

## **Borough of Matawan**

### **Notice of Pending Ordinance 19-08**

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Governing Body of the Borough of Matawan, in the County of Monmouth, State of New Jersey, on May 7, 2019. It will be further considered for final passage, after public hearing thereon, at a meeting of the Governing Body to be held at the Borough of Matawan, Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey 07747 on June 5, 2019 at 7:00 o'clock pm. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's Office for the members of the general public who shall request the same or on the Borough of Matawan website at [www.matawanborough.com](http://www.matawanborough.com).

Karen Wynne, RMC  
Municipal Clerk

#### **ORDINANCE 19-08 AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF MATAWAN – CHAPTER IX – PERSONNEL POLICIES**

#### **ARTICLE II – “PERSONNEL POLICIES CONCERNING MEMBERS OF THE POLICE DEPARTMENT,” ESTABLISHING PROMOTION PROCEDURES FOR THE RANKS OF CHIEF OF POLICE, CAPTAIN, LIEUTENANT AND SERGEANT, ESTABLISHING A PROCEDURE FOR ACTING APPOINTMENTS AND THE HIRING OF POLICE OFFICERS**

**WHEREAS**, within its general powers as a municipality, the Borough of Matawan may make and enforce ordinances, rules and regulations not contrary to Federal or State law as it deems necessary and to protect the public safety and welfare of its residents; and

**WHEREAS**, the Mayor and Council of the Borough of Matawan support and encourage efficiency within the Matawan Police Department; and

**WHEREAS**, the Mayor and Council of the Borough of Matawan have determined that it would be in the best interest of the citizens of the Borough to establish a hiring procedure for the position of entry-level Police Officer to fill vacancies in said positions, when they exist; and

**WHEREAS**, the Borough of Matawan desires to have an established hiring procedure for the positions of entry-level Police Officer within the Matawan Police Department to better serve the residents of the Borough of Matawan; and

**WHEREAS**, the Borough of Matawan further desires to establish appropriate hiring criteria based on merit, experience, moral character and sufficient physical health when hiring police officers; and

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Matawan that Chapter IX, Article II of the Code of the Borough of Matawan entitled “Personnel Policies Concerning Members of the Police Department” is hereby amended as follows:

**Section 9-29 et. seq. entitled “Policy Concerning Initial Hiring of Police Officers” is repealed and replaced with the following:**

**§ 9-29 POLICY CONCERNING INITIAL HIRING OF POLICE OFFICER**

The Borough finds that promulgation of appropriate and consistent standards for the hiring of Police Officers serves the public interest in the following ways:

1. The public is informed and made aware of the criteria pursuant to which such appointments are made.
2. Police Officers currently serving the Borough can properly prepare themselves to be eligible for promotion to the next rank.
3. Persons wishing to apply for positions as Police Officers are able to learn and prepare to meet the hiring criteria.
4. All applicants shall complete a detailed application which will be thoroughly investigated. Failure to pass the background investigation will disqualify an applicant.
5. Final determination as to passage or failure of the background investigation will be made by the Chief of Police or his/her designee.

**A. OPTIONS FOR HIRING:**

The Chief of Police shall employ one (1) of the following procedures for appointing to the position of entry level Police Officer. The Chief reserves the right to utilize any of the following procedures in whatever order of preference he/she shall choose in the best interest of the department.

**Option 1:**

Promotion of those members of the department currently serving as Class I or Class II Special Law Enforcement Officers. Promotion shall only be made upon recommendation of the Chief of Police from those Special Law Enforcement Officers who have satisfactorily completed the prescribed Field Training Program as established by department General Order.

**Option 2:**

The Chief of Police may elect to expand the pool of candidates, by doing the following:

- a. Advertise in the local newspaper.
  - i. Public advertisements seeking applications must be published in an approved newspaper of general circulation and an official papery of the Borough, approved by the Mayor and Council and must run for two (2) days within a two-week (2) span, one of which shall be a Sunday publication.
  - ii. During the two-week (2) period, the advertisement shall also be posted on the Borough and Police Department websites.
  - iii. The advertisement shall specify the requisite training needed to submit an application (if applicable).
- b. If a wider pool of candidates is sought through a recruiting process, the Chief of Police may elect to accept applications from any individual interested in serving as a Police Officer.

**Option 3:**

The Chief of Police may accept those applications from trained officers with New Jersey Police Training Commission Certification. Certification shall be by Class A NJ PTC certification or Class II SLEO Certification eligible for a waiver of training (Class II SLEO to BCPO).

- a. Sworn officers from other agencies;
- b. Alternate route officers from police academies.

**Option 4:**

The Chief of Police may also establish a pool of candidates, who have successfully passed the Monmouth County Police Chief's Association Non-Civil Service Entry-Level Examination prior to beginning the process and being placed in the pool.

**APPLICATION:**

Applications shall be given out and collected at Matawan Borough Hall, 201 Broad Street, Matawan, New Jersey 07747, by the Borough Clerk.

1. The Chief or the Chief's designee, will be responsible for making all the proper notifications to the applicants.
2. Applications will not be rejected because of omissions or deficiencies that can be corrected prior to the interview process.
3. The Chief of Police or the agency's designated Selection Process Coordinator, will review all initial applications consistent with the following:
  - a. Prior law enforcement experience; and/or
  - b. Proof of satisfactorily attaining alternate route status; and/or
  - c. Proof of certification through the Police Training Commission; and/or
  - d. Passage of the Monmouth County Police Chief's Association Non-Civil Service Entry-Level Examination;
  - e. Satisfactory attainment of Section C, items 1 through 7.
4. Satisfactory applicants will be issued an additional application packet to be completed and submitted by the date placed on the application packet.

**B. ELIGIBILITY AND REQUIREMENTS:**

1. Must be a citizen of the United States and comply with all state law residency requirements.
2. Must be able to read, write, and understand the English language and must possess a high school diploma or its equivalent.
3. Must be of good moral character and sound body and health.
4. Must be between the ages of 21 and 35.
5. Must not have been convicted of a crime.
6. Must possess a valid New Jersey driver's license.
7. Must have a minimum of sixty (60) college credits or an associate degree from an accredited college or junior college.

**C. DEPARTMENT ORAL INTERVIEW:**

1. Potential vacancies may be advertised at least one (1) time each year to establish a pool of candidates.
2. Prior to the initiation of the interview process, the Chief of Police shall promulgate a set of criteria for the ranking of candidates, which shall be approved by the Mayor and Council and disseminated to the candidates no more than seven (7) days prior to the interview.
3. The Chief of Police shall appoint a department Oral Board committee. The Oral Interview Board shall evaluate and rank the candidates. The committee shall consist of personnel representing the Command and Supervisory Staff of the agency.
4. The department Oral Board interview shall be directed by the Chief of Police and/or an officer designated by the Chief of Police.
5. The candidates will then be ranked and scheduled for an additional interview before the Executive Command Staff. Prior to the interview with the Executive Command Staff, a list of candidates will be forwarded to the Selection Process Coordinator or other appropriate supervisor for the initiation of an extensive background investigation.

**D. BACKGROUND INVESTIGATION:**

1. When a candidate has successfully passed the previous steps of the process, a background investigation is to be initiated.
2. An extensive background investigation shall be conducted by the Selection Process Coordinator or by another appropriate supervisor or detective. A background investigation report shall be completed by the Selection Process Coordinator, or designee, and forwarded to the Chief of Police for review and evaluation.

**E. MEDICAL EXAMINATION:**

1. The Matawan Borough Police Department shall pay for the applicant to be examined by the appointed Police Physician.
2. The physician shall be provided with complete and appropriate medical examination forms and the physician shall complete any appropriate medical examination forms necessary for the physician to complete.
3. Blood and urine analysis are to be conducted for every applicant examined.
4. The completed medical form is to be picked up from the physician by the Selection Process Coordinator or designee, and reviewed by the Chief of Police.
5. If a candidate's medical examination reflects that the applicant has traces of a controlled dangerous substance in their system, he is to be disqualified from the selection process.
6. Any finding of significant medical issues shall be thoroughly reviewed by the Police Physician and a determination made as to the applicant's fitness for police work.

7. All applicants that are rejected at this phase of the testing process shall be notified in writing by the Chief of Police within fifteen (15) days after the testing date.

**F. SUCCESSFUL & UNSUCCESSFUL CANDIDATES PSYCHOLOGICAL EVALUATION:**

1. The successful candidate or candidates, if more than one position is available, will be presented to the Mayor and Council for final approval and appointment. The initial year of employment is a one-year (1) probationary period during which time the candidate may be removed for any cause, and without notice. Termination during the probationary period is not grievable.
2. Once a conditional offer of employment is made, the candidate(s) shall submit to drug testing as per current state, county and department policy on Drug Testing Law Enforcement personnel.
  - a. As part of the application process, the Matawan Police Department shall notify applicants in writing that drug testing is part of the screening process and that a negative test result is a condition of employment.
  - b. Additionally, the applicant will be advised in writing that a positive test result or a refusal to submit a sample will result in the applicant being dropped from consideration of employment, cause the applicants name to be reported to the Central Drug Registry and will preclude the applicant from being considered for future law enforcement employment for a period of two (2) years.
  - c. If the applicant is already a sworn law enforcement officer from another agency and the officer tests positive as an applicant, the officer's employing agency will be notified of the test results and the officer will be terminated from employment and permanently barred from future law enforcement employment in New Jersey.
3. The successful candidate shall be subject to satisfactory completion of a psychological evaluation to be presented to him at least three (3) days in advance of the actual appointment, and he or she will be notified of the time, location, name of consultation team and date. The psychological evaluation is designed to provide the Department with dimensional information about a successful candidate that will assist in the selection process. The Chief of Police shall interpret the psychological evaluation report. If a successful candidate does not successfully pass the psychological examination, he or she is disqualified from appointment. All medical records are to be treated as confidential with access limited in accordance with the HIPAA requirements; the medical records must be kept in a separate file.

**G. EXEMPTIONS TO 9-29(E), 9-29(F), AND 9-29(G):**

For candidates who are currently employed by the Matawan Police Department as a Class I or Class II Special Law Enforcement Officer(s), the examinations outlined in § 9-29(E) through §9-29(G) shall not be required as they have been completed prior to the candidates initial hiring with the department.

**H. SUMMARY:**

1. All applicants shall be notified of the examination/evaluation dates, times and places at least five (5) days prior with the exception of the Monmouth County Police Chiefs' Association Entry Level Examination, which shall be the responsibility of the candidate taking the exam, if the Borough determines to utilize the wider application pool as enumerated in Section B of this Ordinance.
2. All applicants that are rejected at any phase of this hiring process shall be notified in writing by the Chief of Police within fifteen (15) days after the particular hiring phase.
3. All examination/evaluation results will remain confidential and will not be released to any person or agency unless specifically authorized by the individual applicant or required by law.

**I. SEVERABILITY:**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

**J. REPEALER:**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**K. EFFECTIVE DATE:**

This Ordinance shall take effect after final passage as provided by law and shall be applied to the hiring of an entry level Police Officer after May 1, 2019.