

ORDINANCE 2024 –33

**AN ORDINANCE OF THE BOROUGH OF SOUTH RIVER, COUNTY OF MIDDLESEX,
STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE OF THE BOROUGH OF
SOUTH RIVER, SO AS TO AMEND CHAPTER 72 ENTITLED “PUBLIC SAFETY,
DEPARTMENT OF”**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of South River, County of Middlesex,
and State of New Jersey, as follows:

SECTION 1. Chapter 72 of the Borough Code of the Borough of South River, entitled “Public
Safety, Department of” is hereby amended so as to amended Section 72-24 entitled “Method of Promotion” to read as
follows:

§ 72-24. Method of Promotion.

A. Reserved.

B. Sergeant.

In the event a vacancy for the position of Sergeant is to be filled, it shall be filled based on merit, which shall include
general qualifications, examinations, service record review and seniority to determine police knowledge, skills, and
abilities. Procedures for the rank of Sergeant shall be as follows:

1. Notification.

- a. Whenever any promotional examination is to be conducted, the Chief of Police shall notify the eligible members of this Police Department of the vacancy, and the promotional examinations, criteria, evaluations, and procedures to be employed in filling the vacancy.
- b. This notification shall be contained in a written announcement that shall either be posted in a prominent location within the Police Department of the vacancy, and/or shall be issued to each eligible candidate personally (hereinafter “notification date”).
- c. Personnel eligible for promotion who wish to participate in the promotional process shall provide written notification to the Chief of Police within ten (10) days from the posting date. This notice of intent shall be completed on South River Police Department Police Letterhead and shall include the officer’s hiring date as a police officer with the Borough of South River and the level of education that he/she has attained and/or all military service time, inclusive of brand and date of honorable discharge, if applicable. The early submission of this information will allow the Chief of Police or designee to verify the information contained in the individual’s personnel file. The early submission

of this information will allow for the resolution of any conflicts prior to the start of the selection process and will avoid any delay in the final tabulation of the overall scores.

- d. The notification date of the promotional examination shall be a minimum of eight (8) weeks from the date of the written examination.

2. General Qualifications.

- a. Continuous permanent service as a police officer with the South River Police Department for five (5) complete years without interruption. Officers on an approved leave of absence will have their time counted toward the 5-year requirement from promotion eligibility.
- b. A police officer must serve at least five years with this Police Department before becoming eligible to participate in the promotional process for the rank of Sergeant.
- c. A candidate for promotion must successfully pass all sections of the promotional testing process prior to being eligible for promotion.
- d. When the length of service standards of this section provide two or fewer candidates for a promotional examination, the Chief of Police may open the examination to members of the Police Department in the next lower rank who meet the criteria set forth in this section or have at least 3 years of service with the Borough of South River, measured from the date of posting of the examination process.

3. Examination

The examination process shall consist of five elements: (a) written examination, (b) oral examination, (c) service record review, (d) seniority and (e) Chief's interview. The Chief's interview will be administered to the top three eligible candidates once a vacancy(ies) becomes available.

- a. Written examination. The written examination for the rank of Sergeant will be conducted by the New Jersey State Association of Chiefs of Police (NJSACOP) Examination Committee, which is hereby established as the South River Police Department's choice to supply, conduct, and score the written exam:
 - (1) NJSACOP will provide study guides and a book list of sources for study guides.
 - (2) Candidates for the rank of Sergeant must achieve a score of 70% or above on their written examination to be considered eligible for promotion and continue in the promotional process.
 - (3) The police department will notify the individual officers of their written scores in writing. Candidates who receive written test scores of 70% or above and who want to proceed in the promotional process shall submit, in memorandum form, a memorandum detailing their respective experiences with the South River Police Department. This memorandum shall reflect the assignments held by each individual within the police department, a description of any program or programs that the individual participated in or initiated. Additionally, such things as attendance, experience, education, training and departmental awards should be mentioned in this writing. This memorandum shall be submitted to the Chief of Police at least four weeks prior to the date of the oral examination. These memorandums will be reviewed for accuracy by the Chief of Police or designee and will be forwarded to the oral examination panel for its review and use during the oral exam and interview with the Chief of Police.

- b. Oral examination. The oral examination for the rank of Sergeant will be administered by the New Jersey State Association of Chiefs of Police (NJSACOP) Examination Committee. The oral examination will be conducted by a panel of three Police Chiefs who are members of the Examination Committee.

- (1) The scheduling of these oral examinations will be announced when the actual number of individuals to be interviewed is determined after the written examination.
- (2) The posting of dates and times of the oral examinations shall contain a list of publications related to the issues of supervision, organization, and command that each candidate can utilize in preparing for his/her oral exam.
- (3) Each candidate for promotion shall appear in his/her Class A uniform for their oral examination.
- (4) Each candidate shall be notified in writing of their score.
- (5) Subject matter for these oral examinations will include, but not limited to:

- Arrest search and seizure
- Supervision
- Organization and command
- Supreme Court decisions (NJ & US)
- Laws of evidence
- Criminal law
- NJ Attorney General Guidelines & Directives
- School memorandum of understanding
- Court procedures
- Motor vehicle laws
- Megan's Law

- (6) Candidates for the rank of Sergeant must achieve a score of 70% or above during their oral examination to be considered eligible for promotion and continue in the promotional process.

- c. Service record review. Service record review shall be given a numerical score and scored on a form approved by the Chief of Police. The review will be conducted by the Chief of Police, the Deputy Chief of Police and a current member of the Command Staff. The scores of each reviewer will be totaled and divided by the number of reviewers to arrive at an average score. Each candidate shall receive a copy of his/her service record review and a copy placed in his/her personnel file.

Service record review will be completed for all candidate(s) who have successfully completed the written and oral examinations.

- (1) Performance evaluations, review of the last five years = 20 points.
 - (a) Knowledge = seven points maximum.
 - (b) Personal Traits = three points maximum.
 - (c) Skills & Abilities = seven points maximum.
 - (d) Leadership = three points maximum.
- (2) Education/military achieved as of the date of the written examination (only for last degree achieved) = 10 points.
 - (a) Associate's degree – two and one-half points
 - (b) Bachelor's degree or four years of military (honorable discharge) – five points.

- (c) Master's degree – Seven and one-half points.
- (d) Doctorate – Ten points.
- (3) Leadership ability = 20 points.
 - (a) Leadership – five points maximum.
 - (b) Decision making – five points maximum.
 - (c) Problem solving – five points maximum.
 - (d) Assigning & Delegating Tasks Responsibilities – five points maximum.
- (4) Commendations = 10 points.
 - (a) One points for each commendation issued up to ten points.
 - (b) Only commendations from those awarded in accordance with South River Police Department
 - (c) Commendations will be considered from those awarded over the last five years prior to date of review.
- (5) Assignments/instructor/committee/liaison = 10 points maximum.
 - (a) One point for each position held during the last five years from the date of the review.
- (6) Discipline = 10 points maximum.
 - (a) Two points for each year with no disciplinary record (written reprimand or above) during the last five years prior to the date of review.
- (7) Sick time = 20 points maximum.
 - (a) Four points for each year with 80 sick hours or less over the last five years prior to date of review.

4. Scoring.

- a. The written exam shall be pass/fail (70% is passing) – 30%.
- b. The oral exam shall be pass/fail (70% is passing) – 30%.
- c. Service record review shall be scored numerically (no minimum score) – 35%.
- d. Seniority – 5%. Seniority is defined as time with the South River Police Department at the rank of patrolman. Candidates with equal time at the rank of patrolman will receive equal rankings. Seniority shall be based on the following:

Years Completed of Service	Points
5	2.5
6	5
7	10
8	15
9	20
10	25
11	30
12	35

13	40
14	45
15	50
16	55
17	60
18	65
19	70
20	75
21	80
22	85
23	90
24	95
25	100

5. Ranking.

- a. Officers shall be ranked upon completion of the written examination, oral examination, service record review and seniority calculations.
- b. The Chief of Police shall certify the score of each candidate and shall post the same in a conspicuous place in police headquarters, indicating the order of finish of the candidates; such list shall be posted within 30 days after the completion of the oral examination.

6. Chief's interview. The Chief's interview will be conducted by the Chief and the Deputy Chief. The Chief of Police shall make the recommendation(s) for promotion to the Mayor and Council after all eligible candidates are interviewed.

7. Selection.

- a. For each promotion, the Chief of Police shall consider the first three names of candidates standing highest on the list of eligible candidates. The Chief of Police shall select one of the three eligible candidates. If the candidates have the same score, preference shall be given to Borough of South River residents, pursuant to N.J.S.A. 40A:14-122.6.
- b. The list of eligible candidates for promotion will be adjusted after each selection by the Chief of Police to maintain a ranking of first through last based on the overall scores of the remaining eligible candidates for promotion.

- c. The Chief of Police is not bound to make recommendations based solely on the numerical rankings of the officers who have successfully completed the process.
- d. The Chief of Police shall only recommend for promotion from the list of candidates who have successfully completed and passed all aspects of the promotional testing procedures.
- e. The Mayor and Council shall not promote any officer who has not been recommended for promotion by the Chief of Police.
- f. If a position in the rank of Sergeant becomes vacant within three years from the date of completion of the written test, the Chief of Police shall make his recommendation from those remaining and available officers.
- g. In the event that a Sergeant is unable to perform his/her duties due to vacation, ill health, leave of absence, suspension or any other reason, the Chief of Police may designate an officer who shall assume the duties and responsibilities of the Sergeant in his/her absence.

8. Psychological examination.

- a. After a selection is made, officer(s) will be scheduled for a psychological or psychiatric examination.
- b. The candidate must pass the psychological or psychiatric examination to be promoted.

9. Probation.

Every successful candidate promoted to Sergeant shall serve a 6-month probationary period and only upon successful completion of the probationary period the candidate will be made permanent.

10. Appeal.

- a. An applicant may appeal to the Chief of Police, through the chain of command, each or any of the following elements of the process by submitting a written request:
 - (1) General qualifications.
 - (2) Written examination.
 - (3) Oral examination.
 - (4) Service record review.
 - (5) Seniority.
 - (6) Chief's interview
- b. The Chief of his/her designee shall review each or all elements with the officer and provide him/her with their results.
- c. The appeal must be within 10 calendar days from the results of the specific element.

11. Expiration.

- a. The list shall expire three years from the date of the completion of the written examination.

C. Lieutenant.

In the event a vacancy for the position of Lieutenant is to be filled, it shall be filled based on merit, which shall include general qualifications, examinations, service record review and service time to determine police knowledge, skills, and abilities. Procedures for the rank of Lieutenant shall be as follows:

12. Notification.

- e. Whenever any promotional examination is to be conducted, the Chief of Police shall notify the eligible members of this Police Department of the vacancy, and the promotional examinations, criteria, evaluations, and procedures to be employed in filling the vacancy.
- f. This notification shall be contained in a written announcement that shall either be posted in a prominent location within the Police Department of the vacancy, and/or shall be issued to each eligible candidate personally (hereinafter "notification date").
- g. Personnel eligible for promotion who wish to participate in the promotional process shall provide written notification to the Chief of Police within ten (10) days from the notification date. This notice of intent shall be completed on South River Police Department Police Letterhead and shall include the officer's hiring date as a police officer with the Borough of South River and the level of education that he/she has attained and/or all military service time, inclusive of branch and date of honorable discharge, if applicable. The early submission of this information will allow the Chief of Police or designee to verify the information contained in the individual's personnel file. The early submission of this information will allow for the resolution of any conflicts prior to the start of the selection process and will avoid any delay in the final tabulation of the overall scores.
- h. The notification date of the promotional examination shall be a minimum of eight (8) weeks from the date of the oral examination.

13. General Qualifications.

- e. Successful completion of any probationary period and continuous service as a Sergeant in the South River Police Department for at least one year without interruption except for an approved leave of absence.
- f. A candidate for promotion must successfully pass all sections of the promotional testing process prior to being eligible for promotion.
- g. When the length of service standards of this section provide two or fewer candidates for a promotional examination, the Chief of Police may dispense with the promotional examination process, and interview the eligible candidates as set forth in C.6. and recommend a candidate for promotion.

14. Examination

The examination process shall consist of five elements: (a) written examination, (b) oral examination, (c) service record review, (d) application of service time and (e) Chief's interview. The Chief's interview will be administered to the top three eligible candidates once a vacancy(ies) becomes available.

- d. Written examination. The written examination for the rank of Lieutenant will be conducted by the New Jersey State Association of Chiefs of Police (NJSACOP) Examination Committee, which is hereby

established as the South River Police Department's choice to supply, conduct, and score the written exam:

- (1) NJSACOP will provide study guides and a book list of sources for study guides.
 - (2) Candidates for the rank of Lieutenant must achieve a score of 70% or above on their written examination to be considered eligible for promotion and continue in the promotional process.
 - (3) The police department will notify the individual officers of their written scores in writing. Candidates who receive written test scores of 70% or above and who want to proceed in the promotional process shall submit, in memorandum form, a memorandum detailing their respective experiences with the South River Police Department. This memorandum shall reflect the assignments held by each individual within the police department, a description of any program or programs that the individual participated in or initiated. Additionally, such things as attendance, experience, education, training and departmental awards should be mentioned in this writing. This memorandum shall be submitted to the Chief of Police at least four weeks prior to the date of the oral examination. These memorandums will be reviewed for accuracy by the Chief of Police or designee and will be forwarded to the oral examination panel for its review and use during the oral exam and interview with the Chief of Police.
- e. Oral examination. The oral examination for the rank of Lieutenant will be administered by the New Jersey State Association of Chiefs of Police (NJSACOP). The oral examination will be conducted by a panel of three Police Chiefs who are members of the Examination Committee.
- (7) The scheduling of these oral examinations will be announced when the actual number of individuals to be interviewed is determined after the written examination.
 - (8) The posting of dates and times of the oral examinations shall contain a list of publications related to the issues of supervision, organization, and command that each candidate can utilize in preparing for his/her oral exam.
 - (9) Each candidate for promotion shall appear in his/her Class A uniform for their oral examination.
 - (10) Each candidate shall be notified in writing of their score.
 - (11) Subject matter for these oral examinations will include, but not limited to:
 - Arrest search and seizure
 - Supervision
 - Organization and command
 - Supreme Court decisions (NJ & US)
 - Laws of evidence
 - Criminal law
 - NJ Attorney General Guidelines & Directives
 - School memorandum of understanding
 - Court procedures
 - Motor vehicle laws
 - Megan's Law

(12) Candidates for the rank of Lieutenant must achieve a score of 70% or above during their oral examination to be considered eligible for promotion and continue in the promotional process.

- f. Service record review. Service record review shall be given a numerical score and scored on a form approved by the Chief of Police. The review will be conducted by the Chief of Police, the Deputy Chief of Police and the current lieutenant(s). The scores of each reviewer will be totaled and divided by the number of reviewers to arrive at an average score. Each candidate shall receive a copy of his/her service record review and a copy placed in his/her personnel file.

Service record review will be completed for all candidate(s) who have successfully completed the written and oral examinations.

(8) Performance evaluations, review of the last three years = 20 points.

- (e) Knowledge = seven points maximum.
- (f) Personal Traits = three points maximum.
- (g) Skills & Abilities = seven points maximum.
- (h) Leadership = three points maximum.

(9) Education/military achieved as of the date of the written examination (only for last degree achieved) = 20 points.

- (e) Associate's degree – five points
- (f) Bachelor's degree or four years of military (honorable discharge) – ten points.
- (g) Master's degree – fifteen points.
- (h) Doctorate – twenty points.

(10) Leadership ability = 20 points.

- (e) Leadership – five points maximum.
- (f) Decision making – five points maximum.
- (g) Problem solving – five points maximum.
- (h) Assigning & Delegating Tasks Responsibilities – five points maximum.

(11) Commendations = 5 points.

- (d) One points for each commendation issued up to five points.
- (e) Only commendations from those awarded in accordance with South River Police Department
- (f) Commendations will be considered from those awarded over the last five years prior to date of review.

(12) Assignments/instructor/committee/liaison = 5 points maximum.

- (b) One point for each position held during the last five years from the date of the review.

(13) Discipline = 10 points maximum.

- (b) Two points for each year with no disciplinary record (written reprimand or above) during the last five years prior to the date of review.

(14) Sick time = 20 points maximum.

- (a) Four points for each year with 80 sick hours or less over the last five years prior to date of review.

- g. Service Time.

(1) The candidate shall receive a quarter point seniority for each fully completed year of service as a Sergeant on the South River Police Department.

15. Scoring.

- e. The written examination shall be pass/fail (70% is passing) – 20%
- f. The oral examination shall be pass/fail (70% is passing) – 40%
- g. Service record review shall be scored numerically (no minimum score) – 40%
- h. Points awarded for service time shall be added to the final score from elements a., b., and c. above.

16. Ranking.

- c. Officers shall be ranked upon completion of the written examination, oral examination, service record review and service time calculations.
- d. The Chief of Police shall certify the score of each candidate and shall post the same in a conspicuous place in police headquarters, indicating the order of finish of the candidates; such list shall be posted within 30 days after the completion of the oral examination.

17. Chief's interview. The Chief's interview will be conducted by the Chief and the Deputy Chief. The Chief of Police shall make the recommendation(s) for promotion to the Mayor and Council after all eligible candidates are interviewed.

18. Selection.

- h. For each promotion, the Chief of Police shall consider the first three names of candidates standing highest on the list of eligible candidates. The Chief of Police shall select one of the three eligible candidates. In the event that the candidates have the same score, preference shall be given to Borough of South River residents, pursuant to N.J.S.A. 40A:14-122.6.
- i. The list of eligible candidates for promotion will be adjusted after each selection by the Chief of Police to maintain a ranking of first through last based on the overall scores of the remaining eligible candidates for promotion.
- j. The Chief of Police is not bound to make recommendations based solely on the numerical rankings of the officers who have successfully completed the process.
- k. The Chief of Police shall only recommend for promotion from the list of candidates who have successfully completed and passed all aspects of the promotional testing procedures.
- l. The Mayor and Council shall not promote any officer who has not been recommended for promotion by the Chief of Police.
- m. If a position in the rank of Lieutenant becomes vacant within three years from the date of completion of the oral examination, the Chief of Police shall make his recommendation from those remaining available officers.
- n. In the event that a Lieutenant is unable to perform his/her duties due to vacation, ill health, leave of absence, suspension or any other reason, the Chief of Police may designate a Sergeant who shall assume the duties and responsibilities of the Lieutenant in his/her absence.

19. Appeal.

- d. An applicant may appeal to the Chief of Police, through the chain of command, each or any of the following elements of the process by submitting a written request:
 - (7) General qualifications.
 - (8) Written examination.
 - (9) Oral examination.

- (10) Service record review.
- (11) Service time record.
- (12) Chief's interview
- e. The Chief of his/her designee shall review each or all elements with the officer and provide him/her with their results.
- f. The appeal must be within 10 calendar days from the results of the specific element.

20. Expiration.

- b. The list shall expire three years from the date of the completion of the written examination.

D. Deputy Chief

In the event a vacancy for the position of Deputy Chief is to be filled, it shall be filled based on merit which shall include general qualifications, and service record review to determine police knowledge, skills, and abilities.

Procedures for the rank of Deputy Chief shall be as follows:

1. Notification.

- a. The Chief of Police will announce a vacancy for the position of Deputy Chief. This notification shall be contained in a written announcement that shall either be posted in a prominent location within the Police Department, and/or shall be issued to each eligible candidate personally (hereinafter "notification date").

2. General Qualifications.

- a. A member of this Police Department must serve at least five years with this Police Department before becoming eligible for promotion to the rank of Deputy Chief.
- b. Supervisory personnel with a rank greater than patrol officer (Sergeants and Lieutenants) shall not be eligible for additional promotion until they have completed at least one year of service in that grade.
- c. Candidates for promotion must have completed their necessary year(s) of service prior to the time they provide written notification to the Chief of Police of their intention to compete for the vacant position of Deputy Chief.
- d. When the length of service standards established in this section provide two or fewer candidates for promotional selection process to the rank of Deputy Chief, the Chief of Police may open the selection process to members of the Police Department in the next lower and who meet the criteria set forth in this section.

3. Selection.

- a. Personnel eligible for promotion to the rank of Deputy Chief who wish to participate in the promotional selection process shall provide written notification to the Chief of Police of their intention to compete for the vacant position. This notice of intent shall be completed on a South River Police Department official report form and shall be submitted to the Chief of Police no later than four weeks from the date of the promotional announcement.
- b. All eligible candidates for promotion to the rank of Deputy Chief shall also be required to submit, in memorandum form, a memorandum detailing their respective experiences with the South River Police Department. This memorandum should reflect the assignments held by each individual within

the Department, a description of any program or programs that the individual participated in or initiated. Additionally, such things as productivity, attendance, experience, education, training, and departmental awards should be mentioned in this writing. This memorandum shall be submitted to the Chief of Police no later than four weeks from the date of the promotional procedure announcement.

- c. Candidates will be evaluated by the Chief of Police. The Chief of Police shall consider the length of service and the merit and fitness of all eligible candidates for promotion to the rank of Deputy Chief as required and in accordance with N.J.S.A. 40A:14-118 et seq. The Chief of Police shall then select the eligible candidate of his choice to be promoted to the rank of Deputy Chief.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby

repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of South River, in the County of Middlesex, State of New Jersey, held on July 8th, 2024, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 5th day of August, 2024, at 7:00 p.m., or as soon thereafter as this matter can be reached, at the Council Chamber of the Criminal Justice Building located at 61 Main Street, South River, New Jersey, and/or virtually via Zoom meeting code 826 6082 9597: password: 000000 at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

Introduced 7-8-24

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Balazs</i>						X
<i>Councilman Ciulla</i>	X		X			
<i>Councilman Dziemian</i>		X	X			
<i>Councilman Frost</i>						X
<i>Councilman Gurchensky</i>			X			
<i>Council President Krenzel</i>			X			

ALYSSA HAGER, RMC
BOROUGH CLERK

