

TOWNSHIP OF MAPLE SHADE

Ordinance 2024-03

AN ORDINANCE TO AMEND THE MAPLE SHADE TOWNSHIP CODE AT CHAPTER 36 “POLICE” TO CREATE NEW ARTICLE III “EXTRA DUTY POLICE SERVICES”

WHEREAS, the Township Council and Township Police Department seek to revise the procedure and guidelines for the employment of police officers for extra duty assignments.

BE IT ORDAINED, by the Township Council of the Township of Maple Shade as follows:

Section 1. Chapter 36 of the Township Code entitled “Police” is hereby amended as follow:

Article III Extra Duty Police Services

§ 36-20 Purpose. The purpose of this section is to establish a procedure for the employment of Maple Shade police officers for extra-duty details both within the Township and outside the Township of Maple Shade for a person or entity other than the Township; services which the police department is not obligated or expected to provide, and which extend beyond their regular assigned duties and responsibilities.

§ 36-21 Definitions. As used in this section, the following terms shall have the meanings indicated:

EMPLOYER

Any individual, partnership, corporation, business entity or other organization, located either within or outside of Maple Shade Township.

EXTRA DUTY

Any outside employment when a police officer is not scheduled for a shift of duty by the Maple Shade Township Police Department and that calls for actual or potential use of law enforcement powers by the police officer.

§ 36-22 Extra duty details permitted under certain circumstances. Any person or entity wishing to employ off-duty police officers for extra-duty work shall first obtain the approval of the Chief of Police in accordance with the procedure set forth in Subsection I below. All requests may be considered for approval provided the employment does not represent a conflict of interest and the employment and/or tasks do not reflect unfavorably on the integrity or professionalism of the police officer employee or the police department. All requests shall be subject to the availability of personnel as determined by the Chief of Police. The Chief of Police is responsible for public safety in Maple Shade and as such shall administer all activities pursuant to this section.

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§ 36-23 Minimum time of assignments; cancellation.

A. All assignments shall be a minimum of four hours but for Township-sponsored events or Township school district security detail which shall have a minimum of three hours.

B. Cancellation of an assignment must be made with no less than two hours' notice. Notice of cancellation received less than two hours prior to the assignment start time shall subject the employer to minimum compensation of two hours' pay for all officers scheduled for the first two hours of service.

§ 36-24 **Compliance with rules.** All police officers providing extra-duty services pursuant to this section shall be considered "on duty" and will function under the supervision of the Chief of Police. The Maple Shade Township Police Department and its employees will maintain all employment rights while assigned to work extra-duty assignments. Employees working extra-duty assignments will be held to their normal standard of conduct and are subject to disciplinary action for any violation of the rules and regulations.

§ 36-25 **Eligibility.** In order to be eligible for extra-duty employment, a police officer must be in good standing with the Department. Officers who are on medical or other leave due to sickness, temporary disability or an ongoing injury shall not be eligible to engage in extra-duty employment. Officers who are members of the military on deployment or using USERRA time are also ineligible for extra-duty detail. Officers who accept or perform extra-duty employment while on sick or injured leave from their regular duties with the Maple Shade Township Police Department shall be subject to discipline.

§ 36-26 **Wages.** Wages earned for outside extra-duty employment by any Maple Shade Township police officer shall not be applied toward the pension benefits of the police officers so employed, nor shall hours worked for outside employment be considered in any way compensable as overtime payable by the Township of Maple Shade.

§ 36-27 **Defense and indemnification.** Each employer of a police officer for extra duty must defend and indemnify the police officer, the Police Chief, the Police Department, the Maple Shade Township Committee members, Maple Shade Township and any agent, officer or employee thereof and save them harmless from and against any and all claims, actions, damages, liability and expenses, including but not limited to court costs and reasonable attorneys' fees, without regard to fault, in connection with or arising out of any acts or omissions by the Maple Shade Township police officer in performing the extra duty subject to said employer's agreement with Maple Shade Township or in connection with or arising out of that agreement between said employer and the Township of Maple Shade or Maple Shade Township Police Department for such extra-duty assignment. The employer shall also provide a certificate of insurance naming the Township as an additional insured.

§ 36-28 Procedure.

A. Any person or entity wishing to receive police services which the Township is not obligated or expected to provide or does not usually provide as part of its regular plan of police services may arrange to receive such services through the Chief of Police or his designee. Such persons should submit a written request in a form approved provided by the Police Department of the specific nature of the services desired at least 48 hours before such services are required, unless exigent circumstances exist. All requests shall be subject to the availability of personnel as determined by the Chief of Police. The Chief of Police is responsible for public safety in Maple Shade and as such shall administer all activities pursuant to this section.

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B. All police services within the Township of Maple Shade shall be delivered by officers from the Maple Shade Police Department. If the Chief of Police determines that the demand cannot be met by the Maple Shade Police Department, the Chief of Police may request additional police officers from outside agencies.

C. All requests for extra-duty police services will be finalized in a written agreement between the Chief of Police and the individual or entity requesting such services. The agreement shall specify, at a minimum, the following:

- (1) The scope of services to be provided, including a properly prepared and completed work zone safety plan in compliance with Township work zone regulations;
- (2) The commencement date of the police services to be provided;
- (3) The hours of authorized operation;
- (4) The number of officers requested and total hours needed; and
- (5) The anticipated date when the need for police services will be completed.

(6) The agreement shall provide for the deposit of monies in advance by the Employer for the services to be performed. Should the contract be for a term exceeding one month, the private employer shall be required to tender an estimated payment for the first month's services upon executing the contract and will be billed on a periodic basis thereafter. Should the actual assignment of off duty officers' amount to less than the amount deposited, the Chief Financial Officer shall, upon termination of the contract, receipt of the final certified time slips and receipt of written demand from the private employer, return all unused funds to the private employer. Nothing in this subsection shall be construed as limiting the power of the Township to accept or reject any and all assignments with any Employer.

D. Payment for extra-duty police services.

(1) The fee shall consist of a special hourly rate, agreed upon by the Township and the recognized collective bargaining unit and consistent with the Federal Fair Labor Standards Act (FLSA), 29 U.S.C. §§ 201 et seq., and other applicable laws, to be paid to officers working extra-duty assignments, plus a reasonable approximation of the administrative cost, overhead and out-of-pocket expenses to the Township for providing the service in accordance with N.J.A.C 5:30-8.6. All hourly rates and fees shall be established annually by resolution.

(2) All payments for extra-duty assignments shall be forwarded in advance to the Township Finance Office. The Chief Financial Officer shall deposit all funds earmarked for the payment of extra-duty officers, collected from Employers, into an escrow account established for payment to members of the Police Department performing the extra-duty services, also referred to as "employees."

(3) Upon completion of each extra-duty work assignment, all participating officers shall complete a form approved by the Chief Financial Officer accounting for the dates and hours worked. Upon receipt of proof of extra-duty police services, the Township shall disburse payment to those officers who worked the extra-duty assignment. Payment will be based upon the terms of the current collective bargaining agreement for the participating officer. Payment for extra-duty work assignments shall be made to the officers at the next available pay period.

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E. Exigent circumstances. The Chief of Police maintains broad discretion to amend, modify or otherwise act without conforming to the letter of this section if exigent circumstances exist or the public health, safety or welfare mandates action by the Chief and would not otherwise allow for timing or deadlines as set forth herein, to be met.

F. **Exceptions.** The Township Manager and/or Chief of Police reserve the right to amend fees for non-profit groups and/or municipal or county organizations.

Section 2. This Ordinance shall take effect upon final passage and publication according to law.

Section 3. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Introduction: February 22, 2024

Comments: none

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Kauffman	x		x			
Nunes		x	x			
Volpe			x			
Wiest			x			
Schmidt			x			

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Maple Shade Township Council at a meeting held on March 28, 2024

Andrea T. McVeigh, RMC

Adopted: March 28, 2024

Comments: none

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Kauffman			x			
Nunes	x		x			
Volpe		x	x			
Wiest			x			
Schmidt			x			