

**ORDINANCE
TOWNSHIP OF FRANKLIN
ORDINANCE CREATING THE POLICE DEPARTMENT POSITIONS OF CAPTAIN,
LIEUTENANT, SERGEANT, CORPORAL, PATROL OFFICER, DETECTIVE
SERGEANT AND DETECTIVE, ESTABLISHING THE POLICE LINE OF AUTHORITY AND
CREATING STANDARDS FOR PROMOTION WITHIN THE POLICE DEPARTMENT
O-8-13**

WHEREAS, it is the desire of the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey (hereinafter referred to as the "Township Committee"), to create and establish the positions of Captain, Lieutenant, Sergeant, Corporal, Patrol Officer, Detective Sergeant and Detective within the Township of Franklin Police Department ("Police Department"), and to further create and establish the line of authority regarding such positions within the Police Department; and

WHEREAS, pursuant to *N.J.S.A. 40A:14-118*, the governing body of any municipality, by Ordinance, may create and establish a police force and then provide for a line of authority relating to the police function and further provide for the appointment of a chief of police and such members, officers and personnel, including the prescription of their powers, functions and duties, as shall be deemed necessary for the effective government of such police force; and

WHEREAS, by Ordinance number O-11-93, the Township Committee created a Police Department and the position of Chief of Police within Article 1, Chapter 98 of the Franklin Township Code; and

WHEREAS, by same Ordinance number O-11-93, the Township Committee lawfully reserved unto itself the power to create other such members and officers of the Police Department as it shall deem necessary; and

WHEREAS, pursuant to Reuter v. Borough Council of Borough of Fort Lee, 328 N.J.Super. 547, 746 A.2d 511 (App. Div. 2000), a municipality is required to establish a line of authority pursuant to Ordinance and the Township Committee's prior resolutions creating officer positions is legally insufficient; and

WHEREAS, the Township Committee now deems it necessary to create and establish the positions of, Lieutenant, Sergeant, Patrol Officer, Detective Sergeant and Detective by and through Ordinance, and to eliminate future positions of Captain and Corporal for the effective government of the Police Department.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey that Article I, Chapter 98 of the Franklin Township Code shall be amended to include as follows:

§ 98-8. Line of Authority

The line of authority of the Township of Franklin Police Department shall consist of the Chief of Police as the head of the department followed by Lieutenant, Detective Sergeant, and Patrol Officer. The position of Detective Sergeant shall fall under the authority of a Lieutenant but shall only direct the activities of the Detective Bureau and shall only have authority over the Detective and any other position(s) of which the Chief of Police shall deem necessary to grant the Detective Sergeant authority over. The Detectives shall fall under the authority of the Detective Sergeant.

§ 98-8. Police Captain.

Future positions are eliminated

§ 98-9. Police Lieutenant.

The position of Lieutenant shall be second in command to the Chief of Police. The Lieutenants' powers, functions and duties shall be as currently prescribed by Article IV, Subsection E of the Franklin Township Police Department Rules and Regulations Manual.

§ 98-10. Police Sergeant.

The position of Sergeant shall be fourth in command to the Chief of Police, Lieutenant and Detective Sergeant. The Sergeants' powers, functions and duties shall be as currently prescribed by Article IV, Subsection F of the Franklin Township Police Department Rules and Regulations Manual.

§ 98-11. Police Corporal.

Future positions are eliminated.

§ 98-12. Patrol Officer.

The position of Patrol Officer shall be fifth in command to the Chief of Police, Lieutenant and Sergeant. The Patrol Officers' powers, functions and duties shall be as currently prescribed by Article V, Subsection B of the Franklin Township Police Department Rules and Regulations Manual.

§ 98-13. Detective Sergeant.

The position of Detective Sergeant shall fall under the authority of the Chief of Police and Lieutenant and shall be third in command and shall maintain the responsibility of directing the activities of the Detective Bureau. The Detective Sergeant's powers, functions and duties shall be as currently prescribed by Article IV, Subsection G of the Franklin Township Police Department Rules and Regulations Manual.

§ 98-14. Detective.

The position of Detective shall fall under the authority of the Detective Sergeant. The Detectives' powers, functions and duties shall be as currently prescribed by Article V, Subsection A of the Franklin Township Police Department Rules and Regulations Manual.

AND WHEREAS the Township Committee wishes to clarify and establish by Ordinance a clear policy and procedure for promotion within the Police Department the following promotional procedures are hereby Ordained:

Article I. Statutory requirements. The provisions of N.J.S.A. 40A shall apply to all appointments and promotions.

Article II. Eligibility requirements. No member of the Police Department shall be promoted to a position of Sergeant, Detective Sergeant or Lieutenant unless:

- (1) For the rank of Captain – future positions are eliminated.
- (2) For the rank of Lieutenant, they have at least three (3) years of consecutive service prior to the closing date of the test announcement in the position of Sergeant within the Township of Franklin Police Department.
- (3) For the rank of Sergeant – they have at least three (3) years of consecutive service prior to the closing date of the test announcement in the position of Patrolman within the Township of Franklin Police Department.
- (4) For the rank of Detective Sergeant – they have at least three (3) years of consecutive service prior to the closing date of the test announcement in the position of Detective within the Township of Franklin Police Department and are currently assigned to the Detective Bureau.
- (5) For the rank of Corporal – future positions are eliminated.
- (6) At the discretion of the Chief of Police, the (3) three years of consecutive service requirement may be waived in the event that there are no candidates that meet the

requirement for a particular rank.

Article III. Testing Process for Promotion

Promotion shall be on the basis of merit, demonstrated ability and competitive examination and shall otherwise comply with the provision of N.J.S.A. 40A:14-129. The promotional procedure will consist of four (4) sections. Each section will be valued as indicated.

(1) Section 1: Written examination – 25%

A written examination relating to law enforcement shall be conducted by a qualified testing association selected by the Chief of Police and approved by the appropriate authority.

A candidate for the position of Sergeant, Detective Sergeant and Lieutenant must receive a minimum written score of 70% on the written examination. The actual numerical number of the written score shall remain confidential until final determination of the promotion.

(2) Section 2: Oral Examination – 25%

The Chief of Police shall select an independent oral review board through the New Jersey State Association of Chiefs of Police which shall interview and evaluate the successful candidates from Section 1.

(3) Section 3: Performance Evaluation – 40%

The candidate shall be evaluated by the Chief of Police, based on, but not limited to the candidates career development, job performance, work history, and leadership skills.

Each criterion will be assigned a fixed number of points, adding up to the total for this section of 40%, and will be calculated using the following scales.

Career Development = 10 points

This score is based on the candidate's education/military service and is assigned the following values:

- Masters Degree = 5
- Bachelors Degree = 4
- Associates Degree – 3
- Completion of advanced police-related classes = 1-2
- Active military service at or above the rank of E-5 = 2

Disciplinary History = 10 points

This portion is comprised of commendations and negative discipline, each worth 5 points.

Commendations 5 points

- Above average commendations = 5
- Average commendations = 4
- Below average commendations = 2.5
- Only 1 commendations = 1
- No commendations = 0

Negative 5 points

- No negative discipline = 5
- **Each negative discipline decreases the number of points given by 1*
- 1 instance of negative discipline = 4
- 2 instances of negative discipline = 3

- 3 instances of negative discipline = 2
- 4 instances of negative discipline = 1
- 5 instances of negative discipline = 0

Leadership Skills and Job Performance = 20 points

The candidates will be evaluated on leadership traits and job performance. Examples of factors that will be considered include but are not limited to:

- Directing others
- Initiative
- Innovation
- Interpersonal skills
- Collaborative Leadership skills
- Decision making
- Oral communication skills
- Written communication skills
- Projection as role model
- Self-sacrifice
- Honesty
- Acceptance of responsibility
- Knowledge of Policy and Procedures
- Judgment and decisions
- Quality of work
- Performance under stress
- Community involvement
- Maturity
- Leadership potential
- Team building

(4) Section 4: Seniority Scale – 10%

A candidate will receive one-half (.5) points for every year of service to the Franklin Township Police Department for every year over three (3), to a maximum of 5 points.

Article IV. Vacancy

1. Upon determining that a need exists to fill a vacancy of an open, Sergeant, Detective Sergeant or Lieutenant's position, the Township shall post a promotional testing announcement within thirty (30) days of the Township's determination.
2. All applicants shall notify the Township in writing of their intent to participate in the promotional testing process within two (2) weeks of the promotional testing announcement being posted.
3. At the discretion of the Chief of Police, the provisions of Article III, Section 1 and/or Section 2 may be waived in situations where the number of candidates is equal to or less than the number of vacancies for a particular rank. In this case, the provisions of Article III, Section 3 and Section 4 shall be used to determine a candidate's suitability for promotion. A candidate shall be considered suitable for promotion with a total number of points awarded equal to or greater than 25.
4. The promotional testing shall occur within three (3) months of that posting which includes written and verbal testing.
5. The entire promotional process shall be completed within one (1) year from the date of the vacancy.
6. A list of eligible candidates shall be established based upon all final scores of all candidates. The list shall remain in effect for three (3) years. All

permanent promotions shall be made from this list of eligible candidates.

7. The Appropriate Authority and the Chief of Police shall create a list of the three candidates for each available vacancy, with the highest total scores on the applicable eligibility list.
8. All promotions shall be recommended by the Chief of Police then approved by the Mayor with advice and consent of the Township from that list of three candidates. Nothing in this ordinance, however, shall be deemed to require the Township to promote on a permanent promotional basis. However, if the Township does promote on a permanent promotional basis, it must promote from the list of eligible candidates.

BE IT FURTHER ORDAINED, any Ordinance or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed; and

BE IT FURTHER ORDAINED, that if any section, sentence, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holdings shall not effect or impair any other section, sentence, clause, provision or portion of this Ordinance.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon its final passage, adoption and publication as provided by law.

ATTEST:

TOWNSHIP OF FRANKLIN

BARBARA FREIJOMIL, CLERK

MARGE PFROMMER, MAYOR

Introduced:

	Pfrommer	Petsch	Deegan	Genna	Leopardi
YES					
NO					
ABSTAIN					
ABSENT					

Public Hearing Held:

Adopted:

	Pfrommer	Petsch	Deegan	Genna	Leopardi
YES					
NO					
NO					
ABSTAIN					

CERTIFICATION

I, Barbara Freijomil, Clerk of the Township of Franklin, County of Gloucester, do hereby certify that the foregoing Ordinance was introduced at a meeting of the Township of Franklin held on March 26, 2013, and thereafter duly advertised in the legal newspaper of the Township at least ten (10) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on Tuesday, April 23, 2013, at which time any person interested therein will be given an opportunity to be heard.

BARBARA FREIJOMIL, CLERK