

8-5



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldwpnj.com>

Meeting: 04/13/15 07:00 PM

15-22

2015 ORDINANCE AMENDMENT

AN ORDINANCE TO AMEND CHAPTER 75, "POLICE DEPARTMENT", ARTICLE I "General Provisions" § 75-5 "Outside employment; response to calls" IN THE CODE OF THE TOWNSHIP OF BLOOMFIELD, ESSEX, COUNTY, NEW JERSEY

BE IT ORDAINED, by the Mayor and Council of the Township of Bloomfield, County of Essex, State of New Jersey, as follows:

Section 1. Chapter 75 "Police Department" Article I "General Provisions" § 75-5

"Outside employment: response to calls" of the Code of the Township of Bloomfield, County of Essex, State of New Jersey, is hereby amended to read as follows:

§ 75-5

Purpose

Members of the Bloomfield Police Department may engage in private police work when written permission is obtained from the Director of Police for such work in accordance with this section. When members are engaged in any other business or occupation, it shall not consume their energies to make them ineffective for their regular police duties. In the performance of duty, each member shall respond promptly to every call and give his best efforts under and in all circumstances. Although specified hours may be allotted to members of the Police Department for the performance of duty on ordinary occasions, each member must at all times be prepared to act immediately on notice that his services are required.

Assignments of Off-Duty Police Officers.

a. *Eligibility and Limitations.* Sworn members of the Bloomfield Police Department who are authorized to engage in off-duty employment, shall be permitted to accept police-related employment in accordance with the Bloomfield Police Department Rules and Regulations, for private employers who are separate and independent from the Township of Bloomfield, only during off-duty hours, to perform public safety functions on behalf of and as assigned by the Police Director or the Chief Law Enforcement Officer of the Police Department, while receiving compensation from the Police Department at the rates established by the Governing Body of the Township of Bloomfield, at such times as will not interfere with the efficient actual performance of regularly scheduled or emergency duty for the Township.

b. Sworn officers who are deemed eligible to perform outside employment, and who perform in the capacity of a security officer for a licensed security company as defined under N.J.S.A. 45:19A-1 et seq. or a private employer, while receiving compensation for those duties from the licensed security company or private employer, shall not wear their Bloomfield police uniform or otherwise exhibit evidence of authority as a Law Enforcement Officer, while performing private security functions for the licensed security company or private employer. Prior to commencement of such employment, the Police Officer

AS TO FORM AND PROOF BE
ON BASIS OF FACTS SET FORTH

Bill [Signature]

must ensure that the officer, the licensed security company and/or the private employer are in full compliance with the Security Officers Registration Act (SORA), N.J.S.A. 45:19A-1 et seq. The officer may only work for a licensed security company or private employer, which has provided written assurance to the Township of Bloomfield Police Department on a form to be provided, prior to the commencement of work, that the officer is a full employee of that company, person or entity while conducting the duties of a security officer and that the licensed security company or the private employer carries comprehensive workers compensation and general liability insurance in amounts required by the Township. Officers in compliance with this provision are exempt from the requirements and assignment provisions of this Article.

Request for Services.

a. *Approval of Police Director.* Any person or entity wishing to employ off-duty Bloomfield Police Officers as security officers (as an employee, agent or subcontractor of a private security company or private employer) shall first obtain the approval of the Police Director or his or her designee, which approval shall be granted if, in the opinion of the Police Director or his or her designee, such employment is necessary and would not be inconsistent with the efficient functioning and good reputation of the Police Department and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work.

b. All road construction, traffic control or public safety functions required, which interfere with motor vehicle or pedestrian traffic on Township streets and/or public sidewalks shall require the use of a uniformed Bloomfield Police Officer. All vendors are required to schedule employment of aforementioned officers through the Police Department's Outside Employment Unit.

c. The Police Director or his designee is hereby authorized to execute an agreement with the applicant for services required, which agreement shall set forth the specific nature of the services to be performed, the location, dates and hours of service, payment arrangements mandated by this Article, insurance coverage or any other provisions required by law or regulation of the State of New Jersey. The applicant must first file a request for services with the Police Department's Outside Employment Unit.

d. All requests to the Township for the services of off-duty Law Enforcement Officers in the Township of Bloomfield Police Department shall be forwarded to the Police Director for posting within the time frame established by the Police Department. The Police Director in his or her discretion may approve emergency requests for services.

e. All requests to the Bloomfield Police Department for the services of off-duty Law Enforcement Officers for a period of one (1) week or longer shall be forwarded to the Police Director or his or her designee for posting at least ten (10) business days before such services are required. Any Law Enforcement Officers, when so employed by private employers, shall be compensated at the rate set forth in subsection §75-5.1.

f. All requests to the Bloomfield Police for service of off-duty Law Enforcement Officers for a period of less than one (1) week shall be forwarded to the Police Director or his or her designee for posting within seven (7) business days prior to the desired start work date. Any Law Enforcement Officers, when so employed by private employers, shall be compensated at the rates set forth in subsection §75-5.1.

g. In emergency situations, requests to the Bloomfield Police Department for the services of off-duty Law Enforcement Officers shall be made as necessary to the Police Director or his or her designee, who shall use his or her discretion in approving or denying that request, considering the interests of the Police Department.

h. Any Law Enforcement Officers, when so employed, shall not be considered an employee of the Township, except for discipline purposes. Any and all wages earned for 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 under the Federal Labor Standards Act, 29 U.S.C.201 et seq., or compensable in any other manner that requires the Township to pay the Officers by Township funds through its payroll system.

i. The Police Department Policy and Procedures shall be revised to be in compliance with this section and N.J.S.A. 45:19A-9 et seq.

Police Uniforms.

Bloomfield Police Officers performing off-duty police-related services for applicants shall be in full police uniform while said services are being provided, unless forbidden to do so by operation of this section.

Off-Duty Employment Outside Overtime Budget Mechanism.

a. *Establishment.* To assure the timely payment of wages to Police Officers who perform off-duty services, and to meet the requirements of the Fair Labor Standards Act, the Township of Bloomfield will establish an Off-Duty Employment Outside Overtime Budget Mechanism (hereinafter "account") or such other name as assigned by the Director of Finance in accordance with appropriate rules and statutes for budgeting for the receipt of fees collected from private persons or entities for the payment to Police Officers for off-duty or outside employment services. The Off-Duty Employment Outside Budget Mechanism shall be administered by the Township's Finance Department.

b. Any person or entity requesting the services of an off-duty Law Enforcement Officer in Bloomfield shall estimate the number of hours such law enforcement services are required, which estimate shall be approved in writing by the Police Director, or his or her designee, and upon Police Director's approval, a copy of said approval shall be forwarded to the Township's Finance Department. The person or entity requesting the services shall then forward payment for services for the total estimated hours of service, the rates of compensation and administrative fees as set forth in subsection §75-5.1 to the Department of Finance for deposit prior to the commencement of said services.

c. In any instance where the number of hours required is unknown and cannot be reasonably estimated, or is anticipated to be in excess of ten (10) days, the person or entity requesting the services of an off-duty Law Enforcement Officer shall deposit an amount sufficient to cover the rate of compensation and administrative fees as set forth in subsection §75-5.1 for the equivalent of ten (10) days prior to the commencement of any work. Any unused portion of the deposit shall be returned or credited against the final amount owed.

d. Prior to posting any request for services of off-duty Law Enforcement Officers, the Police Director or his or her designee shall verify that the balance deposited for 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 Police Director or his or her designee shall not post a request for services from any person or entity unless all fees and compensation required in the manner described above have been deposited in the account. All payments must be remitted directly to the Township of Bloomfield Finance Department for deposit. No officer shall be paid directly by any employer for requested services nor provide any such services for more hours than are specified in the request for services.

e. The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the account in order to avoid any interruption of services.

f. In the event the funds in the account should become depleted or that the account falls below the designated level, services of off-duty Law Enforcement Officers shall cease, and further requests for additional or future services shall not be honored or posted until additional funds have been deposited in the account in the manner prescribed above.

g. The Commander of the Bloomfield Police Department's Business Office, or his designee, shall make a written report to the Police Director every ninety (90) days regarding the status of each account and highlight each deficient account holder. Payments to Police Officers shall be on a biweekly basis with all appropriate deductions.

h. *Exemption.* All public utility companies are exempt from the provisions set forth in this section requiring advance payment to the Trust Account; providing, however, that there are no amounts previously due that are outstanding for a period in excess of fifteen (15) days. Any such delinquent balances shall require advance payment of the amount outstanding prior to any officer engaging in any further off-duty assignments.

i. *Cancellation.* In the event that the person or entity requesting the off-duty Law Enforcement Officers fails to contact the Township of Bloomfield at least four (4) hours prior to the scheduled start time to cancel the job, or the officer works less than four (4) hours and the job is completed, the officer is entitled to be paid for the minimum of four (4) hours.

Public Emergency.

The Police Director or his or her designee shall have the authority to order any Police Officer engaged in off-duty assignments within the Township of Bloomfield to respond to an emergency situation within Bloomfield. The Police Director or his or her designee shall also have the right to order any off-duty assignment to be terminated whenever said assignment creates an unacceptable risk to the health, safety and welfare of the off-duty officer and/or the citizens of Bloomfield. (Ord. 6 PSF-A, 2-3-10 § 1)

Insurance Requirements.

The applicant (private security company or private employer) shall be responsible for providing all insurance coverage as required by law. The applicant shall provide Bloomfield with appropriate certificates of insurance naming Bloomfield and the Police Officers as additional insured and evidencing that the Police Officer and the Township are covered by general liability coverage on an occurrence basis of at least one million (\$1,000,000.00) dollars each occurrence and workman's compensation insurance with respect to the services to be provided.

The certificate of insurance or the policy shall contain the following language: "The Township of Bloomfield, its agents, servants and administrators are included as additional insured's with respect to general liability coverage as required by written contract."

As an alternative, the Police Director, after consultation with the Township's Risk Manager, may accept a Broad Form Policy Endorsement in addition to a certificate of insurance (with language satisfactory to the Township's Risk Manager, in accordance with Township policies and procedures) naming the Township of Bloomfield, and the Police Officer as additional insureds under the policies.

Indemnification and Duty to Defend.

a. The person or entity requesting the services of the off-duty police shall execute an appropriate Hold Harmless and Indemnity Agreement which shall provide that such person or entity shall indemnify, defend, and hold harmless the Township of Bloomfield, its agents, servants and administrators from and against any and all claims, or actions at law, whether for personal injury, property damage or liability including any cost of defense incurred by the Township of Bloomfield which arise from any acts or

omissions of the insured, its agents, or employees arising out of or related to the use of off-duty Bloomfield Police Officers.

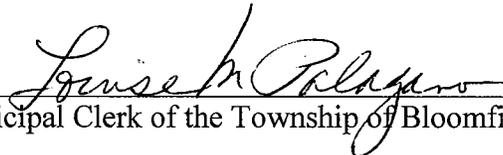
b. This indemnification and hold harmless agreement and the duty to defend shall apply in all instances, whether the Township of Bloomfield is a plaintiff or is made a direct party to the initial action or claim or is subsequently made a party to the action by third party in-pleading or is made a party to a collateral action arising, in whole or in part, from any of the issues from the original cause of action or claim.

Section 2. All ordinances inconsistent herewith are hereby repealed.

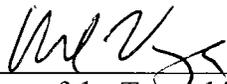
Section 3. This ordinance shall take effect upon final passage and publication in accordance with the law.

......*

I hereby certify that the above ordinance was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on MAY 4, 2015.



 Municipal Clerk of the Township of Bloomfield



 Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance						
<input type="checkbox"/> Adopt <input type="checkbox"/> Deny <input type="checkbox"/> Withdrawn <input type="checkbox"/> Table <input type="checkbox"/> Not Discussed <input type="checkbox"/> First Reading <input type="checkbox"/> Table with no Vote <input type="checkbox"/> Approve <input type="checkbox"/> Veto by Mayor <input type="checkbox"/> Discussion <input type="checkbox"/> Defeated <input type="checkbox"/> Discussion No Vote		Yes/Aye	No/Nay	Abstain	Absent	
	Elias N. Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Carlos Bernard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Joseph Lopez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Carlos Pomares	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

✓ Vote Record - Ordinance						
<input type="checkbox"/> Adopt <input type="checkbox"/> Deny <input type="checkbox"/> Withdrawn <input type="checkbox"/> Table <input type="checkbox"/> Not Discussed <input type="checkbox"/> First Reading <input type="checkbox"/> Table with no Vote <input type="checkbox"/> Approve <input type="checkbox"/> Veto by Mayor <input type="checkbox"/> Discussion <input type="checkbox"/> Defeated <input type="checkbox"/> Discussion No Vote		Yes/Aye	No/Nay	Abstain	Absent	
	Elias N. Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Carlos Bernard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Joseph Lopez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Carlos Pomares	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>