

DID NOT PASS
TABLED

TOWNSHIP OF OLD BRIDGE
ORDINANCE NO. 23-25

ORDINANCE OF THE TOWNSHIP OF OLD BRIDGE AMENDING CHAPTER 5 ADMINISTRATION OF GOVERNMENT ARTICLE XIII DEPARTMENT OF POLICE THE CODE OF THE TOWNSHIP OF OLD BRIDGE ENTITLED "DEPARTMENT OF POLICE" BY AMENDING SECTION §5-104 "PROMOTION TO SERGEANT" AND SECTION § 5-105 "PROMOTION TO LIEUTENANT"

BE IT ORDAINED by the Township Council of the Township of Old Bridge, County of Middlesex and State of New Jersey as follows (additions are bolded and underlined; deletions have strikethrough):

SECTION 1: PURPOSE

The purpose of this Ordinance is to add/amend certain regulations included in Article XIII, §5-104 of the Township Code, entitled "Promotion to Sergeant" and Article XIII, §5-105 entitled "Promotion to Lieutenant" to update and modify the testing procedure, to standardize the testing procedure and create incentives to excel in the field of policing. To make eligible the highest qualified candidates for supervisory positions in the Old Bridge Police department.

SECTION 2: ORDINANCE

§ 5-104 Promotion to Sergeant.

- A. "Promotion" as used in this section, shall mean advancement to Sergeant. All applicants for promotion shall take a competitive written **exam developed specifically for the Old Bridge Police Department, Chiefs of Police Oral exam** and local oral examination, except as otherwise indicated herein.
- B. Only such officers who have completed five (5) years of service as a patrolman shall be eligible for promotion to the rank of Sergeant.
[Amended 2-27-2012 by Ord. No. 2012-07]
- C. **The Chief of Police shall maintain an active list of eligible and certified candidates for promotion to the Sergeants position.** When a vacancy for a Sergeant exists and is to be filled, a notice of such vacancy and the time and place where application for examination for promotion to fill same is to be made shall be posted in a conspicuous place in the squad room of the police headquarters. The Chief of Police shall also advise candidates of recommended study materials relevant to the promotion examinations pursuant to subsection E below.
- D. Promotion to the rank of Sergeant will be made by the Mayor in consultation with the Chief of Police shall be based on merit, personnel file review, testing and fitness as required in accordance with N.J.S.A. 40A:14-129. This will allow there to be a determination of the applicant's police knowledge, skills and abilities. Promotions may be made following the posting by the Chief of Police that a vacancy for the rank of Sergeants exists. Promotions, if made, shall be made by the Mayor in consultation with the chief of police and subject to the financial impact on the Township of Old Bridge and section 5-95 herein. All promotions to Sergeant shall be made from the membership of the Department as constituted at the time of such promotion. No person shall be eligible for promotion to a superior position unless he has first served in the grade of patrolman in the Department.
- E. The candidate for promotion must achieve a minimum grade of 80% on each test administered by the New Jersey State Chiefs of Police Association or an equivalent agency including the written and oral exam. At the direction of the Chief of Police the test will be comprised of current areas of knowledge including but not limited to the current New Jersey Attorney General Guidelines; current Old Bridge Police Department Rules and Regulations, Policies and Procedures; N.J.S.A. Title 2C (criminal code); current Search and Seizure laws; Domestic Violence laws; drug laws at the discretion of the Chief. The Chief of Police will provide the list of recommended study material to all eligible candidates. The test will be designed exclusively for Old Bridge Township Police Department Sergeants exam for one time use and then discarded. The development of the exam will be repeated for each new testing period. In order to be considered for promotion, each candidate shall be examined, in a written examination and an oral examination, under similar conditions, and performance shall be measured by the same standard and criteria. The Chief of Police shall receive the test results from the outside testing agency and shall certify the score of each candidate.
- F. Candidates for promotion who receive a passing score of 80% on the written exam and 80% on the Chiefs of Police oral exam individually, shall be eligible to advance to the next phase and be interviewed by a Local Interview Committee. In the case of promotions from the rank of patrolman to Sergeant, the Local Interview Committee shall consist of the Mayor or his designee, the Chief of Police or his designee and three (3) Chiefs of Police from a list of nine (9) provided by the Chiefs of Police Association. One shall be selected by the PBA, one (1) shall be selected by the Chief of Police and the remaining one (1) shall be selected by the Mayor from the list provided by the Chiefs of Police Association. Each candidate shall be interviewed by the Local Interview Committee under similar conditions in order to evaluate the merit and fitness of such candidate for promotion.

(1) The New Jersey State Chiefs of Police Oral testing phase and the Local Committee interview: All eligible candidates who successfully passed the written portion of testing will be required to be sequestered at the location of the oral review board testing for the duration of the testing without access to any and all electronic devices until all candidates have been interviewed and the interviewees are dismissed by the Chief of Police. Any breach in security will be grounds for disqualification and result in the immediate removal from the eligibility list.

(2) The Local Interview Committee shall consider the following factors for each candidate:

- (a) Appearance, manner and bearing; 1-5 pts.
- (b) Self-expression; 1-5 pts.
- (c) Judgment; 1-5 pts.
- (d) Decisiveness; 1-5 pts.
- (e) Specialized training; 1-5 pts.
- (f) Scope and level of experience, including merit commendations; 1-5 pts.

(3) Each factor shall be uniformly considered and applied to all candidates eligible for this phase of the promotional process. Each member of the Committee shall score the candidates concerning the above-referenced factors resulting in a total of no more than thirty (30) points. The highest and the lowest score of the committee members would be dropped in this phase only. The remaining three scores would be averaged to determine the final score under this evaluation section of the process.

(4) Discipline (ten (10) points maximum)
1. Two (2) points for each year with no disciplinary record (written reprimand or above) during the five (5) years prior to the date of review

(5) **Yearly Departmental Performance evaluations; * this section does not apply to promotional evaluation until on or after January 1, 2025.

Departmental Performance evaluations;

(a) Departmental Performance evaluations. The numerical score for service record review will be a cumulative number based on the most recent three (3) yearly department performance evaluations with no adjustment. Service record review shall be done for all applicant(s) who have successfully completed the written and oral examination by scoring a minimum of 80 on each phase individually.

G. Candidates for promotion shall be assigned points for years of service within the Township of Old Bridge Police Department only as follows: **one half point for each year of service, as computed as of the day of the year in which the final certified promotional list is posted.**

H. Test scores.

(1) The Chief of Police shall calculate each candidate's composite cumulative grade by giving the oral examinations, the written examination and the Local Interview Committee scores the following relative weights:

- (a) Written examination: ~~4/3~~ 100%;
- (b) Oral examination: ~~4/3~~ 100%; and
- (c) Local committee interview: ~~4/3~~ 100%.
- (d) Discipline Record: 100%
- (e) Performance evaluations score 100% ** see above
- (f) Seniority 100%, as determined under section G above.

(2) Upon calculation of the candidate's score for the written examination, oral examination, and local interview, the Chief of Police shall then add thereto the number of points assigned for years of service as calculated in accordance with **Subsection G hereinabove**. No candidate shall be certified as eligible for promotion unless he has achieved a grade of at least ~~70~~ 80% on the written examination, 80% on the oral examination and 80% on the local committee interview.

I. The Chief of Police shall certify the composite cumulative score of each candidate and shall post the same in a conspicuous place in the squad room of the police headquarters, indicating the order of finish of the candidates; such list shall be posted within 30 days after the completion of all tests and interviews.

J. Any candidate, upon written request of the Chief of Police within five working business days of the posting of such results, shall be entitled to review his test score and ranking with the Chief or his designee. No promotion shall be made until each such candidate has had an opportunity to exercise his right of review.

K. Upon completion of the above-mentioned procedure, the Chief of Police shall consider for promotion only those candidates who have been certified to be eligible for promotion. For each

promotion, the Chief shall consider the first three names of candidates standing highest on the list of eligible and certified candidates. The Chief shall **recommend** one of the three so certified. In the event the candidates have the same score, preference shall be given to Old Bridge residents **and if the candidates are still the same then seniority shall be the determining factor.**

L. A list of candidates for promotion to the appropriate position shall be valid for a period of not more than three (3) years from its first posting.

M. No candidate shall be **permanently** promoted to the next higher rank until and unless he or she passes a medical (physical) examination and a psychiatric examination certifying his or her fitness to discharge the functions and responsibilities of the next higher rank **and successfully completes a one (1) year probationary period.**

N. Appeals of process. Within 10 days of the posting of the ranking of candidates, a candidate may file a written letter of appeal. Said letter must contain the reason(s) or justification(s) for an appeal and must be submitted to the Chief of Police, through the appropriate chain of command. The Chief of Police will assess the request and make a determination of how the request will be addressed on a case-by-case basis. Such requests may address the following areas of the promotion process:

- (1) Review and tabulation of the scored elements of the selection process.
- (2) Review any evaluation or internal document that is not otherwise privileged or subject to disclosure that was used in the selection process related to the appellant.
- (3) If the appeal impacts upon the results of the promotional ranking as determined by the Chief of Police, the candidate may be permitted to be reevaluated.

§ 5-105 Promotion to Lieutenant.

- A. "Promotion" as used in this section, shall mean advancement to the rank of Lieutenant. **All applicants for promotion shall take a competitive written exam developed specifically for the Old Bridge Police Department, Chiefs of Police Oral exam and local oral examination, except as otherwise indicated herein.**
- B. Only such officers who have held the rank of permanent Sergeant for one year with the Township of Old Bridge Police Department shall be eligible for promotion to the rank of Lieutenant.
- C. Promotion to the rank of Lieutenant by the Chief of Police shall be based on merit and fitness as required in accordance with N.J.S.A. 40A:14-129, **in addition to the test results. The Chief of Police shall maintain an active list of eligible and certified candidates for promotion to the Lieutenant position. When a vacancy for a Lieutenant exists and is to be filled, a notice of such vacancy and the time and place where application for examination for promotion to fill same is to be made shall be posted in a conspicuous place in the squad room of the police headquarters. The Chief of Police shall also advise candidates of recommended study materials relevant to the promotion examinations pursuant to subsection E below.**
- D. Promotions may be made following the posting by the Chief of Police that a vacancy for the rank of Lieutenant exists. **Promotions to the rank of Lieutenant made by the Mayor in consultation with the Chief of Police shall be based on merit, personnel file review, testing and fitness as required in accordance with N.J.S.A. 40A:14-129. This will allow there to be a determination of the applicant's police knowledge, skills and abilities. Promotions, if made, shall be made by the Chief of Police Mayor in consultation with the and subject to approval Chief of police and subject to the financial impact on the Township of Old Bridge. All promotions to Lieutenant shall be made from the membership of the Department as constituted at the time of such promotion. No person shall be eligible for promotion to Lieutenant position unless having first served in the grade of permanent Sergeant in the Department and subject to § 5-95 herein and the financial impact on the Township of Old Bridge.**
- E. The candidate for promotion must achieve a minimum grade of 80% on each test administered by the New Jersey State Chiefs of Police Association or an equivalent agency including the written and oral exam. At the direction of the Chief of Police the test will be comprised of current areas of knowledge including but not limited to the current New Jersey Attorney General Guidelines; current Old Bridge Police Department Rules and Regulations, Policies and Procedures; N.J.S.A. Title 2C (criminal code); current Search and Seizure laws; Domestic Violence laws; drug laws at the discretion of the Chief. The Chief of Police will provide the list of recommended study material to all eligible candidates. The test will be designed exclusively for Old Bridge Township Police Department Lieutenant exam for one time use and then discarded. The development of the exam will be repeated for each new testing period. In order to be considered for promotion, each candidate shall be examined, in a written examination and an oral examination, under similar conditions, and performance shall be measured by the same standard and criteria. The Chief of Police shall receive the test results from the outside testing agency and shall certify the score of each candidate.

F. Candidates for promotion who receive a passing score of 80% on the written exam and 80% on the Chiefs of Police oral exam individually, shall be eligible to advance to the next phase and be interviewed by a Local Interview Committee. In the case of promotions from the rank of Sergeant to Lieutenant, the Local Interview Committee shall consist of the Mayor or his designee, the Chief of Police or his designee and three (3) Chiefs of Police from a list of nine (9) provided by the Chiefs of Police Association. One shall be selected by the SOA, one (1) shall be selected by the Chief of Police and the remaining one (1) shall be selected by the Mayor from the list provided by the Chiefs of Police Association. Each candidate shall be interviewed by the Local Interview Committee under similar conditions in order to evaluate the merit and fitness of such candidate for promotion.

(1) The New Jersey State Chiefs of Police Oral testing phase and the Local Committee interview: All eligible candidates who successfully passed the written portion of testing will be required to be sequestered at the location of the oral review board testing for the duration of the testing without access to any and all electronic devices until all candidates have been interviewed and the interviewees are dismissed by the Chief of Police. Any breach in security will be grounds for disqualification and result in the immediate removal from the eligibility list.

(2) The Local Interview Committee shall consider the following factors for each candidate:

- (a) Appearance, manner and bearing; 1-5 pts.
- (b) Self-expression; 1-5 pts.
- (c) Judgment; 1-5 pts.
- (d) Decisiveness; 1-5 pts.
- (e) Specialized training; 1-5 pts.
- (f) Scope and level of experience, including merit commendations; 1-5 pts.

(3) Each factor shall be uniformly considered and applied to all candidates eligible for this phase of the promotional process. Each member of the Committee shall score the candidates concerning the above-referenced factors resulting in a total of no more than thirty (30) points. The highest and the lowest score of the committee members would be dropped in this phase only. The remaining three scores would be averaged to determine the final score under this evaluation section of the process.

(4) Discipline (ten (10) points maximum)

- 1. Two (2) points for each year with no disciplinary record (written reprimand or above) during the five (5) years prior to the date of review

(5) **Yearly Departmental Performance evaluations; * this section does not apply to promotional evaluation until on or after January 1, 2025.

Departmental Performance evaluations;

- (a) Departmental Performance evaluations. The numerical score for service record review will be a cumulative number based on the most recent three (3) yearly department performance evaluations with no adjustment. Service record review shall be done for all applicant(s) who have successfully completed the written and oral examination by scoring a minimum of 80 on each phase individually.

G. Candidates for promotion shall be assigned points for years of service as a permanent Sergeant within the Township of Old Bridge Police Department only as follows: one point for each year of service in the position of permanent Sergeant, as computed as of the day of the year in which the final certified promotional list is posted.

H. Test scores.

(1) The Chief of Police shall calculate each candidate's composite cumulative grade by giving the oral examinations, the written examination and the Local Interview Committee scores the following relative weights:

- (a) Written examination: 100%;
- (b) Oral examination: 100%;
- (c) Local committee interview: 100%.
- (d) Discipline Record: 100%
- (e) Performance evaluations score 100% ** see above, and
- (f) Seniority 100% , as determined under section G above.

(2) Upon calculation of the candidate's score for the written examination, oral examination, and local interview, the Chief of Police shall then add thereto the number of points assigned for years of service as a Sergeant, as calculated in accordance with Subsection G hereinabove. No candidate shall be certified as eligible for promotion unless he has achieved a grade of at least 80% on the

written examination, 80% on the oral examination and 80% on the local committee interview.

I. The Chief of Police shall certify the cumulative score of each candidate and shall post the same in a conspicuous place in the squad room of the police headquarters, indicating the order of finish of the candidates; such list shall be posted within 30 days after the completion of all tests and interviews.

J. Any candidate, upon written request to the Chief of Police within five business days of the posting of such results, shall be entitled to review his test score and ranking with the Chief or his designee. No promotion shall be made until each such candidate has had an opportunity to exercise his right of review.

K. Upon completion of the above-mentioned procedure, the Chief of Police shall consider for promotion only those candidates who have been certified to be eligible for promotion. For each promotion, the Chief shall consider the first three names of candidates standing highest on the list of eligible and certified candidates. The Chief shall recommend one of the three so certified. In the event the candidates have the same score, preference shall be given to Old Bridge residents and if the candidates are still the same then seniority based on total years of service shall be the determining factor.

L. A list of candidates for promotion to the appropriate position shall be valid for a period of not more than three (3) years from its first posting.

M. No candidate shall be permanently promoted to the next higher rank until and unless he or she passes a medical (physical) examination and a psychiatric examination certifying his or her fitness to discharge the functions and responsibilities of the next higher rank and successfully completes a one (1) year probationary period.

N. Appeals of process. Within 10 days of the posting of the ranking of candidates, a candidate may file a written letter of appeal. Said letter must contain the reason(s) or justification(s) for an appeal and must be submitted to the Chief of Police, through the appropriate chain of command. The Chief of Police will assess the request, and make a determination of how the request will be addressed on a case-by-case basis. Such requests may address the following areas of the promotion process:

- (1) If applicable, review and retabulation of the scored elements of the selection process.
- (2) Review any evaluation or internal document that is not otherwise privileged or subject to disclosure that was used in the selection process related to the appellant.
- (3) If the appeal impacts upon the results of the promotional ranking as determined by the Chief of Police, the candidate may be permitted to be reevaluated.

SECTION 3: INCONSISTENT ORDINANCES

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4: PARTIAL INVALIDITY

If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder shall be deemed valid and effective.

SECTION 5: EFFECTIVE DATE

A. Except as set forth at subparagraphs B and C hereof, this Ordinance shall take effect on the earlier of the following dates: (1) on the date the Mayor affixes his/ her signature thereto and returns same to the Municipal Council by delivering it to the Municipal Clerk pursuant to NJSA 40A:69A-41 or (2) on the tenth day following presentment to the Mayor of the Ordinance pursuant to NJSA 40:69A-41 applicable when the Mayor has failed to return the Ordinance; whichever occurs first.

B. If the Mayor vetoes the Ordinance (in the manner set forth at NJSA 40:69A-41), this Ordinance shall become effective upon the Township Council's vote to override the Mayor's veto.

C. Notwithstanding any other provision hereof, this Ordinance shall not take effect less than twenty (20) days after its final passage by the Council and approval by the Mayor, where such approval is required, unless the Council shall have also adopted a resolution declaring an emergency and at least two thirds (2/3) of all the members of the council vote in favor of such resolution.

Motion/ Second	Roll Call To Adopt On Introduction/First Reading			
	YAY	NAY	ABSTAIN	ABSENT
		X		
	Ms. DeCaro			
	Mr. DePalma	X		
	Mr. Desai	X		
	Mr. Garcia		X	
Second	Dr. Greenberg-Belli	X		
	Mr. Murphy			X
	Mr. Paskitti	X		
Motion	Ms. Walker	X		
	President Sohor	X		

Adopted On First
Reading
Dated: December 5,
2023

Kathryn Hutchinson
Township Clerk

Motion/ Second	Roll Call To Adopt On Final Reading and Public Hearing			
	YAY	NAY	ABSTAIN	ABSENT
	Ms. DeCaro			
	Mr. DePalma			
	Mr. Desai			
	Mr. Garcia			
	Dr. Greenberg-Belli			
	Mr. Murphy			
	Mr. Paskitti			
	Ms. Walker			
	President Sohor			

Adopted on First
Reading
Dated: December 19,
2023

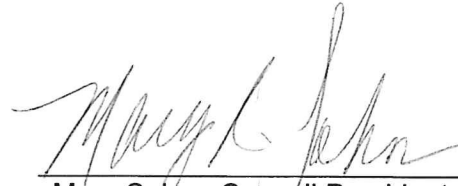
Kathryn Hutchinson
Township Clerk

ATTEST:

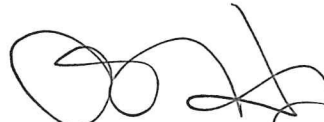
Kathryn Hutchinson, Township Clerk

Approved As To Form And Sufficiency

Mark Roselli, Esq. Department of Law



Mary Sohor, Council President



Owen Henry, Mayor