

ORDINANCE NO. 2024-03

**TOWNSHIP OF HOLMDEL
COUNTY OF MONMOUTH**

**ORDINANCE AMENDING SECTION 2-26.9, TITLED “SPECIAL
DUTY ASSIGNMENTS”**

WHEREAS, the Township of Holmdel maintains Holmdel Township Ordinance § 2-26.9, titled “Special Duty Assignments”; and

WHEREAS, based upon the recommendations of the Holmdel Township Police Department, the Township Committee seeks to amend this Ordinance to codify the Township’s use of a third-party vendor to administer the Special Duty Assignments and to memorialize the fees associated with same.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Holmdel in the County of Monmouth, State of New Jersey, as follows:

SECTION 1.

Section 2-26.9 of the Revised General Ordinances of the Township of Holmdel is hereby revised as follows:

§ 2-26.9
Special Duty Assignments.

a. Any and all extra duty assignments for Police personnel shall be determined and approved by the Chief of Police or his/her designee. No Police Officer shall perform special duty assignments for private parties for compensation other than through the procedure set forth in this section. The Chief shall obtain such information as he/she determines necessary and is authorized to approve such special duty police work in accordance with this section. The Chief of Police may assign a patrol vehicle for use in performing extra duty if and in the event it is determined that the use of a patrol vehicle is necessary to perform the contracted duty. The Chief may deny the assignment or use of Police Officers or vehicles and/or impose any condition or requirement as in his sole discretion and determination as in the best interest of the Township and/or the Police Officers or public safety. The Chief shall be guided by the nature of the assignment and should avoid those with conflicts of interest and/or high risk or injury.

b. The work to be performed shall be considered "special assignment from independent contractors" and will not be considered a direct assignment. The taking of any and all extra duty assignments shall be on a voluntary basis in accordance with a fair and reasonable system established and administered by the Chief of Police.

c. Officers engaged in special duty assignments shall be deemed on-duty and shall conform to the Police Department rules, regulations and procedures. All such agreements for special duty assignments shall be contracted for in writing by the completion of a form available from the Police Department which contracts shall be kept on record as other such public documents. All payments due under such agreements shall be paid 15 days from the date of billing. Interest shall be charged at the rate of 12% per annum on any amount billed for which payment has not been made within 15 days. Delinquent parties shall be liable for all costs, fees, and attorneys' fees associated with the collection of any amounts due.

d. Payment.

1. The per-hour fee for special duty assignments due from vendors shall be the prevailing per-hour overtime salary rate paid to senior patrol officers at the highest step pursuant to the collective bargaining agreement, whether in force or expired, governing such salaries at the time that the special duty assignment is performed (the "Prevailing Rate"), in addition to any fees prescribed herein. The collective bargaining unit may in its discretion authorize the Township to collect a per-hour salary rate less than the Prevailing Rate, in which case that per-hour salary rate shall serve as the Prevailing Rate.

2. In the event that a public school or private school, as defined in N.J.S.A. 18A:1-1, requests a special duty assignment for a sporting event that it is hosting on its grounds within the Township of Holmdel, the hourly fee established under Subsection d(1) shall be reduced by 20%.

3. In the event that a vendor requests special duty assignments that require steady and recurring staffing of police officers, the Chief of Police and Township Administrator may, at their discretion, authorize a long-term special duty assignment rate to be agreed upon with the vendor, ranging from \$30 per hour up to the hourly rate established under Subsection 1, as well as any agreed-upon hourly rate increases for holidays. Any long-term special duty assignment rate established pursuant to this subsection shall be negotiated on a nondiscriminatory basis and determined based upon factors, including the duration of the proposed long-term special duty assignment and the type of work involved.

4. All payment for special duty assignments shall be made through a special police fund established by the Municipal Treasurer from which payment shall be made to the individual police officers performing such service.

5. ~~Individual police officers performing special duty assignments shall be paid the amount of the hourly fee charged by the Township, less a \$9 per hour administrative fee to be retained by the Township, and less any required deductions. For long-term special duty assignments, the Chief of Police and Township Administrator may, at their discretion, authorize a reduction in the per hour administrative fee to a~~

~~reduced amount between \$2.50 and \$9 per hour, based upon factors, including the type of work and its cost impact upon the Holmdel Township Police Department.~~

Individual police officers performing special duty assignments shall be paid the amount of the hourly fee charged by the Township, less any required deductions.

6. The Township shall charge an administrative fee to be retained by the Township in the amount of fifteen percent (15%) of the per-hour salaries collected under this ordinance. For long-term special duty assignments, the Chief of Police and Township Administrator may, at their discretion, authorize a reduction in the percentage rate of the administrative fee, based upon factors, including the type of work and its cost impact upon the Holmdel Township Police Department.

7. In the event the Township utilizes a third-party contractor as provided in subsection (j), the third-party contractor may charge a third-party vendor servicing fee in addition to the foregoing amounts, which shall be due and owing by the vendor. The third-party contractor servicing fee shall be in an amount to be established by the Township pursuant to the terms of the Township's procurement with the third-party contractor.

~~6. 8.~~ Any dispute between the vendor and the police officer on assignment as to services required or compensation due shall be determined by the Chief. His/her decision shall be final and binding.

e. In the event special duty assignments cannot be filled by police officers of the Holmdel Township Police Department, the Chief of Police may contact other municipal Police Departments to see if they are willing to perform such special duty assignments. If another municipal Police Department fills an available special duty assignment within Holmdel Township, the vendor shall be subject to the fees imposed by that municipal Police Department.

f. The minimum hire out is four hours for special duty assignments, and three hours for special duty assignments subject to the modified fee contained in Subsection d(2). If any assignment is canceled by the vendor on less than two hours' notice, there shall be a charge for a three- or four-hour minimum imposed, whichever is applicable under this subsection.

g. The Chief of Police has the authority to order any Police Officer to vacate or terminate any special duty assignment in response to emergency situations or whenever the assignment creates an unacceptable risk to health, safety and welfare of the Police Officer and/or public in the sole determination and discretion of the Chief. The contractor shall not be responsible for any compensation for the time that the Police Officer is away from the special duty assignments and shall have no claim for any costs or damages against the Township, the Chief, or the Police Officer arising from the termination of

special duty assignment other than the prorated return of any costs prepaid to the Township or to the municipality.

h. The Township shall be responsible to provide all necessary insurance coverage as required by law, including but not limited to workers' compensation, public liability, and claims for damage, for personal injury including death or damage to property which may arise as a result from the municipality's performance under the contract.

i. This subsection shall not apply to police officers serving on any prosecutorial task forces as may, from time to time, be established, or other duty assignments during which police officers are assisting any law enforcement agencies.

j. The Township may procure a third-party contractor to provide services administering the Special Duty Assignment ordinance. If a third-party contractor is procured, the third-party contractor shall act all times in accordance with the terms of this Ordinance. The Chief of Police may delegate authority and/or provide direction to the third-party contractor to ensure that Special Duty Assignments are carried out in accordance with his or her authority under this Ordinance.

SECTION 2. Severability.

If any section, subsection or paragraph of this ordinance be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section subchapter or paragraph shall to the extent that is not held unconstitutional, invalid or inoperative remain in full force and effect and shall not affect the remainder of this ordinance.

SECTION 3. Repealer.

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

SECTION 4. Effective Date.

This ordinance shall take effect upon final adoption and publication in accordance with law.

LEGAL NOTICE

Publication by Summary Pursuant to N.J.S.A.40:49-2

This Ordinance amends the Township's ordinance governing special duty assignments.

The foregoing ordinance was introduced and passed on the first reading at a meeting of the Township Committee of the Township of Holmdel held on January 23, 2024 and will be considered for final passage and adoption at a meeting of said Township Committee to be held on February 13, 2024 at Township Hall, 4 Crawfords Corner Road, Holmdel, NJ at 7:30 PM at which time and place all persons desiring to be heard thereon will be given full opportunity.

Rocco Impreveduto, Mayor

Attest:

Wendy L Patrovich, RMC/CMR
Township Clerk

I certify that this is a true copy of an ordinance that was adopted at the February 13, 2024 Township Committee Meeting.

Wendy L Patrovich, RMC/CMR
Township Clerk