the governing body.
- [b] Candidates shall be notified by the Chief of Police of their scheduled examination date at least 10 days prior to the date.
- [c] The oral examination phase shall consist of questions posed to the candidate to which the candidate must provide oral answers. The same questions shall be given to each of the candidates. The individuals administering the oral examination phase shall provide the following percentages towards the candidate's overall score:

Oral Test Score	Percentage Overall Score
0 to 59.99	0%
60 to 61.99	1%
62 to 63.99	2%
64 to 65.99	3%
66 to 67.99	4%
68 to 69.99	5%
70 to 71.99	6%
72 to 73.99	7%
74 to 75.99	8%
76 to 77.99	9%
78 to 79.99	10%
80 to 81.99	11%
82 to 83.99	12%
84 to 85.99	13%
86 to 87.99	14%
88 to 89.99	15%
90 to 91.99	16%
92 to 93.99	17%
94 to 95.99	18%
96 to 97.99	19%
98 to 100	20%

[d] The results of the oral examination shall be valid for a period of two years from the completion of the test

[3] Job performance.

[a] The job performance of each applicant shall be evaluated based upon a standardized checklist to be developed by the Chief of Police, and the job performance evaluation shall include attendance, awards received, ability to relate to members of the public, ability to handle emergencies, computer skills and knowledge of current law and arrest procedures. The checklist shall also include such other information as the Chief of Police shall deem appropriate. This evaluation must be completed anew each time a candidate applies for a promotion.

[b] Upon evaluation of the standardized checklist, the Chief of Police shall assign a percentage to the scores, which percentage shall be counted towards the overall evaluation score. The maximum score to be assigned shall be 30% and the minimum shall be 5%.

- [4] Seniority. Seniority will be assessed as one of the states of the promotional process. This assessment must be completed anew each time a candidate applies for a promotion. Seniority shall be determined by the number of years of service completed, commencing on the date on which the employee was sworn in or the date first placed on the payroll, whichever date first occurred. Seniority shall count in the following percentages towards the overall score:
- [a] Start of year six through 12 years: 2%.
 - [b] Start of year 13 through 15 years: 4%.
 - [c] Start of year 16 through 18 years: 6%.
 - [d] Start of year 19 through 20 years: 8%.
 - [e] Start of 21st year and up: 10%.
- [5] Personal interview by Mayor and Council. A personal interview shall be conducted with all candidates for promotion. A new interview shall be conducted each time a candidate applies for a promotion. The information to be viewed during the interview will come from each candidate's personnel file. Each candidate shall be given the opportunity to make a personal statement if he or she chooses to do so. Each candidate will be asked the same series of questions by a governing body member who is part of the appropriate authority. Each Council member shall grade each candidate based on the interview. The maximum attainable score for the interview shall be 20%, which shall be determined based upon the average of each individual Council member's score. Factors to be considered by the Borough Council in scoring the candidate's interview shall include Town volunteerism.
- [6] In the event a Sergeant position is available within two years of the completion of a prior Sergeant promotional process, the written examination score and the oral examination score remain valid for two years, however, the Job Performance evaluation, Seniority assessment and the Mayor and Council Interview must be conducted anew.

Section 3. Amending Section 77-8 – Promotions. Subsection G. “Promotional standards for promotion to rank of Lieutenant.”

Section 77-8., Subsection G “Promotional standards for promotion to rank of Lieutenant.” of the Borough Code, is hereby amended to read as follows:

§ 77-8. G. Promotional standards for promotion to rank of Lieutenant.

Promotional standards for promotion to rank of Lieutenant. Candidates for the position of Lieutenant shall participate in a promotional procedure administered by the governing body which will consist of the following:

- (1) Any candidate for the position of Lieutenant must hold the rank of Sergeant for one year and possess at least 12 years' experience as a police officer.

- (2) Leadership evaluation: poise, alertness, ability to communicate clearly and effectively, and ability to effect good work and public relations and moral character. A promotional committee, consisting of the Police Chief, Police Captain and the appropriate authority will meet and review each candidate's Job Performance, Seniority in Grade, Educational and Special Training, Leadership Ability and Examination of Personnel File. The promotional committee will articulate the merit of each candidate at the Mayor and Council interview, as mentioned in the opening statement regarding the process.
- (3) Interview with Mayor and Council, Borough Administrator, Police Chief and Police Captain: interview to include review of leadership, performance, seniority and education. Each Candidate will be asked the same series of questions by a governing body member who is part of the Appropriate Authority; all candidates will be asked the same question.

Section 4. Amending Section 77-8 – Promotions. Subsection H. “Promotional standards for promotion to rank of Captain.”

Section 77-8., Subsection H “Promotional standards for promotion to rank of Captain.” of the Borough Code, is hereby amended to read as follows:

§ 77-8. H. Promotional standards for promotion to rank of Captain.

Promotional standards for Promotion to Rank of Captain. The Borough of Emerson requires that the Captain have held the rank of Sergeant and/or Lieutenant with the Borough of Emerson Police Department. Candidates for the position of Captain shall participate in a promotional procedure administered by the governing body which will consist of the following:

- (1) Interview with Mayor and Council, Borough Administrator and Police Chief: interview to include review of leadership, performance, seniority and education. Each candidate will be asked the same series of questions by a governing body member who is a member of the appropriate authority.
- (2) Leadership evaluation: poise, alertness, ability to communicate clearly and effectively, ability to effectuate good working and public relations, and moral character.
- (3) Candidates shall possess a minimum of three years' supervisory and management experience in law enforcement as a Lieutenant or Sergeant.

Section 5. 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 6. 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:_____