

ORDINANCE 37-2017

ORDINANCE OF THE BOROUGH OF MADISON AMENDING ORDINANCE 49-2013 REGARDING CHAPTER 34 OF THE BOROUGH CODE ENTITLED "POLICE DEPARTMENT"

WHEREAS, the Borough of Madison has permitted private businesses and other public entities to retain the services of off-duty police officers; and

WHEREAS, for the convenience of those private businesses and other public entities which utilize the services of off-duty law enforcement officers of the Borough of Madison Police Department and to authorize the outside employment of off-duty police officers, the Borough of Madison hereby establishes a policy regarding the use of off-duty police officers,

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Governing Body of the Borough of Madison, in the County of Morris, State of New Jersey, as follows:

1. Chapter 34 (Police Department) of the Code of the Borough of Madison is hereby revised to read as follows:

§34-20. Contracted Off-Duty Employment of Police Officers.

- A. Members of the Police Department shall be permitted to accept employment as safety or security personnel for private businesses or other public entities during off-duty hours, and at such times which will not interfere with the efficient performance of regularly scheduled or emergency duty for the Borough. The Borough's needs for said police officers shall always take priority over scheduled off-duty work.
- B. If a private business or other public entity desires to contract with the Borough of Madison for the off-duty services of a police officer, said private business or public entity shall request the services through the office of the Chief of Police. To the extent that personnel are available, the Chief of Police or his/her designee may, but shall not be required to, assign a police officer to provide aforesaid off-duty services. The Chief of Police or his/her designee shall withhold approval if the off-duty services to be performed are inconsistent with the efficient operation and professionalism of the Police Department and/or unreasonably endangers or threatens the safety of the officer or officers who perform the work.
- C. The cost of the services to the Borough of Madison or other public entity shall be \$60.00 per hour for the officer(s), plus a \$20.00 per hour vehicle-use fee, administrative and insurance fee. All payments for the aforesaid services shall be made to the Borough of Madison. The Chief of Police is hereby authorized to establish such rules and regulations as are necessary to implement this section, including a bifurcated billing process to users.

Security in the Joint Municipal Court shall be paid at \$55.00 per hour to the officer(s) with no administrative, vehicle or insurance charges. In addition, security for the Atlantic Health Systems (AHS) shall be paid at the rate and upon the terms agreed between the PBA/SOA and AHS. The cost of services to the Board of Education, religious, charitable or Police Department - approved not-for-profit entities or events shall be sixty (\$60.00) dollars per hour with no administrative, vehicle or insurance charges. The Chief of Police

or his designee shall set the administrative rate and whether same shall apply for each request for officers.

- D. All officers providing services under Section C above shall be paid a minimum of two (2) hours. When there is a cancellation without two (2) hour advanced notice the officer(s) shall be compensated two (2) hours.
- E. The cost of services to all other third parties shall be \$85.00 per/hr for the officer(s), plus a \$25.00 per/hr vehicle use fee, administrative fee and insurance fee. All officers shall be paid a minimum of four (4) hours. When there is a cancellation without two (2) hour advanced notice, the officer(s) shall be compensated four (4) hours.
- F. Any private business or other public entity requesting the services of an off-duty law enforcement officer shall estimate the number of hours such services are required, which estimate shall be approved, in writing, by the Chief of Police or his/her designee.
- G. Prior to posting any request for services of off-duty officers, the Chief of Police or his/her designee, shall verify that there are no outstanding charges for the private business or other public entity requesting services. No services shall be performed unless all charges for prior work have been paid.
- H. All requests for the services of off-duty law enforcement officers in the Borough of Madison Police Department for a period of one (1) week or longer shall be forwarded to the Chief of Police or his/her designee, at least ten (10) days before such services are required, whenever possible. Any officers, when so employed by the Borough, shall be treated as an employee of the Borough, provided, however, that 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.
- I. Any officer performing such details pursuant to this Ordinance shall be deemed on-duty and in the employ of the Borough for purposes including, but not limited to, workers' compensation.
- J. This ordinance shall take effect upon adoption.

ADOPTED AND APPROVED

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk