

AN ORDINANCE AMENDING CHAPTER 2, SECTION 14.5 AND SECTION 14.9 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE (APPOINTMENT OF POLICE DEPARTMENT, OFFICERS AND PERSONNEL)

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BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 2 of the Revised General Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to correct and clarify Ordinance 2658-21 adopted on October 12, 2021, which established an alternate route appointment for entry level appointments for the West Orange Police Department as authorized under N.J.S.A. 11A:4-1.3(a). This ordinance ~~corrects and clarifies the ordinance to provide that the nepotism policy governing appointments and hiring is for application when utilizing the alternate route appointment process and shall not apply to officers appointed through the Civil Service examination that an entry-level law enforcement position may be exempt from the requirement for examination by Civil Service pursuant to N.J.S.A. 11A:4-1.3(a) provided that a candidate has successfully completed a full Basic Course for Police Officers training course at an approved school and authorized by the Police Training Commission, within nine (9) months of the date of hire. Further, this ordinance has been revised to conform with N.J.S.A. 40A:14-122.1 which states "No municipality shall pass any ordinance, resolution, rule, regulation, order or directive, making residency therein a condition of employment for the purpose of original appointment, continued employment, promotion, or for any other purpose for any member of a police department and force and any such ordinance, rule, regulation, order or directive in existence on the effective date of this act or passed hereafter shall be void and have no force or effect."~~

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II. CHAPTER 2, SECTION 14.5 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

2-14.5 Appointment of Police Department, Officers and Personnel.

No person shall be appointed to the Police Department who is not qualified as provided in the New Jersey Statutes. The Mayor may also require that an applicant for appointment to the Police Department shall successfully complete a physical, mental and psychological examination.

- a. Each applicant shall comply with all of the laws of the State of New Jersey pertaining to qualifications of Police Officers. No person shall be given or accept a permanent appointment as a Police Officer in the Township unless such person has first been given a probationary or temporary appointment to such office for a period of not longer than one year or one year after the date of graduation from the Police Academy, whichever is longer, and has successfully completed a Police training course at a school approved and authorized by the Police Training Commission in the Department of Law and Public Safety of the State of New Jersey, pursuant to the provisions of N.J.S.A. 40A:14-118 et seq. Each candidate for appointment to the Police Department shall submit to such written and oral examination as may be prescribed by Civil Service, except that at the sole discretion of the Mayor a candidate for an entry-level law enforcement position may

be exempt from this requirement for examination by Civil Service pursuant to N.J.S.A. 11A:4-1.3(a) provided that they have successfully completed a full Basic Course for Police Officers training course at a school approved and authorized by the Police Training Commission within nine (9) months of the date of hire. Each candidate for appointment to the Police Department shall also submit to a physical examination by a licensed practicing physician and/or an examination by a licensed psychologist of the State of New Jersey, designated for such purpose. The character and scope of such examination shall be for the purpose of revealing the extent to which the applicant may be mentally, physically and otherwise qualified to perform his appropriate duties in the Department. Any applicant who shall fail to meet the physical qualifications as may be set up by the Appropriate Authority, or in the opinion of the examining physician is incapable of performing the duties of a Police Officer in a safe and efficient manner shall be ineligible for appointment to the Department.

- b. No person shall be appointed to the Police Department as a regular or probationary member unless that person shall at the time of making application be between the age of 18 and 35 years, except as provided by law in the case of veterans. The applicant shall be a citizen of the United States of America.

~~c. Before any person shall be appointed as member of the Police Department, the Appointing Authority shall classify all the duly qualified applicants for the position or positions to be filled in the respective Departments, in accordance with N.J.S.A. 40A:14-12, 13, 10 in the following classes:~~

~~1. Bona fide residents of the Township.~~

~~2. Bona fide residents of the County of Essex.~~

~~3. Bona fide residents of counties contiguous to the County of Essex.~~

~~4. Other residents of the State of New Jersey.~~

~~5. All other qualified applicants.~~

~~Within each such classification, duly qualified applicants who are veterans shall be accorded all such veterans' preferences as are provided by law. (Persons discharged from the service within six months prior to making application to the Township who fulfill the requirements of N.J.S.A. 40A:14-10.1, and who thereby are entitled to appointment notwithstanding their failure to meet the New Jersey residence requirement at the time of their initial application shall be placed in Class III.)~~

- ~~d. In making such appointments, the Appointing Authority shall first appoint all those in Class I and those in each succeeding class in the order above listed, and shall appoint a person or persons in any such class only to a vacancy or vacancies remaining after all qualified applicants in preceding class or classes have been appointed or have declined an~~

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~~offer of appointment.~~

~~e. The classes of qualified applicants defined in Subsection c above, shall be considered as separate and successive lists of eligibles, and the Civil Service Commission shall, when requested to certify eligibles for positions specified in this section, make such certifications from the classes separately and successively, and shall certify no person from any such class until all persons in the preceding class or classes have been appointed or have declined offers of appointment.~~

~~f.c.~~ This section shall apply only to initial appointments and not to the promotional appointments of persons already members of the Police Department.

~~g. In making temporary appointments, the Appointing Authority shall utilize the classifications set forth in Subsection c above, and shall classify accordingly all duly qualified applicants for the position or positions to be temporarily filled.~~

~~h. For all purposes, residency must be continuously maintained from the closing date for application up to and including the date of appointment.~~

~~i.d.~~ No family member, including a spouse; child; parent; sibling; grandparent; grandchild; father-in-law; mother-in-law; brother-in-law; sister-in-law; stepfather; stepmother; stepsibling; half-brother; half-sister; nephew; niece; first cousin; aunt; uncle; foster child; domestic partner or cohabitants as defined by the New Jersey Civil Union Act of a member of the Police Department shall be eligible for appointment to the Police Department by way of appointment through the alternate route appointment procedures pursuant to N.J.S.A. 11A:4-1.3(a) as allowed in Subsection (a) of this section.

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

V. **EFFECTIVE DATE**

This Ordinance shall take effect upon final passage and publication in accordance with the law.

ROBERT D. PARISI, MAYOR

McCARTNEY,

~~CINDY MATUTE BROWN~~SUSAN

COUNCIL PRESIDENT

KAREN J. CARNEVALE, R.M.C.,
MUNICIPAL CLERK

INTRODUCED: June 14, 2022

ADOPTED: June 28, 2022

Legislative History

The purpose of this ordinance is to correct and clarify Ordinance 2658-21 adopted on October 12, 2021, which established an alternate route appointment for entry level appointments for the West Orange Police Department as authorized under N.J.S.A. 11A:4-1.3(a). This ordinance ~~corrects~~ clarifies that an entry-level law enforcement position may be exempt from the requirement for examination by Civil Service pursuant to N.J.S.A. 11A:4-1.3(a) provided that a candidate has successfully completed a full Basic Course for Police Officers training course at a approve school and authorized by the Police Training Commission, within nine (9) months of the date of hire, and clarifies the ordinance to provide that the nepotism policy governing appointments and hiring is for application when utilizing the alternate route appointment process and shall not apply to officers appointed through the Civil Service examination. Further, this ordinance has been revised to conform with N.J.S.A. 40A:14-122.1 which states “No municipality shall pass any ordinance, resolution, rule, regulation, order or directive, making residency therein a condition of employment for the purpose of original appointment, continued employment, promotion, or for any other purpose for any member of a police department and force and any such ordinance, rule, regulation, order or directive in existence on the effective date of this act or passed hereafter shall be void and have no force or effect.”

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