

**BOROUGH OF LEONIA
BERGEN COUNTY, NEW JERSEY**

ORDINANCE # 21-98

AN ORDINANCE SUPPLEMENTING CHAPTER 52 OF THE PERSONNEL CODE OF THE BOROUGH OF LEONIA SO AS TO PROVIDE REGULATIONS CONCERNING THE EMPLOYMENT OF POLICE OFFICERS FOR "EXTRA-DUTY" DETAILS WITHIN THE BOROUGH OF LEONIA.

Whereas, it is recognized that there are times when police officers are needed to be employed outside the scope of their regular duties and responsibilities for public safety interests and concerns; and,

Whereas, the Borough of Leonia is desirous of insulating itself from claims by third parties and/or by Police Officers, as the result of injuries or liability which may be sustained as the result of extra and "off-duty" employment of Leonia Police Officers;

Now, therefore, be it ordained by the Mayor and Council of the Borough of Leonia, as follows:

Section

Chapter 52 of the Personnel Code of the Borough of Leonia is hereby supplemented with the following:

RULES GOVERNING EMPLOYMENT OF POLICE OFFICERS IN "EXTRA-DUTY" CAPACITY WITHIN THE BOROUGH OF LEONIA:

A. DEFINITIONS:

"Police Officer" shall mean any regular Police Officer of the Borough of Leonia.

2. "Employer" shall mean any individual, partnership, corporation, business entity or other organization, located either within or outside of the Borough of Leonia, other than the Borough of Leonia, which employs a Police Officer to perform the services of a security guard, traffic control officer or plainclothes surveillance officer.

"Extra-Duty" shall mean any employment when a Police Officer is not scheduled for a shift of duty by the Leonia Police Department and that is conditioned on the actual or potential use of law enforcement powers by the police officer employee.

4. "Security Guard" shall mean a position of employment involving the wearing of a Leonia Police uniform and/or the carrying of a firearm or other dangerous weapon as defined by N.J.S.A. 2C: 39-1.
5. "Traffic Control Officer" shall mean a position of employment involving the wearing of a Leonia Police uniform while directing traffic within the Borough of Leonia.
6. "Plainclothes Surveillance Officer" shall mean a position of employment involving the wearing or carrying of a Leonia Police badge or the carrying of a firearm or other dangerous weapon as defined by N.J.S.A. 2C: 39-1.
7. "Worker's Compensation Insurance" shall mean all forms of insurance including self-insurance required under N.J.S.A. 43:15-1 ET. seq.
8. "While in the employ of the employer" shall mean all times when a Police Officer is scheduled for and does work for an outside employer as a security guard, traffic control officer or plainclothes surveillance officer.

B. No employer shall employ a Leonia Police Officer while "off-duty" to perform the services of a security guard, traffic control officer or plainclothes surveillance officer without having first filed with the Borough Clerk a Certificate of Worker's Compensation Insurance.

No employer shall employ a Leonia Police Officer while "off-duty" to perform the services of a security guard, traffic control officer or plainclothes surveillance officer without having first filed with the Borough Clerk a Certificate of Comprehensive General Liability Insurance in the amount of not less than \$200,000. for one person and \$500,000. for any one occurrence with respect to injuries and damages suffered or caused by Police Officers while in the employ of the employer.

D. No Certificate of Insurance required by this subsection shall be deemed filed with the Borough Clerk unless it has been first approved by the Borough Attorney.

E. All policies of insurance evidenced by any certificate filed here under shall be maintained by the employee in full force and effect at all times while any Police Officer is employed by such employer. Upon the change or renewal of any such policy of insurance, the employer shall forthwith file with the Borough Clerk a new and current Certificate of Insurance in compliance with the foregoing provisions.

F. Any employer who employs a Police Officer while off-duty to perform the aforesaid services without first having complied with the requirements of the subsection shall be subject to a fine of \$500.00 or imprisonment of one day, or both, for each day that it employs the Police Officer.

G. Any Police Officer who accepts or continues employment while off-duty with an employer who has not complied with the requirements of this subsection, shall be deemed in violation of the Rules and Regulations of the Police Department and shall be subject to appropriate discipline thereunder. The Police Officer shall, prior to accepting or continuing off-duty employment, ascertain from the prospective employer whether it has complied with the provisions hereof. If the employer has not yet complied, the Police Officer shall not accept the prospective "extra-duty" employment.

SECTION II

All other parts, portions and provisions of Chapter 52 of the Personnel Code of the Borough of Leonia are hereby confirmed and ratified.

SECTION III

Should the provisions of this Ordinance in any way be inconsistent or conflict with the provisions of any other part or portion of any Borough Ordinance governing Police Conduct or Regulations, the provisions hereof shall supersede those inconsistencies and shall be given full force and effect.

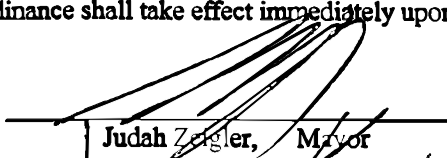
SECTION IV

The provisions of this Ordinance are hereby declared to be severable should any part, portion or provision hereof be deemed invalid or unconstitutional said finding shall not affect any other parts or portions or provisions not so determined to be invalid or unconstitutional.

SECTION V

This Ordinance shall take effect immediately upon passage and final publication according to law.

APPROVED:


Judah Ziegler, Mayor

ATTEST:


Borough Clerk

Dated: December 7, 1998

~ Application ~
Employment of Police Officers for "Extra-Duty"

Borough Ordinance #

Name of Applicant: _____

Firm Represented: _____

Address: _____

Telephone: (Home) _____ (Business) _____

Dates of Employment Requested: _____

Hours of Employment: From: _____ To: _____

Description of Work: _____

Date of Application: _____ Blotter Event: _____

Pursuant to Borough Ordinance ###, the above named applicant is making application for the employment of Leonia Police Officers in an "extra-duty" capacity. It shall be understood that the above named applicant will be responsible for the costs of a Police Officer's employment at the below established hourly rate, in addition to a 20% administrative surcharge, to cover costs including but not limited to, medical insurance, workmen's compensation, disability insurance, vehicle depreciation, etc. All officers employed under the agreement shall remain under the direct control of the Leonia Police Department, and all such assignments shall not be in conflict or countermand any Rules and Regulations, Policies and Procedures and General Orders of the Leonia Police Department, New Jersey Statutes, and Court Rules and Directives.

The minimum employment time for each officer shall total a minimum of two (2) hours, consistent with contractual terms and agreements. A cancellation of any assignment by said applicant within a 24-hour period shall result in payment costs representing 2 hours pay at the rate established herein. If any assignment is canceled after an Officer(s) arrives at the location of the assignment, that Officer(s) is entitled to two (2) hours pay at said hourly rate.

Signature of Applicant: _____ Date: _____

[Redacted Signature]

Approved by: _____ Disapproved by: _____

Name of Officer(s) Assigned: _____

Total hours worked: _____ X Hourly Rate: \$ _____ = \$ _____

Total Cost of: \$ _____, plus 20% Administrative Cost of \$ _____

LEONIA POLICE DEPARTMENT - POLICIES & PROCEDURES

GENERAL ORDER

Subject: Extra Duty Employment	Section Number: 1.98-001		
	Effective Date: Pending		
Volume Title: Administration	Number of Pages: 5		
N.J. Standard: Written Policy Directive #1	Distribution: General		
Source/References: Manual on Uniform Traffic Control Devices - Part VI Leonia Borough Code; Chapter 52 Leonia Police Department - Rules & Regulations Leonia Police Department - Policies & Procedures Standards for Law Enforcement Agencies.	Revised:	Page:	Approved:
Prepared by: Chief Vodde, D/Lt. Greiner, Sgt. O'Meara & P.O. Reilly			
Issued by Authority of Robert F. Vodde/Chief of Police:			

EXTRA DUTY EMPLOYMENT

1. POLICY

The purpose of this policy is to set forth guidelines to govern the employment of Leonia Police Officers for "extra duty" (off-duty) details within the jurisdiction of Leonia only and which extend beyond their regular assigned duties and responsibilities. This policy shall comply with any applicable Borough Codes and Ordinances referenced herein

Inherent to the Leonia Police Department's defined mission and scope of its regular public duties and responsibilities, occasions arise when the need for professional police and public safety services are required by outside agencies and/or person(s).

Examples of such occasions when police officers may be required which extend outside the scope of their regular duties and responsibilities, may include: traffic control for road and utility repair and construction; crowd control for private and quasi-public affairs (carnivals, bazaars, fairs, dances, etc.), sporting events, security details, etc.

In this context, the purpose of this directive is to establish a policy and procedure by which all Officers and members of the Leonia Police Department may be afforded the opportunity for "extra-duty" details, and understand and adhere to the criteria and procedures while employed in such capacity.

The tenants of this policy and procedure shall be consistent with any applicable and related Departmental Rules and Regulations, Policy and Procedures, Contractual Agreements, and Borough Codes and Ordinances.

DEFINITIONS

- a. "Police Officer" shall mean any regular Police Officer of the Borough of Leonia.
- b. "Employer" shall mean any individual, partnership, corporation, business entity or other organization, other than the Borough of Leonia, which employs a Police Officer to perform the services of a security guard, traffic control officer or plainclothes surveillance officer.
- c. "Extra-Duty" shall mean any employment when a Police Officer is not scheduled for a shift of duty by the Leonia Police Department and that is conditioned on the actual or potential use of law enforcement powers by the police officer employee. Extra-Duty is not synonymous with overtime work associated with officer's regularly assigned duties and responsibilities.
- d. "Security Guard" shall mean a position of employment involving the wearing of a Leonia Police uniform and/or the carrying of a firearm or other dangerous weapon as defined by N.J.S.A. 2C: 39-1.

"Traffic Control Officer" shall mean a position of employment involving the wearing of a Leonia Police uniform while directing traffic within the Borough of Leonia.
- f. "Plainclothes Surveillance Officer" shall mean a position of employment involving the wearing or carrying of a Leonia Police badge or the carrying of a firearm or other dangerous weapon as defined by N.J.S.A. 2C: 39-1.
- g. "Workmen's Compensation Insurance" shall mean all forms of insurance including self-insurance required under N.J.S.A. 43:15-1 et. seq.

"While in the employ of the employer" shall mean all times when a Police Officer is scheduled for and does work for an outside employer as a security guard, traffic control officer or plainclothes surveillance officer.

PROCEDURES

No employer shall employ a Leonia Police Officer for extra-duty in order to perform the services of a security guard, traffic control officer or plainclothes surveillance officer without having first filed with the Borough Clerk a Certificate of Workmen's Compensation Insurance.

- B. No employer shall employ a Leonia Police Officer for extra-duty in order to perform the services of a security guard, traffic control officer or plainclothes surveillance officer without having first filed with the Borough Clerk a Certificate of Comprehensive General Liability Insurance in the amount of not less than \$200,000.00 for one person and \$500,000.00 for any one occurrence with respect to injuries and damages suffered or caused by Police Officers while in the employ of the employer.
- C. No Certificate of Insurance required by this subsection shall be deemed filed with the Borough Clerk unless it has been first approved by the Borough Attorney.
- D. All policies of insurance evidenced by any certificate filed hereunder shall be maintained by the employee in full force and effect at all times while any Police Officer is employed by such employer. Upon the change or renewal of any such policy of insurance, the employer shall forthwith file with the Borough Clerk a new and current Certificate of Insurance in compliance with the foregoing provisions.
- E. Any employer who employs a Police Officer for extra-duty in order to perform the aforesaid services without first having complied with the requirements of the subsection shall be subject to a fine of \$500.00 or imprisonment of one day, or both, for each day that it employs the Police Officer.
- F. No Police Officer shall accept any outside employment without first obtaining, in addition to all other requirements herein, the express permission of the Chief of Police or his designee.

Any Police Officer who accepts or continues employment for extra-duty with an employer who has not complied with the requirements of this subsection, shall be deemed in violation of the Rules and Regulations of the Police Department and shall be subject to appropriate discipline thereunder. The Police Officer shall, prior to accepting or continuing extra-duty employment, ascertain from the prospective employer whether it has complied with the provisions hereof. If the employer has not yet complied, the Police Officer shall not accept the prospective off-duty employment.

H. The Chief of Police shall assign an Officer(s) to organize, regulate and oversee all extra duty employment details. This officer shall ensure:

- a. Compliance with this policy and all applicable Borough codes and ordinances, Departmental rules and regulations, policies and procedures, and other applicable contracts, agreements, laws and regulations;
- b. Notwithstanding any other regulations and/or contracts, ensure that there is an equitable opportunity for all eligible officers within the department to avail themselves to such extra duty employment;

To assist in this matter, an annual list, beginning with the first day and month of the calendar year, will be maintained which shall reflect the date, time and nature of each extra duty detail. This list will additionally reflect:

The name of the Officer(s) who were offered the opportunity to work the detail;

- b. The name of the Officer(s) who were assigned and worked the detail.

I. Notwithstanding having provided an equitable opportunity for "extra-duty" employment, every reasonable attempt will be made to provide for the equitable distribution of said employment.

Repeated denials, however, by an officer who has been offered such employment, does not encumber or obligate the scheduling officer or the Department the obligation to ensure for equitable distribution of such employment opportunities.

Any individual, partnership, corporation, business entity or other organization, other than the Borough of Leonia interested in employing the services of any member of the Leonia Police Department in an "extra-duty" capacity within the jurisdiction of Leonia, shall be appraised of any applicable Borough codes, ordinances, rules and regulations, and policies and procedures, and shall make application on the prescribed application form. (Appendix B).

All officers working "extra-duty" details shall do so under the auspices and control of the Department's Rules and Regulations, and Policies and Procedures.

- L. Officers assigned to "extra-duty" details shall be attired as prescribed by the Department's Uniform Policy. Officers shall be attired in the requisite and appropriate uniform or "plain clothes" best suited for the nature of the "extra-duty" detail. Uniformed traffic details shall consist of the uniform of the day and shall be equipped with a regular duty belt, other applicable gear and equipment (e.g.; reflectorized traffic safety vest), and may wear an approved "baseball" type cap.
- M. Officers working any form of traffic related detail shall comply with any applicable safety standards of Part VI of the Manual on Uniform Control Traffic Control Devices and those established by the Department's Traffic Safety Officer.
- N. All Officers performing a traffic related extra duty detail, via Departmental training, shall successfully complete a *Workzone Safety Course* as prescribed by the NJ Department of Transportation and provided by the Department's Training Officer.
- O. 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 on-duty injury shall not be eligible to engage in "extra-duty" employment.