

ORDINANCE 54-2014

ORDINANCE OF THE BOROUGH OF MADISON AMENDING CHAPTER 34 OF THE BOROUGH CODE ENTITLED "POLICE DEPARTMENT"

WHEREAS, the Borough of Madison has permitted private businesses and other public entities to retain the services of off-duty police officers; and

WHEREAS, for the convenience of those private businesses and other public entities which utilize the services of off-duty law enforcement officers of the Borough of Madison Police Department and to authorize the outside employment of off-duty police officers, the Borough of Madison hereby establishes a policy regarding the use of off-duty police officers,

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Governing Body of the Borough of Madison, in the County of Morris, State of New Jersey, as follows:

1. Chapter 34 (Police Department) of the Code of the Borough of Madison is hereby revised to read as follows:

§34-20. Contracted Off-Duty Employment of Police Officers.

- A. Members of the Police Department shall be permitted to accept employment as safety or security personnel for private businesses or other public entities during off-duty hours, and at such times which will not interfere with the efficient performance of regularly scheduled or emergency duty for the Borough. The Borough's needs for said police officers shall always take priority over scheduled off-duty work.
- B. If a private business or other public entity desires to contract with the Borough of Madison for the off-duty services of a police officer, said private business or public entity shall request the services through the office of the Chief of Police. To the extent that personnel are available, the Chief of Police or his/her designee may, but shall not be required to, assign a police officer to provide aforesaid off-duty services. The Chief of Police or his/her designee shall withhold approval if the off-duty services to be performed are inconsistent with the efficient operation and professionalism of the Police Department and/or unreasonably endangers or threatens the safety of the officer or officers who perform the work.
- C. The cost of the services to the private party or other public entity shall be at \$60.00 per hour for the officer(s) pursuant to the PBA/SOA labor contracts. [The Borough shall add \\$20.00 per hour to said amount to cover administrative, vehicle-use fee and insurance expenses, resulting in a rate to be charged to the outside employer\(s\) of \\$80.00 per hour.](#)
- D. Pursuant to a prior Agreement with the PBA/SOA, security in the Joint Municipal Court shall be paid at \$55.00 per hour to the officer(s) with no administrative, vehicle or insurance charges. In addition, security for the Centurion Holding Corporation detail in Harding shall be paid at \$35.00 per hour to the officer(s) with no administrative, vehicle or insurance charges. In addition, there shall be no administrative, vehicle or insurance charges for Board of Education, religious, charitable or not-for-profit entities and/or events. The Chief of Police or his designee shall set the administrative rate and whether same shall apply for each request for officers.

- E. Any private business or other public entity requesting the services of an off-duty law enforcement officer shall estimate the number of hours such services are required, which estimate shall be approved, in writing, by the Chief of Police or his/her designee. In the event of a cancellation, the firm, organization or individual shall make contact with the Madison Police Department Traffic Safety Bureau and/or the Police Department Communications Desk to report that the event or job has been cancelled. A voice message and/or email with no Police Department response or official police acknowledgement does not constitute notification of cancellation. Police officers shall be compensated when a firm, organization or individual who has contracted for police services and fails to make notification at least two (2) hours prior to the event, job or detail in accordance with the following: Board of Education, Religious, Charitable or Department-approved not-for-profit entities shall pay a two (2) hour cancellation fee to each scheduled officer; and all other firms, contractors and/or individuals shall pay a four (4) hour cancellation fee to each scheduled officer, unless otherwise agreed upon in advance.
- F. Prior to posting any request for services of off-duty officers, the Chief of Police or his/her designee, shall verify that there are no outstanding charges for the private business or other public entity requesting services. No services shall be performed unless all charges for prior work have been paid.
- G. All requests for the services of off-duty law enforcement officers in the Borough of Madison Police Department for a period of one (1) week or longer shall be forwarded to the Chief of Police or his/her designee, at least ten (10) days before such services are required, whenever possible. Any officers, when so employed by the Borough, shall be treated as an employee of the Borough, provided, however, that wages earned for outside employment shall not be applied toward the pension benefits of law enforcement officers so employed nor shall hours worked for outside employment be considered in any way compensable as overtime.
- H. This ordinance shall take effect in accordance with law.

ADOPTED AND APPROVED

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk