

TOWNSHIP OF BORDENTOWN

ORDINANCE No. 2020-11

**ORDINANCE AMENDING THE BORDENTOWN TOWNSHIP MUNICIPAL CODE AND
ADDING SECTION 2.68.080 “POLICE EXTRA DUTY SERVICES”**

WHEREAS, the Bordentown Township Police Department regularly receives requests for traffic control and security services for businesses and local organizations; and

WHEREAS, as requested by the Chief of Police, the Township Committee wishes to establish requirements and procedure for such operations.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Bordentown as follows:

Section 1: Chapter 2.68 of the Township Code, entitled “Department of Police” is hereby amended to include new Section 2.68.80 as follows:

2.68.080 Extra-duty services.

- A. Purpose. The purpose of this section is to set forth guidelines to govern the employment of Bordentown Township police officers for extra-duty details *within the Township of Bordentown** and which extend beyond their regular assigned duties and responsibilities.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:
EMPLOYER
Any individual, partnership, corporation, business entity or other organization, located either within or outside of Bordentown Township.
EXTRA DUTY
Any outside employment when a police officer is not scheduled for a shift of duty by the Bordentown Township Police Department and that calls for actual or potential use of law enforcement powers by the police officer.
- C. Any person or entity wishing to receive police services may arrange to receive such services within the Township and those neighboring municipalities participating in the current shared service agreement for police services in accordance with the procedure set forth in section K below. All request shall be subject to the availability of personnel as determined by the Chief of Police. The Chief of Police is responsible for public safety in Bordentown and as such shall administer all activities pursuant to this section.
- D. Minimum time of assignments; cancellation.

1. All assignments shall be a minimum of four hours.
 2. Cancellation of an assignment must be made with no less than two hours' notice. Notice of cancellation received less than two hours prior to the assignment start time shall subject the employer to minimum compensation of two hours pay for all officers scheduled for the first two hours of service.
- E. All police officers providing extra-duty services pursuant to this section shall be considered "on-duty" and will function under the supervision of the Chief of Police. The Bordentown Township Police Department and its employees will maintain all employment rights while assigned to work extra-duty assignments. Employees working extra-duty assignments will be held to their normal standard of conduct and are subject to disciplinary action for any violation of the rules and regulations.
- F. Eligibility. In order to be eligible for extra-duty employment, a police officer must be in good standing with the Department. Officers who are on medical or other leave due to sickness, temporary disability or an ongoing injury shall not be eligible to engage in extra-duty employment. Officers who accept or perform extra-duty employment while on sick or injured leave from their regular duties with the Bordentown Township Police Department shall be subject to discipline.
- G. Wages. Wages earned for outside extra-duty employment by any Bordentown Township police officer shall not be applied toward the pension benefits of the police officers so employed, nor shall hours worked for outside employment be considered in any way compensable as overtime payable by the Township of Bordentown.
- H. Defense and indemnification. Each employer of a police officer for extra duty must defend and indemnify the police officer, the Police Chief, the Police Department, the Bordentown Township Committee members, Bordentown Township and any agent, officer or employee thereof and save them harmless from and against any and all claims, actions, damages, liability and expenses, including but not limited to court costs and reasonable attorneys' fees, without regard to fault, in connection with or arising out of any acts or omissions by the Bordentown Township police officer in performing the extra duty subject to said employer's agreement with Bordentown Township or in connection with or arising out of that agreement between said employer and the Township of Bordentown or Bordentown Township Police Department for such extra-duty assignment.
- I. Procedure.
1. Any person or entity wishing to receive police services which the Township is not obligated or expected to provide or does not usually provide as part of its regular plan of police services may arrange to receive such services within the Township through a private vendor contracted

by the Police Department to manage all scheduled extra-duty services the Police Department. Such persons should notify the Chief of Police or his or her designee, in writing, of the specific nature of the services desired at least 72 hours before such services are required, unless exigent circumstances exist. All requests shall be subject to the availability of personnel as determined by the Chief of Police. The Chief of Police is responsible for public safety in Bordentown and as such shall administer all activities pursuant to this section.

2. All police services within the Township of Bordentown shall be delivered by officers from the Bordentown Police Department. If the Chief of Police determines that the demand cannot be met by the Bordentown Police Department, he may request additional police officers from outside agencies.
3. All requests for extra-duty police services will be finalized in a written agreement between the Chief of Police and the individual or entity requesting such services. This contract will be managed by a private vendor contracted by the Police Department to manage and schedule extra-duty services. The agreement shall specify, at a minimum, the following:
 - (a) The scope of services to be provided, including a properly prepared and completed work zone safety plan in compliance with MUTCD and Township work zone regulations.
 - (b) The commencement date of the police services to be provided;
 - (c) The hours of authorized operation;
 - (d) The number of officers requested and total man-hours needed; and
 - (e) The anticipated date when the need for police services will be completed.
4. The Police Department will, in an effort to save costs, contract with a private company to manage extra-duty services and bill for the services provided.

J. Payment for extra-duty police services

1. A private vendor contracted by the Police Department shall be responsible for generating bills for all extra-duty police services rendered.
2. All fees for extra-duty police services will be collected by the vendor contracted by the Police Department to manage the extra-duty services and deposited with the Bordentown Township Finance Department.
3. The fee shall consist of a special hourly rate, agreed upon by the Township and the recognized collective bargaining unit,* to be paid to officers working extra-duty assignments, plus a reasonable approximation of the administrative cost, overhead and out-of-pocket expenses to the Township for providing the service, as well as administrative fees charged by the vendor contracted by the Police Department; this fee will be charged by the company who will manage and schedule the extra duty services. All payments for such services shall be collected

by the private vendor and paid to the Township of Bordentown.

4. Upon completion of each extra-duty work assignment, the company contracted by the Police Department to manage extra duty services shall cause a summary of the extra-duty assignment(s) to be forwarded to the Township Finance Department to facilitate payment. Upon receipt of proof of extra-duty police services, the Township shall disburse payment to those officers who worked the extra-duty assignments. Payment will be based upon the established officer's hourly rate plus an officer prep fee agreed upon by the Township and the recognized collective bargaining unit. Payment for extra-duty work assignments shall be made to the officers at the next available pay period.

K. Exigent circumstances. The Chief of Police maintains broad discretion to amend, modify or otherwise act without conforming to the letter of this section if exigent circumstances exist or the public health, safety or welfare mandates action by the Chief and would not otherwise allow for timing or deadlines as set forth herein, to be met.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3. Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. This ordinance shall take effect immediately upon adoption and publication according to law.

INTRODUCED: April 13, 2020
 PUBLIC HEARING: April 27, 2020
 ADOPTED: April 27, 2020

RECORD OF VOTE													
First Reading: 4/13/20							Second Reading: 4/27/20						
COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
Holliday	✓						Holliday	✓					
Kostoplis	✓						Kostoplis	✓				✓	
Mason	✓					✓	Mason	✓					
Fuzy	✓				✓		Fuzy	✓					✓
Benowitz	✓						Benowitz	✓					

✓ - indicates Vote AB - absent NV - not voting ORD - moved SEC - seconded

I, MARIA CARRINGTON, Township Clerk, do hereby certify that this is a true copy of an ordinance adopted by the Township Committee of the Township of Bordentown on the 13th day of April, 2020.


 MARIA S. CARRINGTON, Township Clerk