

BOROUGH OF GARWOOD

ORDINANCE NO. 23-01

Adopted: _____

Introduced:	01/12/2023
Motion:	Councilman Graham
Seconded:	Councilman Kearney

Public Hearing:	
Motion:	
Seconded:	

AN ORDINANCE AMENDING THE BOROUGH CODE OF THE BOROUGH OF GARWOOD BY AMENDING CHAPTER 34, ENTITLED "POLICE DEPARTMENT", SECTION 4, ENTITLED "APPOINTMENTS".

WHEREAS, the Borough of Garwood (the "Borough") has previously adopted Chapter 34, Section 4 of the Code of the Borough of Garwood establishing the promotional procedures for the police department; and

WHEREAS, the Chief of Police has recently advised Administration that the police officer evaluations conducted are not based on a numbered and/or satisfactory scale; and

WHEREAS, the Chief of Police advised that the most recent evaluations are rather based on a determination of below average, acceptable level or above average; and

WHEREAS, the Borough Council seeks to amend the Code to ensure the performance evaluation scoring properly coordinates with the current evaluation system utilized in the police department.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Garwood that Chapter 34 (Police Department), Section 4 (Appointments) of the Borough Code of the Borough of Garwood is hereby amended as follows (additions underscored, deletions ~~struck through~~):

- A. The Mayor shall nominate with the advice and consent of the Council, the Chief of Police, captains, lieutenants, sergeants, detectives, regular, probationary and special policemen.
- B. Chief of Police promotions.
 - (1) General requirements.
 - (a) Eligibility. The Borough of Garwood Governing Body desires to promote the most qualified candidates to the position of Chief of Police. This subsection establishes the eligibility requirements and the process for promotion to the Chief of Police. The promotion process shall be on the basis of merit, education, demonstrated ability, record review and interview. In accordance with N.J.S.A. 40A:14-129, promotion of any officer shall be made from the membership of the Department. To be considered for the position of Chief of Police, the candidates must have previously been serving the Borough in the rank of Sergeant or higher. Candidates must have served in the title of Sergeant or higher for a minimum of three years.
 - (2) Promotional process.
 - (a) Candidates for the position of Chief of Police shall participate in a promotional process administered by the Borough Administrator. The Borough Administrator shall announce the promotional process to members of the Police Department by posting the announcement in the common area of the Police Department and/or the Police Department bulletin board. The posting announcement shall contain at a minimum, the rank to be filled, years of experience required in subsequent rank, and prospective date for the interview. Candidates who qualify shall notify the Borough Administrator of his or her interest in the promotion by submitting a letter of interest no later than 10 calendar days after the promotion announcement. Failure to do so shall render the

officer ineligible to participate in the promotional process.

- (3) Promotion testing procedure. The promotion testing procedure for the Garwood Police Department shall consist of an oral interview and a record review.
 - (a) Two Oral Interview(s).
 - [1] One interview will be conducted by the New Jersey State Association of Chiefs of Police with feedback provided to the Mayor and Council.
 - [2] A second interview shall be conducted by the Mayor and Council. The interview shall focus on but not be limited to the candidates' knowledge the Borough of Garwood's form of government, police administration, leadership and management abilities, municipal budget process, Police Department budget, Attorney General guidelines, staffing, community service, and N.J.S.A 40A:14-118.
 - [3] All candidates shall be given the same identical questions by the Mayor and Council, and the Borough Administrator shall administer the questions and keep written records of each candidate's responses to same. Based on scheduling needs of the Mayor and Council and the New Jersey State Association of Chiefs of Police, the Mayor and Council Interview may occur first or the New Jersey State Association of Chiefs of Police may occur first. There is no specific order for the interviews.
 - [4] Each candidate shall be graded on a sixty-point scale.
 - (a) Up to 55 points will be award from the Mayor and Council interview.
 - (b) Up to 5 points will be awarded from New Jersey State Association of Chiefs of Police interview with the highest score receiving 5 points, second highest receiving 4 points, third highest receiving 3 points, fourth highest receiving 2 points, and the fifth highest receiving 1 point. If applicants achieve the same score the points will be evenly split. Example if the 4th and 5th place scores are the same each candidate will receive 1.5 points.
 - (b) Record review.
 - [1] The candidates' personnel records shall be reviewed, which shall include evaluation records, education, commendations, special training, military service, leadership and discipline. The review of the personnel records shall be conducted by the Borough Administrator and Assistant Borough Administrator.
 - [2] The record review shall be graded on a forty-point scale. The weight of each category of the process shall be as follows:
 - [a] Performance evaluations: zero to 10 points.
 - [i] Acceptable level or higher in at least 16 or the 20 categories in one of the past three evaluations: three (3) points.
 - [ii] Acceptable level or higher in at least 16 of the 20 categories in two of the past three evaluations: seven (7) points.
 - [iii] Acceptable level or higher in at least 16 of the 20 categories in three of the past three evaluations: ten (10) points.
 - [i] ~~Ten points if average score for the past two years is 90% or higher.~~

- ~~[ii] Eight points if average score for the past two years is 80% or higher.~~
- ~~[iii] Six points if average score for the past two years is 70% or higher.~~
- ~~[iv] Four points if average score for the past two years is 60% or higher.~~
- ~~[v] Two points if average score for the past two years is 50% or higher.~~
- ~~[vi] Zero points if average score for the past two years is below 50%.~~
- [b] Education: zero to five points.
 - [i] Five points if completed master's degree.
 - [ii] Three points if completed bachelor's degree.
 - [iii] Two points if completed associate's degree.
- [c] Years of law enforcement service: one point of credit for up to 20 years in law enforcement work (any full-time service with any police departments or full-time military service if honorably discharged).
- [d] Commendations zero to two points. One point for each commendation up to a maximum of two points.
- [e] Specialized training: zero to three points. One point for each specialized training (i.e., FBI training, SWAT, police administration, etc.) up to a maximum of three points.
- [f] Disciplinary actions:
 - [i] Each major sustained discipline (suspension of more than five days) will result in a deduction of two points.
 - [ii] Each minor sustained discipline (five-day suspension or less, including written reprimands) will result in a deduction of one point.
 - [iii] All previous sustained disciplinary actions shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.
- (c) Each candidate shall be ranked based on the total score as outlined above. The candidates shall then be ranked from the highest to lowest based on score. The list shall include the candidates' names and final scores and shall be afforded to the Mayor and Borough Council. Thereafter, the Mayor shall make his/her final determination and appointment in accordance with § 34-4A.
- [1] Where two or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A 40A:14-129, or a resident over a nonresident pursuant to N.J.S.A 40A:14-122.6. Residency shall prevail over seniority in the case of candidates that are ranked equally.
- C. Captain promotions. **[Added 9-12-2017 by Ord. No. 17-18]**
 - (1) General requirements.
 - (a) Eligibility. The Borough of Garwood governing body desires to promote the most qualified candidates to the position of Captain. This subsection establishes the eligibility requirements and the process for promotion to

the Captain. The promotion process shall be on the basis of merit, education, demonstrated ability, record review and interview. In accordance with N.J.S.A. 40A:14-129, promotion of any officer shall be made from the membership of the Department. To be considered for the position of Captain, the candidates must have previously been serving the Borough in the rank of Sergeant or Lieutenant. Candidates must have served in the title of Sergeant or Lieutenant for a minimum of three years. If candidate served in the title of Lieutenant for less than three years, but previously served in the position of Sergeant, time served in lower rank of Sergeant shall count towards the three years of service.

- (2) Promotional process.
 - (a) Candidates for the position of Captain shall participate in a promotional process administered by the Borough Administrator. The Borough Administrator shall announce the promotional process to members of the Police Department by posting the announcement in the common area of the Police Department and/or the Police Department bulletin board. The posting announcement shall contain, at a minimum, the rank to be filled, years of experience required in subsequent rank, and prospective date for the interview. Candidates who qualify shall notify the Borough Administrator of his or her interest in the promotion by submitting a letter of interest no later than 10 calendar days after the promotion announcement. Failure to do so shall render the officer ineligible to participate in the promotional process.
- (3) Promotion testing procedure. The promotion testing procedure for the Garwood Police Department shall consist of an oral interview and a record review.
 - (a) Oral interview(s).
 - [1] The interview shall be conducted by the members of the Police Committee and two Police Chiefs from other municipalities. The interview shall focus on but not be limited to the candidates' knowledge of the Borough of Garwood's form of government, police administration, leadership and management abilities, municipal budget process, Police Department budget, Attorney General guidelines, staffing, community service, and N.J.S.A. 40A:14-118.
 - [2] All candidates shall be given the same identical questions and the Garwood Police Chief shall administer the questions.
 - [3] Each candidate shall be graded on a sixty-point scale.
 - (b) Record review.
 - [1] The candidates' personnel records shall be reviewed which shall include evaluation records, education, commendations, special training, military service, leadership and discipline. The review of the personnel records shall be conducted by the Borough Administrator and Assistant Borough Administrator.
 - [2] The record review shall be graded on a forty-point scale. The weight of each category of the process shall be as follows:
 - [a] Performance evaluations: zero to 10 points.
 - [i] Acceptable level or higher in at least 16 or the 20 categories in one of the past three evaluations: three (3) points.
 - [ii] Acceptable level or higher in at least 16 of the 20 categories in two of the past three evaluations: seven (7) points.

~~[iii] Acceptable level or higher in at least 16 of the 20 categories in three of the past three evaluations: ten (10) points.~~

~~[i] Overall satisfactory evaluation in one of the past three years: three points.~~

~~[ii] Overall satisfactory evaluation in two of the past three years: seven points.~~

~~[iii] Overall satisfactory evaluation in three of the past three years: 10 points.~~

~~[iv] A satisfactory evaluation is defined as an evaluation in which the officer is rated as satisfactory or above in at least 16 of the 20 categories.~~

[b] Education: zero to five points.

[i] If completed master's degree: five points.

[ii] If completed bachelor's degree: three points.

[iii] If completed associate's degree: two points.

[c] Years of law enforcement service: zero to 20 points.

[i] One point for each year for up to 20 years in law enforcement work (any full-time service with any police departments or full-time military service if honorably discharged).

[d] Commendations: zero to two points.

[i] One point for each commendation up to a maximum of two points.

[e] Specialized training: zero to three points.

[i] One point for each specialized training (i.e., FBI training, SWAT, police administration, etc.) up to a maximum of three points.

[f] Disciplinary actions:

[i] Each major sustained discipline (suspension of more than five days) will result in a deduction of two points.

[ii] Each minor sustained discipline (five-day suspension or less, including written reprimands) will result in a deduction of one point.

[iii] All previous sustained disciplinary actions shall be considered and reviewed to achieve the broadest scope of review for the given candidate by his/her supervisors.

(c) Each candidate shall be ranked based on the total score as outlined above. The candidates shall then be ranked from the highest to lowest based on score. The list shall include the candidates' names and final scores and shall be forwarded to the Mayor and Borough Council. Thereafter, the Mayor shall make his/her final determination and appointment in accordance with § 34-4A.

[1] Where two or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-129, or a resident over a nonresident pursuant to N.J.S.A. 40A:14-122.6. Residency shall prevail over seniority in

the case of candidates that are ranked equally.

D. Lieutenant and Sergeant promotions. **[Added 9-12-2017 by Ord. No. 17-18]**

(1) Notification.

- (a) For all promotions, notice shall be posted no less than 60 days prior to testing and a list of recommended reading will accompany same.
- (b) For all promotions, a letter of intent to participate in the testing process shall be submitted on department letterhead to the office of the Chief of Police and a resume reflective of the candidate's qualifications, no less than 30 days prior to testing.
- (c) If two or fewer candidates file a notice to participate, the Chief of Police may, with the consent of Borough Council, decide to eliminate the written examination. In such a case, the overall value reserved for the written test will be divided equally among the remaining steps.

(2) Eligibility.

- (a) Sergeant: Police officers with five or more years of law enforcement service (minimum of three years in Garwood) on the date of the written test are eligible to participate in the promotional process.
- (b) Lieutenant: Only sergeants shall be eligible for promotion with a minimum of one full year experience in the rank of sergeant.
- (c) A detective eligible under Subsection **D(2)(a)**, above, is eligible for a sergeant rank and a detective sergeant eligible under Subsection **D(2)(b)**, above, is eligible for a lieutenant rank.
- (d) In the event that there is only one or no officers eligible for a promotion to Sergeant and/or Lieutenant, with the consent of the Borough Council, the Chief of Police may amend the eligibility requirements set forth in Subsection **D(2)(a)** or **(b)**, above, to widen the eligibility for more candidates.

(3) Qualifications.

- (a) The qualifications as outlined in the Garwood Police Department job description for the position of Sergeant and Lieutenant. A copy of the job description may be requested from the Chief of Police and/or the Borough Administrator.

(4) Process.

- (a) Written examination, overall value: 30 points.

[1] The written test is a 100 to 500 question comprehensive examination that will include but not be limited to New Jersey Criminal and Motor Vehicle Law, New Jersey Law Enforcement Handbook, Attorney General guidelines, Garwood Department Rules and Regulations, SOPs, Borough Code and Rules of Court. The written test is administered and proctored by the New Jersey Chiefs of Police Association.

- (b) Personnel assessment, overall value: 35 points.

[1] Length of service composite: up to 10 points.

- [a] Five to 10 years of service in PFRS: six points.

- [b] Eleven to 15 years of service in PFRS: eight points.
- [c] Sixteen to 20 years of service in PFRS: 10 points.
- [2] Attendance composite: up to 10 points. Attendance is averaged over the previous full three calendar years, excluding illness or absence in compliance with the Family Medical Leave Act.
 - [a] Average 0.0 to 3.3 sick days per year: 10 points.
 - [b] Average 3.4 to 6.6 sick days per year: eight points.
 - [c] Average 6.7 to 9.9 sick days per year: six points.
 - [d] Average 10 or more sick days per year: four points.
- [3] Employee performance evaluations: up to 10 points.
 - [i] Acceptable level or higher in at least 16 or the 20 categories in one of the past three evaluations: three (3) points.
 - [ii] Acceptable level or higher in at least 16 of the 20 categories in two of the past three evaluations: seven (7) points.
 - [iii] Acceptable level or higher in at least 16 of the 20 categories in three of the past three evaluations: ten (10) points.
- ~~[a] Overall satisfactory evaluation in one of the past three years: three points.~~
- ~~[b] Overall satisfactory evaluation in two of the past three years: seven points.~~
- ~~[c] Overall satisfactory evaluation in three of the past three years: 10 points.~~
- ~~[d] A satisfactory evaluation is defined as an evaluation in which the officer is rated as satisfactory or above in at least 16 of the 20 categories.~~
- [4] Education and military service composite: up to five points.
 - [a] College credits (one year equivalent to 30 credits): 0.5 point per year not to exceed three points.
 - [b] Associate's degree: 0.5 point.
 - [c] Bachelor's degree: 0.5 point.
 - [d] Master's degree: 0.5 point.
 - [e] Military service: 0.5 point per year not to exceed two points.
- (c) Interview, overall value: 35 points.
 - [1] An interview will be conducted with each of the candidates. The same 10 questions will be asked of each candidate. Interviews will be scheduled on a candidate's day off. Each question will be valued at 3.5 points, for a total possible score of 35 points. The Chief of Police or his designee will proctor the interview and will ask the

questions to the candidates. The high score and low score for each candidate will be discarded and the remaining scores will be averaged for the final interview score. The interview shall be scored by the following:

- [a] Police Captain.
 - [b] Members of the Police Committee.
 - [c] At least one Chief of Police from another municipality unfamiliar with the candidates.
- [2] The interview questions will be based on some of the following topics:
- [a] Personal and professional accomplishments.
 - [b] Actions or suggestions that you have taken or made to improve the overall operation of the department.
 - [c] Community involvement.
 - [d] Extra activities that support law enforcement, i.e., teaching the academy, Unity Tour, Special Olympics, etc.
 - [e] Recommended cost savings or efficiency improvements.
 - [f] Interpersonal skills and management theory.
- (d) Disciplinary actions. The Chief of Police shall do a file review of each candidate with regard to prior discipline. Any prior discipline shall result in a deduction in points.
- [1] Each major sustained discipline (suspension of more than five days) will result in a deduction of two points.
- [2] Each minor sustained discipline (five-day suspension or less, including written reprimands) will result in a deduction of one point.
- (5) Each candidate shall be ranked based on the total score as outlined above. The candidates shall then be ranked from the highest to lowest based on score. A list shall include the candidates' names and final scores and shall be forwarded to the Mayor and Borough Council. Thereafter, the Mayor shall make his/her final determination and appointment in accordance with § **34-4A**. The officers on the promotion list will remain eligible for promotion for a period of three years from the date the list is afforded to the Mayor for determination and appointment.
- (a) Where two or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-129, or a resident over a nonresident pursuant to N.J.S.A. 40A:14-122.6. Residency shall prevail over seniority in the case of candidates that are ranked equally.

ATTEST:

Catherine D. Cameron, R.M.C.
Borough Clerk

APPROVED:

Jennifer Blumenstock, Mayor

RECORDED VOTE	INTRODUCTION:	ADOPTION
COUNCILWOMAN HERZ	RECUSE	
COUNCILMAN KEARNEY	AYE	
COUNCILMAN LAZAROW	AYE	
COUNCILWOMAN NOLDE	AYE	
COUNCILWOMAN SALMON	AYE	
COUNCIL PRESIDENT GRAHAM	AYE	