

ORDINANCE #O-03-24
BOROUGH OF MONMOUTH BEACH
COUNTY OF MONMOUTH

**AN ORDINANCE REPEALING AND REPLACING SECTION 2-13.10,
“PROMOTIONS,” OF THE CODE OF THE BOROUGH OF MONMOUTH BEACH, TO
ESTABLISH A PROMOTIONAL PROCEDURE FOR SUPERIOR OFFICERS WITHIN
THE BOROUGH POLICE DEPARTMENT**

WHEREAS, within its general powers as a municipality, the Borough of Monmouth Beach 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 Governing Body of the Borough of Monmouth Beach has established a police department pursuant to N.J.S.A. 40A:14-118 and support and encourage efficiency within the Monmouth Beach Police Department; and

WHEREAS, the Governing Body of the Borough of Monmouth Beach has determined that it would be in the best interest of the citizens of the Borough to establish a promotional practice based upon merit for Chief, Captain, Lieutenant, and Sergeant within the Police Department when there is a vacancy in that position; and

WHEREAS, the Borough of Monmouth Beach desires to establish a promotional practice based upon merit, experience, education, demonstrated ability, competitive examinations and competitive written submissions within the Monmouth Beach Police Department in the interest of better serving the residents of the Borough of Monmouth Beach.

NOW, THEREFORE, BE IT ORDAINED as follows:

SECTION I. Section 2-13.10 of the Code of the Borough of Monmouth Beach, entitled “Promotions,” is hereby repealed and replaced with the following:

§ 2-13.10 Promotions

A. The Borough of Monmouth Beach Governing Body desires to promote the most qualified candidates for the positions of Chief, Captain, Lieutenant, and Sergeant. This ordinance establishes the eligibility requirements and the process for promotion to these positions. The promotion process shall be based on merit, experience, education, demonstrated ability, competitive examinations and written submissions. In accordance with N.J.S.A. 40A:14-129, the promotion of any officer shall be made from within the membership of the Monmouth Beach Police Department. Where two (2) or more candidates are ranked equally pursuant to the promotional procedure set forth herein, preference shall be given to the candidate with the most seniority in service pursuant to N.J.S.A. 40A:14-129, or a resident over a non-resident pursuant to N.J.S.A. 40A:14-122.6. Seniority shall prevail over residency in the case of candidates that are ranked equally.

B. The Governing Body shall announce the promotional process to members of the department at least thirty (30) days before any written examination is to be given. The announcement shall be posted in common areas of the department accessible to all members. The announcement shall contain, at a minimum, the rank to be filled, the dates of the exams, source materials or reading lists from which exam questions will be taken or topics from which questions will be formulated. Candidates shall be responsible for obtaining their own study guides. Candidates who qualify shall notify the Chief, or the Administrator if the vacancy to be filled is in the Chief's position, of his or her interest in taking the examination by submitting a letter of interest no later than seven (7) calendar days prior the start of the promotion process. Failure to do so shall render the officer ineligible to participate in the process.

C. **Promotional Testing Procedure:** The promotional testing procedure may consist of the following: (1) a written examination, (2) an oral examination, (3) a psychological examination, (4) a record review and (5) an interview. The Governing Body reserves the right to waive the written or oral examination portion and shall so notify all applicants when the initial announcement for the promotional process is posted.

1. **Eligibility:**

a. **Chief of Police and Captain.** No person shall be eligible for promotion to Police Chief or Captain unless he or she shall have served as a Superior Officer within the Borough and obtained a four-year college degree. Full-time police officers who commenced employment before January 1, 2024 are exempt from the college degree requirement.

b. **Lieutenant.** No person shall be eligible for promotion to Lieutenant unless he or she shall have served as a Sergeant within the Borough for two (2) years and obtained a four-year college degree. Full-time police officers who commenced employment before January 1, 2024 are exempt from college degree requirement.

c. **Sergeant.** No person shall be eligible for promotion to Sergeant unless he or she shall have served as Patrol Officer within the Borough for five (5) years and obtained a four-year college degree. Full-time police officers who commenced employment before January 1, 2024 are exempt from college degree requirement.

2. **Written Examination:** The written examination shall be supplied by a professional testing company/professional law enforcement organization (e.g. New Jersey State Chiefs of Police Association, International Chiefs of Police Association, etc.). A candidate must achieve a minimum score of seventy (70%) percent on the written examination in order to proceed to the oral examination. Officers not obtaining a passing score shall be notified in writing, confidentially, by the Chief of Police or Administrator within 7 days of the receipt of the results.

3. **Oral Examination:** The oral examination shall take place at least fourteen (14) days after the receipt of the written examination results. A standardized interview will be conducted by an outside agency (e.g. Chiefs of Police Association, International Chiefs of Police Association, etc.) and by a board of the same three (3) examiners, unless unusual or emergent circumstances exist. None of the evaluators shall be an officer, employee, resident or relative thereof, of the Borough. All candidates shall be asked the same questions. To proceed to the psychological examination, record review, and interview portion of the promotional process, a candidate must achieve a minimum score of seventy (70%) percent on the oral examination. Officers not obtaining a passing score shall be notified in writing, confidentially, by the Chief of Police within 7 days of the receipt of the results.

4. **Psychological Examination:** Candidates successfully completing the Written and Oral Examination portion of the promotional procedure shall obtain, at his or her own expense, a psychological examination with a police psychological testing agency determined by the Administrator. All candidates shall be evaluated by the same agency. Candidates that successfully achieve a minimum score of seventy percent (70%) on the written and oral examinations and receive a satisfactory psychological examination shall proceed to the next steps in the promotional process.

5. **Record Review:** The employment record of each candidate that has satisfactorily completed the written, oral, and psychological examination phases of the promotional process shall be reviewed and evaluated utilizing the following areas of concern and factors to be considered:

- a. Leadership:
 - i. Cooperation
 - ii. Loyalty and integrity
 - iii. Initiative, organization, and planning
 - iv. Attitude towards others
 - v. Use and delegation of authority
 - vi. Judgment
 - vii. Training and utilization of subordinates (if applicable)
- b. Personal Attributes:
 - i. Enthusiasm and creativity
 - ii. Sustained effort
 - iii. Assumption of responsibility
 - iv. Initiative
 - v. Self-development
 - vi. Personal appearance
 - vii. Community program participation
- c. Qualifications and job performance:
 - i. Volume of work

- ii. Quality of work
 - iii. Ability to understand instructions
 - iv. Work habits
 - v. Attitude and loyalty toward the department
 - vi. Judgment and ability to appraise situations
 - vii. Attendance and punctuality
 - viii. Job knowledge
 - ix. Self-reliance
 - x. Safety practice
 - xi. Ability to plan, organize, schedule, and complete
 - xii. Performance Evaluations
- d. Other areas that maybe included but not limited to:
- i. Level of education/Continuing Education
 - ii. Military Service
 - iii. Level of effort in job performance
 - iv. Firearms qualification
 - v. Quality of reports or written material
 - vi. In-service training effort
 - vii. Formal education
 - viii. Awards and Commendations on file.

For vacancies in ranks other than Chief, the Chief shall make a recommendation(s) for promotion to the Governing Body based on the service record review. The correspondence may include justification to support the recommendation.

6. **Interview:** Interviews shall be conducted as follows for all eligible candidates who have successfully completed the written and oral examinations and the psychological review:

a. **Chief.** The interview shall be conducted by the Governing Body and Borough Administrator. The interview shall focus on, but not be limited to, leadership and management skills, knowledge of the Borough of Monmouth Beach's form of government, knowledge of the Police Department Ordinance, familiarity with the municipal budget process, the police department budget in particular, manpower allocations, Attorney General Guidelines and knowledge of N.J.S.A. 40A:14-118.

b. **Captain.** The interview shall be conducted by the Mayor, Borough Administrator, and Chief of Police. The interview shall focus on, but not be limited to, leadership and management skills, knowledge of the Borough of Monmouth Beach's form of government, knowledge of the Police Department Ordinance, familiarity with the municipal budget process, the police department budget in particular, manpower allocations, Attorney General Guidelines and knowledge of N.J.S.A. 40A:14-118.

c. **Lieutenant.** The interview shall be conducted by the Mayor, Borough Administrator, and Chief of Police. The interview with the Mayor and

Public Safety Committee shall focus on, but not be limited to, leadership and management skills, knowledge of the Borough of Monmouth Beach's form of government, knowledge of the Police Department Ordinance, Attorney General Guidelines and knowledge of N.J.S.A. 40A:14-118.

d. **Sergeant.** There shall be two (2) interviews, the first being with Command Staff and the second with Mayor, Chief and Borough Administrator. The interview shall focus on, but not be limited to, leadership and management skills, knowledge of the Monmouth Beach form of government, Police Department Ordinance, Attorney General Guidelines and knowledge of N.J.S.A. 40A:14-118.

e. Each candidate for a particular rank shall be asked identical questions. The Borough Clerk shall keep written records of each candidate's responses to same.

7. **Selection of Candidate for Promotion:** The Governing Body shall appoint the best qualified candidate based on his/her qualifications and with due consideration afforded to the promotional process/criteria of: (1) written examination, (2) oral examination, (3) psychological examination, (4) record review and (5) interview. and the recommendation of the Chief of Police. All successful candidates for promotion shall serve a probationary period of one (1) year from the date of appointment.

D. **Review and Appeal.** Review of test scores, interview results and/or Chief's recommendation must occur within five (5) days of the announcement of the promotion of the candidate(s). A candidate may review only their own results.

E. **Promotional Process Results.** Passing test results will be valid for a specific time to be determined by the governing body, not to exceed three (3) years from the date of promotion/appointment. Officers may reapply for any open positions when they become available. All promotional materials, records, correspondence, and any other paperwork will be kept in the Administrator's office. Candidates will be required to reapply for any subsequent promotional process.

SECTION II. Section 2-13.10 shall completely preempt and replace any contrary standard operating procedure (SOP) or General Order established within the Police Department.

SECTION III. All Ordinances or parts of Ordinances inconsistent herewith are repealed to the extent of such inconsistency. The Clerk of the Borough is authorized to renumber and/or re-codify any sections affected by such repeal to the extent consistent with this Ordinance.

SECTION IV. If any word, phrase, clause, sections, or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

SECTION V. This Ordinance shall take effect upon publication thereof after final passage according to law.

Introduced: April 16, 2024
Passed & Adopted: May 28, 2024

Joyce L. Escalante, RMC
Municipal Clerk