

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 50 (DEPARTMENT OF LAW ENFORCEMENT) OF THE TOWNSHIP CODE TO ESTABLISH PROTOCOLS GOVERNING SPECIAL DUTY ASSIGNMENTS FOR POLICE OFFICERS

BE IT ORDAINED by the Township Council, Township of Toms River, Ocean County, New Jersey, as follows:

1. Article VIII (Secondary Employment) of Chapter 50 (Department of Law Enforcement), and all subsections thereunder, are hereby repealed and re-designated as “Reserved.”

2. Article X (Secondary Employment of Police Officers) Chapter 50 (Department of Law Enforcement), is hereby re-designated as “Secondary Employment/Special Duty,” and amended and supplemented to provide as follows:

**ARTICLE X
Secondary Employment/Special Duty**

§50-26. Purpose and scope; definitions.

- A. This Article is intended to establish policies, procedures, and regulations governing the administration and assignment of secondary employment for Township police officers.
- B. “Secondary employment” and “special duty” include all voluntary off-duty employment undertaken by Township police officers, pursuant to the protocols established in this Article.

§50-27. Administration.

- A. Secondary employment/special duty shall be administered by the Township, or a third-party designee contracted by the Township, consistent with the prevailing collective bargaining agreement between the Township and New Jersey State Policeman’s Benevolent Association, Inc., Local #137, or the successor bargaining unit, and the protocols established under this Article.
- B. While undertaking secondary employment/special duty, police officers shall remain, and be regarded as, in the employment of the Township of Toms River.
- C. All requests for special duty services must be submitted to, reviewed and approved, by the Chief of Police or a third-party designee contracted by the Township.

§50-28. Compensation.

Police officers assigned secondary employment/special duty shall be compensated in accordance with the prevailing collective bargaining agreement between the Township and New Jersey State Policeman's Benevolent Association, Inc., Local #137, or the successor bargaining unit.

§50-29. Special duty assignments.

- A. Special duty assignments shall be designated by the Chief of Police or a third-party designee contracted by the Township.
- B. In non-emergency situations, special duty assignments shall be offered to full-time Toms River police officers. Should no full-time Toms River police officer accept or be available within 16 hours before the scheduled commencement of a non-emergency job, then the assignment may be offered to full-time officers in the Ocean County Sheriff's Department.
- C. In emergency situations, or in non-emergency situations where neither a full-time Toms River police officer, nor a full-time officer in the Ocean County Sheriff's Department, can fill a special duty assignment, the Chief of Police or his designee may, in his or her sole discretion, enlist a full-time law enforcement officer from an outside agency to fill the assignment.
- D. Class I, II, and III Special Law Enforcement Officers are ineligible for special duty assignments.

§50-30. Roadwork and traffic special duty.

- A. Contractors performing work involving the construction, repair, maintenance, or opening of roads and streets, or any infrastructure located within, under, or along any roads and streets, which, as determined by the Chief of Police, will affect or disrupt the normal flow of traffic thereon, must enlist at least one special duty police officer to secure the work zone.
- B. To prevent or abate any public safety hazard, the officers assigned to roadwork special duty are authorized, with the approval of the Chief of Police or his designee, to stop work in any construction zone and to order the removal of any equipment and material.

§50-31. Funding mechanisms.

- A. Any person, company, entity, or organization enlisting special duty police services must submit for approval to the Chief of Police or his or her designee a written estimate of the number of hours those services will be required.
- B. Once the hourly estimate is approved, the party enlisting special duty police services must establish an escrow account with the Department of Finance and deposit therein a sum sufficient to cover the estimated cost, including compensation and administrative fees, of the requested services.

- C. No special duty assignments shall be offered unless the required escrow account has been established and funded.
- D. Should the escrow account be depleted during the course of the assignment, the responsible party must, within 14 days of notification by the Township, replenish the account in an amount sufficient to cover the estimated costs of the remaining work. Failure to do so will result in the discontinuance of special duty services until the additional escrow funds have been deposited.
- E. Upon completion of the assignment, any excess funds in the escrow account shall be refunded to the responsible party.
- F. The requirement of establishing a prepaid escrow account shall not apply to public and private schools, charitable, and religious organizations, and in emergency situations. In these circumstances, the party enlisting special duty police services must promptly remit payment within 14 days following conclusion of the special duty work assignment.
- G. The funding procedures specified in subsections A through F are not applicable to the extent the Township has contracted with a third party entity to administer special duty assignments, in which case the procedures established by that entity shall control, provided the Township receives full payment on a bi-weekly basis for all payroll and administrative costs associated with the special duty assignment.

§50-32. Rules and regulations.

Pursuant to N.J.S.A. 40A:14-118 and §50-1D, the Business Administrator, with the input and assistance of the Chief of Police, may establish and amend departmental policies and procedures to implement the provisions of this Article.

3. Section 50-29 (Authorization to Participate) and §50-30 (Approval of acquisitions; requisitions) are hereby re-numbered as §50-33 and §50-34 respectively.

4. To the extent any supplements, amendments, or addenda to the prevailing collective bargaining agreement between the Township and New Jersey State Policeman's Benevolent Association, Inc., Local #137, are required in order to implement the amendments to Article X of Chapter 50 established pursuant to this ordinance, the appropriate Township officials are hereby authorized to negotiate and execute any documents necessary to effectuate those arrangements.

5. All other provisions of Chapter 50 remain in full force and effect.

6. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of the inconsistency.

7. If any part of this ordinance is invalidated for any reason by competent authority, that part is severed and the remaining provisions shall remain in full force and effect.

8. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and twenty days after publication as required by law.