

**THE TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE NO. 23-21

1st Reading 9-12-23 Date to Mayor 9-27-23

2nd Reading & Public Hearing 9-26-23 Date Returned 9-27-23

Date Adopted: Date Resubmitted to Council _____

9-26-23 Approved as to Form of Legality

Effective Date: _____ Township Attorney

10-19-23

AN ORDINANCE AMENDING CHAPTER 168, EMPLOYMENT OF POLICE OFFICERS BY OUTSIDE ENTITIES, SECTIONS 2 AND 3, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER TO UNIFY THE RATES OF COMPENSATION.

First Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
Baxter	X					X
Keyes-Maloney			X			
Schroth	X					
Steward	X				X	
Wollert	X					

Second Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
Baxter	X				X	
Keyes-Maloney	X					
Schroth	X					
Steward	X					X
Wollert	X					

By _____ Date _____ Accepted _____ Rejected _____
Mayor

Reconsidered
By Council _____ Override Vote YEA _____ NAY _____

President of the Council

Municipal Clerk

**TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE NO 23-21

AN ORDINANCE AMENDING CHAPTER 168, EMPLOYMENT OF POLICE OFFICERS BY OUTSIDE ENTITIES, SECTIONS 2 AND 3, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF EWING IN THE COUNTY OF MERCER TO SIMPLY AND UNIFY THE RATES OF COMPENSATION

WHEREAS, the Township of Ewing (the “Township”) in Ordinance No. 15-38 previously established guidelines for commercial business, organizations and private persons desiring to hire Township police officers during their off-duty hours to engage in police-related activities, such as patrolmen to direct traffic at shopping centers, construction sites, or office complexes, as well as serving as security at shopping centers, construction projects and other environments; and

WHEREAS, the Township desires to continue to administer its program for the off-duty outside employment of Township police officers in accord with best practices as provided by the Department of Community Affairs, Division of Local Government Affairs, Local Finance Notice CFO-2000-14, 11/8/2000, “Managing and Accounting for Outside Employment of Police Officers;” and

WHEREAS, the Township and both the Superior Officers Association and Police Benevolent Association have agreed to compensation rates for the off-duty, outside employment of Township police officers; and

WHEREAS, an agreement has been reached to simply and unify the compensation rates for the off-duty, outside employment of Township police officers; and

WHEREAS, the Township is desirous of amending Chapter 168, Section 2 and Section 3 of the Revised General Ordinances of the Township of Ewing; and

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Township of Ewing, County of Mercer that the Code of the Township of Ewing be amended as follows:

Section 1 Chapter 168, EMPLOYMENT OF POLICE OFFICERS BY OUTSIDE ENTITIES, Section 2, REQUIRMENTS, is hereby amended as follows:

§ 168-2 Requirements.

Any hiring entity wishing to employ Township police officers for extra-duty employment shall adhere to the following:

- A.** Requests for services. A hiring entity shall submit a written request for extra-duty employment stating the nature of the employment as well as the times and dates the employment is requested to the Township Chief of Police or his or her designee. Approval shall be denied if, in the opinion of the Chief of Police, such employment would be inconsistent with the efficient functioning and good reputation of the Township Police Department, is inappropriate for any reason in the opinion of the Chief of Police or would unreasonably endanger or threaten the safety of the officer or officers who are to perform the work. In no case may an entity licensed to serve alcohol contract with the Township to provide off-duty police officers for extra duty work. All requests for extra-duty services shall be submitted at least five business days prior to the requested date of services. Requests made after that time may not be accommodated. ~~will be charged at the short notice rates provided herein.~~
- B.** Written agreement. No hiring entity shall employ a Township police officer for extra-duty employment without first having entered a signed written agreement with the Township. Said written agreement shall be in accordance with the

provisions of this chapter and must be accompanied by a certificate of insurance naming the Township as an additional insured that has been approved in accordance with this chapter.

- C. Prepayment of wages and fees. All wages and fees must be received by the Township in full prior to the performance of extra-duty employment. A hiring entity shall be required to estimate the number of hours such law enforcement services are required. The hiring entity shall be responsible for ensuring sufficient funds are paid prior to services rendered to avoid any interruption of services. Under no circumstances shall the wages and fees for extra-duty employment be paid from municipal funds.
- D. Administration of wages and fees. The Township shall administer any and all wages and fees for extra-duty police work through its dedicated police off-duty employment trust fund which has been approved by rider from the state.
- E. Overtime and pension. Wages earned for outside extra-duty employment by any police officer shall not be applied toward the pension benefits of the police officer so employed, nor shall hours worked for outside employment be considered in any way compensable as overtime payable by the Township.
- F. Assumption of liability. The hiring entity shall assume any and all liability arising out of extra-duty police work, whether such liability is direct or vicarious, including, but not limited to, liability arising from ~~travel to and from a job location and any and all~~ services rendered during a shift or in connection with the engagement.
- G. Liability insurance.
 - (1) Any person or entity that shall employ off-duty police officers pursuant to this section shall be responsible for maintaining his, hers or its own insurance coverage. Said insurance coverage shall include but not be limited to general liability and automobile liability and shall name the Township of Ewing as an additional insured by endorsement on the policy. In addition, such policy shall provide for a minimum coverage of \$1,000,000 for any one claim or \$2,000,000 for any aggregate claims. Proof of said insurance coverage shall be provided to the Township of Ewing, as provided hereafter, prior to the assignment of any off-duty police officers to said person or entity. The person or entity shall provide for the aforementioned insurance for any and all officers, vehicles and/or equipment that is utilized in the off-duty assignment.
 - (2) Workers' compensation insurance. Prior to the commencement of any extra-duty employment, the hiring entity shall deliver to the Township a certificate of workers' compensation; such policy shall provide for a minimum coverage of \$1,000,000 for any one claim and shall otherwise be reasonably satisfactory to the Township as to amounts of coverage, types of coverage, deductibles and insurers. The hiring entity must include the Township as an additional insured under its workers' compensation policy through endorsement.
 - (3) All policies of insurance evidenced by any certificate filed hereunder shall be maintained by the employer in full force and effect at all times while any police officer is employed by such employer. Upon a change or renewal of any such policy of insurance, the employer shall forthwith file with the Township Clerk a new and current certificate of insurance in compliance with the foregoing provisions.
 - (4) No certificate of insurance required by this subsection shall be deemed filed with the Township Clerk unless it has first been reviewed and approved by the Township Risk Manager.

- H.** Employment status. While performing extra-duty employment, police officers shall be considered to be performing services for the hiring entity.
- I.** Indemnification. The hiring entity shall save and hold harmless the Township, and its officers, officials, agents, servants, administrators, elected officials and employees, from and against any and all liability arising out of the performance of extra-duty police work, whether such liability is direct or vicarious. This requirement shall be construed as broadly in favor of indemnification as permitted by New Jersey law.
- J.** Public Entity Exception. The Township may negotiate individual agreements with State or other public entities to provide flexibility with respect to statutory, policy or other requirements, but incorporating, to the extent possible, the terms outlined herein.

Section 2 Chapter 168, EMPLOYMENT OF POLICE OFFICERS BY OUTSIDE ENTITIES, Section 3, RATE OF COMPENSATION, is hereby amended as follows:

§ 168-3 Rates of compensation.

The rate of hourly compensation, the administrative fee and the vehicle usage charge shall be established annually by the Township Administration in consultation with the Director of Public Safety and Chief of Police. The rate of compensation shall be not less than \$85 per hour in taxable wage per officer, \$5 per hour per job for administrative costs, and \$15 per hour per vehicle for vehicle usage.

~~A. Security job hourly rates. Officer's taxable wage: \$45 85 per hour per officer.~~

~~B. Administrative cost: \$5 per hour per job.~~

~~C. Police vehicle usage: \$15 per hour per vehicle.~~

~~(1) Officer's taxable wage: \$45 per hour per officer.~~

~~(2) Administrative cost: \$5 per hour per job.~~

~~(3) Police vehicle usage: \$15 per hour per vehicle.~~

~~(4) Road job hourly rates.~~

~~(5) Officer's taxable wage: \$75 per hour per officer.~~

~~(6) Administrative cost: \$5 per hour per job.~~

~~(7) Police vehicle usage: \$15 per hour per vehicle.~~

~~(8) Short notice hourly rates.~~

~~(9) Officer's taxable wage: \$85 per hour per officer.~~

~~(10) Administrative cost: \$5 per hour per job.~~

~~(11) Police vehicle usage: \$15 per hour per vehicle.~~

Section 3 Severability. Should any section, clause, sentence, phrase or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 4 Repealer. All prior ordinances or parts of the same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 5 Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.