

**AN ORDINANCE AMENDING CHAPTER 18 OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF WEST ORANGE AND ESTABLISHING A
SECTION GOVERNING THE RATES FOR EXTRA DUTY ASSIGNMENTS FOR
FIREFIGHTERS IN THE TOWNSHIP OF WEST ORANGE
(FEES FOR SERVICES)**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 18 of the Revised General Ordinances of the Township of West Orange be and are hereby supplemented to add Section 6 related to the rates for extra duty assignments for the West Orange Fire Department as follows:

§ 18-6.1—PURPOSE

- a. For the convenience of those persons and entities that require the services of off duty firefighters and to authorize special, off-duty assignments, the Township of West Orange hereby establishes this policy and procedures to facilitate the process and not cause an undue burden upon the taxpayers.
- b. Persons or entities wishing to engage off-duty Firefighters must make their request through the Chief of the Fire Department, or designee. The Chief of the Fire Department, or designee, may grant the request when, in the opinion of the Chief of the Fire Department, such assignment will not be inconsistent with the efficient functioning and good reputation of the Fire Department, and would not unreasonably endanger or threaten the safety of the firefighter(s) who will be working the assignment(s).

§ 18-6.2—BILLING/PAYMENT SCHEDULE/ESCROW ACCOUNTS

- a. The Chief Financial Officer of the Township shall oversee the billing for persons or entities contracting for the services of off-duty West Orange Firefighters.
- b. Payment for off-duty firefighter services is required with 14 calendar days following billing, unless through prior arrangement with the Township's Chief Financial Officer.
- c. Failure to submit timely payment within 30 calendar days of the billing date will result in the Chief Financial Officer requiring that the person or entity contracting for services establishes a prepaid escrow account or a performance bond for an amount sufficient to satisfy the established rates of compensation and administrative fees for the total estimated hours of anticipated service for the pending billing period for that job. Emergent requests for off-duty services are addressed in subsection 6.2(g).
- d. Prior to making an assignment of off-duty Firefighters, the Chief of the Fire Department, or designee, shall verify with the Chief Financial Officer that the contractor is not in arrears and, if so, that sufficient funds have been deposited in the existing escrow account or that a performance bond has been posted to ensure that sufficient funds are available to cover the firefighter's compensation and administrative fees.
- e. When applicable, in the event that the funds in the escrow account become depleted, the off-duty services shall cease and requests for further or future services should not be performed or scheduled until sufficient funds have been allotted in the manner prescribed in subsection § 18-6.2(d).
- f. The person or entity requesting off-duty firefighters shall be responsible for ensuring that sufficient funds remain in the escrow account in order to avoid any interruption of services.

g. When applicable, if an escrow account is underfunded or becomes overdrawn, the underfunded/overdrawn escrow account will be charged a monthly fee of 1.5% of the shortfall until replenished.

§ 18-6.3—REQUESTS FOR SERVICES

a. All requests to engage off-duty firefighters shall be made to the Chief of the Fire Department, or designee. Firefighters shall remain employees of the Fire Department at all times and shall be subject to the policies, procedures, directives, rules and regulations of the Department, the Township of West Orange, and/or the State of New Jersey. Wages earned from extra duty employment shall not be applied towards pension benefits.

c. The Township may establish a policy permitting sworn personnel of other fire departments to work off-duty assignments that cannot be filled by West Orange personnel. The Chief Financial Officer shall establish payment procedures for these supplemental Fire Department personnel.

§ 18-6.4—RATES FOR COMPENSATION; ADMINISTRATIVE FEES; PAYMENT FOR SERVICES

The following shall constitute the rate of services for extra duty assignments and the use of Fire Department equipment, unless there is a contract to the contrary:

a. Firefighter/Fire Officer: An amount to be prescribed by Resolution with the minimum amount set at of \$115 per hour, for a minimum of four (4) hours of service.

b. Fire Engine: An amount to be prescribed by Resolution with the minimum amount set at \$175 per hour, for a minimum of four (4) hours.

d. Aerial Ladder Truck: An amount to be prescribed by Resolution with the minimum amount set at \$225 per hour, for a minimum of four (4) hours.

e. Ambulance: An amount to be prescribed by Resolution with the minimum amount set at \$50 per hour, for a minimum of four (4) hours.

f. Fire Vehicle/SUV: An amount to be prescribed by Resolution with the minimum amount set at \$25 per hour, for a minimum of four (4) hours.

g. All assignments shall have a four (4) hour minimum per firefighter or fire officers contracted. Firefighters are entitled to the minimum hours of compensation if their assignment is cancelled upon their arrival at the job site without advance notice stipulated in this Section and/or prescribed by corresponding Resolution.

h. Firefighters are entitled to the minimum hours of compensation stipulated in Section 18-6.4. Firefighters who begin an assignment, but who are cancelled prior to the completion of the assignment shall be entitled to the minimum compensation stipulated in this Section or the number of hours worked, whichever is longer.

§ 18-6.5—CONTRACTOR RESPONSIBILITIES

a. Persons or entities contracting for off-duty firefighter services shall be aware that the firefighter(s) and/or fire officer(s) hired are not their personal employees and shall not be required to perform non-Fire Department related tasks. Fire Department related tasks typically include fire watch, EMS coverage, special event coverage (i.e., open burns, fireworks, etc.), and any other situation that would warrant West Orange Fire Department personnel and equipment.

- b. Unless specifically authorized by the Chief of the Fire Department, firefighters shall be in uniform.
- c. Persons or entities that had contracted for off-duty firefighters and need to cancel the assignment must do so with sufficient advance notice, but at least two hours prior to the start of the assignment or be liable for the minimum compensation stipulated in subsection 18-6.4. Notification shall be made to the Fire Prevention Bureau telephone line 973-325-4175 or the main police telephone line, 973-325-4000.

§ 18-6.6—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.

§ 18-6.7—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.

§ 18-6.8—EFFECTIVE DATE

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

SUSAN MCCARTNEY, MAYOR

**BILL RUTHERFORD,
COUNCIL PRESIDENT**

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

INTRODUCED: August 6, 2024

ADOPTED: September 10, 2024

Legislative History

The purpose of this ordinance is to set the rate for extra duty assignments undertaken or requested for West Orange Firefighters and to establish rates for the use of equipment and personnel.