

CLINTON TOWNSHIP POLICE DEPARTMENT

RULES AND REGULATIONS/POLICIES AND PROCEDURES

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POLICY

The Township of Clinton permits police department employees to engage in off-duty and extra-duty employment. However, procedures need to be in place to maintain employee accountability during off-duty and extra-duty employment. Such procedures are essential for the efficient operation of the police department and for the protection of the community. Police department employees shall therefore be aware of off-duty and extra-duty employment activities which are not appropriate and which may compromise the integrity of the Clinton Township Police Department. Furthermore, as per the New Jersey Attorney General's December 1, 1977 legal opinion, only sworn officers employed and compensated through the municipality will be considered "on duty" for liability and indemnification purposes. And as per a memorandum issued by the New Jersey Chief of the Section of Pensions, "...only service as a policeman or fireman paid by an employer is considered creditable under the Police and Fire Retirement System (N.J.S.A. 43:16A-4)."

I. DEFINITIONS

- A. Chief Executive Officer—that person who is responsible to serve as the head of the police department. The Chief Executive Officer may be a civilian Police Director or a sworn officer such as the Chief of Police or Officer-In-Charge. "Officer" as used in "Chief Executive Officer" need not denote sworn status.
- B. Employee—everyone employed by the Clinton Township Police Department, including sworn and civilian personnel. Volunteers shall also be considered "employees" when performing a function in the course of their official responsibilities or assignments.
- C. Employment—the provision of a service. For the purposes of this general order, employment does not include voluntary charity work.
- D. Extra-Duty Employment—any employment that the police department is not obligated or expected to provide, or does not normally provide as part of its regular police services, but which is conditioned on the actual or potential use of law enforcement powers, equipment, and/or vehicles by a police officer or employee based upon a formal agreement between a requesting entity and the Township of Clinton.
- E. Off-Duty Employment—any employment occurring outside of an employee's regularly

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scheduled work hours that will not require the use, or anticipated use, of law enforcement powers by the off-duty employee.

- F. Regular Duty—regularly scheduled shifts of police duty, overtime, special assignments, department-sanctioned schooling in lieu of regular duty, and court appearances arising out of an officer’s employment with this department. The method of compensation sought for any regular duty assignment has no bearing on the total number of hours the officer shall have been considered to have worked.
- G. Shift Supervisor—an officer assigned to a position requiring the exercise of immediate supervision over the activities of department employees during a particular time.

I. PROCEDURES

A. Off-Duty Employment

Employees may engage in off-duty employment subject to the following restrictions:

1. The employment presents no conflict of interest between the employee’s duties with the police department and duties owed to their secondary employer. Some examples of employment representing a conflict include but are not limited to:
 - a. Employment in which police authority might tend to be used, such as employment as a process server, reposessor, or bill collector.
 - b. Employment which might require the employee to provide police information, files, records, or services that would not ordinarily be accessible to the public.
 - c. Working in a police uniform in the performance of tasks other than those specifically authorized by the Clinton Township Police Department.
 - d. The case preparation of any criminal or civil action/proceeding arising out of the Township of Clinton’s activities.
 - e. Working for a business or group that is on strike in the Township.
 - f. Working for an entity regulated by, or which must be licensed through, the police department or the township.
2. The employment does not constitute a threat to the status or dignity of the police department as a professional organization. Examples of employment presenting a threat to the status or dignity of the Clinton Township Police Department include but are not limited to:
 - a. Working in establishments which sell pornographic materials, sexual

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devices, videos, or that otherwise provide entertainment services of a sexual nature.

- b. Any employment involving the sale, manufacture, or transportation of alcoholic beverages as the principal business within the Township of Clinton.
 - c. Any gambling establishment not exempted by law.
- 3. Employees are prohibited from engaging in off-duty employment unless it has been approved by the Chief Executive Officer.
 - 4. An employee must be in good standing with the department in order to be eligible for off-duty employment. Continued departmental approval of an employee's off-duty employment is contingent upon such good standing.
 - 5. Officers on medical or other leave due to sickness, temporary disability, military, discipline, or an on-duty injury shall not be eligible for off-duty employment.
 - 6. Employees may work a maximum of twenty-four (24) hours of off-duty employment per week. The Chief Executive Officer must approve any exception.
 - 7. Work hours for all off-duty employment must be scheduled in a manner that does not conflict with the employee's duties at the Clinton Township Police Department.
 - 8. A police officer engaged in off-duty employment is subject to call-out in case of emergency and will be expected to leave his or her off-duty employment in such situations.
 - 9. Permission for a police employee to engage in outside employment may be revoked where it is determined that such outside employment does not comply with this policy.
 - 10. All off-duty employment requests shall be submitted to the Chief Executive Officer's office on the proper form two (2) weeks prior to starting actual work. The form is the "Off-Duty Employment Approval Form." See Appendix A.
 - 11. Officers engaged in off-duty employment shall update their outside employment form in January of each year, indicating any changes. If no changes to the employee's employment status or responsibilities have occurred, the employee shall indicate this on the form.

B. Extra-duty Employment

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1. The fee for extra-duty employment services shall be paid by the person or entity requesting the services, which shall be set forth in writing.
2. Extra-duty employment shall be regulated by the Clinton Township Police Department.
3. Common types of extra-duty employment include but are not limited to:
 - a. traffic control, crowd control, and pedestrian safety at special events,
 - b. security and protection of life and property at construction sites or “road jobs”, and
 - c. plain clothes special security assignments.
4. Extra-duty employment may be considered for approval only if the employment does not represent a conflict of interest and does not reflect unfavorably on the integrity or professionalism of the employee or the police department.
5. Employees are prohibited from engaging in extra-duty employment that has not been approved by the Chief Executive Officer.
6. Extra-duty employment is often restricted to within the township. However:
 - a. The Chief Executive Officer may authorize extra-duty employment outside of the township if so requested by the Chief Executive Officer or his or her designee of a local police department in need of such services.
 - b. Examples may include: 1) extra-duty employment at a Hunterdon Central High School football game when the Raritan Township Police Department requests such services or 2) working in the Town of Clinton during a parade if the Town of Clinton Police Department requests such services.
 - c. All of the applicable provisions of this general order governing approval and actual performance of extra-duty employment assignments shall apply.
7. The Operations Division Commander has been designated as the manager and point-of-contact for all extra-duty employment assignments.
8. The Operations Division Commander shall be responsible for ensuring that all approvals (from the contractor, the Chief Executive Officer, and the Township) have been obtained prior to scheduling an employee for extra-duty employment.

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9. The Operations Division Commander is responsible for posting a complete listing of all extra-duty employment assignments, including:
 - a. The date, time, and location of the event.
 - b. The identity of the officer(s) scheduled.
 - c. The type of assignment/event.
10. The Operations Division Commander shall forward all special instructions, traffic/security plans, etc. necessary to carry out the assignment to the officers so assigned.
11. The Operations Division Commander shall maintain a running list indicating the cumulative number of extra-duty employment hours worked by each employee of the department in each calendar year.
12. The Operations Division Commander shall create and maintain a comprehensive file for each vendor that contracts with the township for extra-duty police services. Said file shall contain all relevant information and forms for contracted extra-duty employment assignments worked within two (2) years from the then current date.
13. Approval Process
 - a. All persons or entities requesting extra-duty police services shall submit a completed '*Extra-duty Employment Request Form*' to the Operations Division Commander at least seven (7) days prior to the date the services are needed, or, if less than seven days, as far in advance as possible.
 - b. The Operations Division Commander shall evaluate all requests for extra-duty police services to ensure that the request is lawful and consistent with a positive image of law enforcement officers.
 - c. Extra-duty employment that is found to be detrimental to the image of law enforcement or the department, inconsistent with a law enforcement purpose, a potential conflict of interest, or that creates a safety risk to an officer or the public, shall not be approved.
 - d. Approval to work extra-duty employment may be discontinued when, upon approval, it is subsequently determined that such extra-duty employment is not in the best interest of the department.
 - e. Approvals of extra-duty assignments involving continuous or long-term employment require periodic review to ensure that all of the provisions of this written directive are being followed.

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- f. The Operations Division Commander shall forward a report to the Chief Executive Officer in January of each year indicating the specifics of each continuous or long-term extra-duty employment assignment being worked by department officers.
 - (i) The report shall summarize the pertinent information contained on the initial '*Extra-Duty Employment Request Form*'.
 - (ii) The report shall also indicate any significant developments that may impact the continued approval of the assignment.
- 14. Upon approval of the Chief Executive Officer, all requests for extra-duty employment assignments shall be finalized in a written agreement between the Chief Executive Officer and the individual or entity requesting such services. The agreement shall specify the following:
 - a. The services to be provided;
 - b. The commencement date of the services;
 - c. The hours of operation;
 - d. The number of officers requested; and
 - e. The anticipated date when police services will be completed;
- 15. Limitations
 - a. In order to be eligible for extra-duty employment, an employee must have completed his or her field-training program and, further, cannot be on medical or other leave due to sickness, temporary disability, an on-duty injury, medical leave, or disciplinary leave.
 - b. Officers who have filed for retirement, and who are no longer actively working for the Clinton Township Police Department (i.e., are only "on the books" until their official retirement date) may not engage in extra-duty employment through the Clinton Township Police Department.
 - c. Employees are required to report for their scheduled assignment fit for duty, well- rested, alert, and in good physical and mental condition.
 - d. Employees reporting unfit for extra-duty work may be disciplined.
 - e. The total number of hours engaged in regular duty, extra-duty, and off-duty employment shall not exceed seventy (70) hours in any given week.

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- f. Employees are responsible for maintaining a running total of their hours worked to ensure that the above threshold is not exceeded.
- g. Employees are subject to suspension or revocation from extra-duty privileges for violations of written directives, relevant law, guidelines, or regulations, if permitted by applicable collective bargaining agreement or other competent authority.

16. Scheduling

- a. Upon receipt of an approved '*Extra-duty Employment Request Form*', the Operations Division Commander shall post a notice on the extra-duty bulletin board that sets forth the general details of the assignment.
- b. The Operations Division Commander shall also post a "sign-up sheet" for officers interested in working the assignment.
- c. The sheet shall remain posted for a minimum of five (5) consecutive days unless extenuating circumstances require otherwise or unless the officer most eligible has accepted the detail.
- d. The Operations Division Commander shall select officers for assignment based upon the previous number of extra-duty hours worked.
- e. In situations where two (2) or more officers express interest in the same assignment, and both officers have previously worked the same number of hours, the assignment shall be given to the senior officer.
- f. The Operations Division Commander shall e-mail a standard notification to the selected officer(s) informing them of the assignment and directing their attention to the posted Extra-Duty Assignment Notice for additional information.
- g. Officers scheduled for an extra-duty assignment are not eligible for reassignment to any other overtime assignment that would conflict with the extra-duty assignment or that would create a violation of any department directive pertaining to scheduling.

17. Supervision of Extra-Duty Employment Assignments

- a. Employees working in an extra-duty capacity shall be classified as "on-duty".
- b. As such, employees working in an extra-duty capacity shall adhere to all department directives as well as state guidelines, regulations, and statutes.

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- c. Any supervisory officer may order the suspension or modification of any work site deemed to be a hazard to any person.
- d. Department supervisors are expected to make periodic visits to extra-duty employment sites to ensure that the activities occurring are safe, within the parameters of acceptable police duties, and to provide relief to those officers working the detail as needed.

18. Uniforms, Equipment, and Vehicles

- a. Officers working an extra-duty employment assignment are required to wear the applicable department-issued uniform.
- b. The wearing of a Class C uniform, as defined by department directive, may be authorized for assignments that involve traffic direction on or near construction zones and in other limited situations where the Class C uniform is deemed more practical.
- c. Officers working in a traffic detail, construction zone, or any other applicable assignment shall wear their approved reflective safety vests.
- d. Officers working non-uniformed extra-duty employment assignments are required to carry police identification, their approved firearm, OC spray, handcuffs, a bullet-proof vest, and a functional portable police radio.
- e. The vehicle assignment sheet posted adjacent to the key box lists the patrol vehicles which are designated as backup vehicles. These vehicles shall be used for extra-duty assignments unless a supervisory officer directs otherwise.
- f. Unless otherwise ordered by the Chief Executive Officer, officers working uniformed extra-duty traffic control assignments shall be provided with a marked police vehicle. Officers working extra-duty security assignments at school buildings will also be provided with at least one (1) marked vehicle for every two (2) officers assigned.
- g. It shall be the responsibility of assigned officers to ensure that they arrive at police headquarters with enough time to secure a vehicle and thereafter arrive at the location of the extra-duty employment assignment by the listed start time.
 - (i) Lateness and/or unannounced absence are sufficient justification for disciplinary action.

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- (ii) Under no condition, except those identified herein, shall an employee leave an extra-duty assignment prior to the scheduled termination of the assignment without the expressed permission of the employer and the shift supervisor.
 - h. In the event that the demand for extra-duty vehicles exceeds the available number of extra-duty vehicles, the patrol supervisor shall be responsible for making vehicle assignments for the officers still needing a vehicle.
 - (i) The patrol supervisor shall review the schedule to determine the vehicles to be used by the oncoming shift.
 - (ii) The patrol supervisor shall not assign any vehicle that will be used on the ensuing shift to the extra-duty assignment unless there is no other alternative.
 - i. Officers shall not distract themselves from their responsibilities of providing police protection. Engaging in extended social contacts or family obligations is prohibited.
- 19. Performance of Duty/Professional Conduct
 - a. Employees engaged in extra-duty employment shall conduct themselves in accordance with all applicable written directives of the Clinton Township Police Department as well as applicable state law and guidelines.
 - b. It is essential that all employees working in an extra-duty capacity consider the professional image of the Clinton Township Police Department, as well as the dignity and status of the law enforcement profession, prior to honoring any requests for unusual or suspect tasks.
 - c. In the event a conflict results from the refusal of an officer to perform a task in accordance with the provisions of this section, the officer shall summon the shift supervisor or a superior officer for consultation.
 - d. If the supervisor cannot resolve the matter, he or she shall order the suspension of the extra-duty employment assignment until the Chief Executive Officer can complete a review of the circumstances.
 - (i) The shift supervisor shall immediately notify any additional officers scheduled for the assignment of this suspension to prevent unnecessary response of such officers.

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- (ii) The affected officer must complete a special report detailing the requested tasks/improper circumstances and forward the report through the chain of command to the Chief Executive Officer.
- e. Officers employed in an extra-duty capacity shall take appropriate police action when necessary.
- f. Any officer employed in an extra-duty capacity who utilizes police powers (arrest, force) in the course of such employment adhere to all reporting requirements as set forth in the applicable written directives.
- g. When it becomes necessary for an officer engaged in an extra-duty employment assignment to take enforcement action necessitating the arrest and processing of a suspect, the shift supervisor shall be immediately contacted and advised of the circumstances surrounding the arrest.
 - (i) Whenever possible, the shift supervisor shall assign an officer from the on-duty patrol shift to handle the transportation and processing of the suspect.
 - (ii) If the officer assigned to the extra-duty assignment is required to leave the location of the extra-duty employment assignment as a result of enforcement actions, the shift supervisor shall assign an officer from the on-duty patrol shift to cover such assignment for the duration of the absence of such officer.
- h. An employee who is injured during extra-duty employment shall fully comply with all applicable directives, laws, regulations, and guidelines.
- i. Complaints received concerning the actions or inactions of employees engaged in extra-duty employment shall be handled in accordance with all applicable directives, laws, regulations, and guidelines.
- j. Court appearances arising out of actions taken by an employee while engaged in extra-duty employment shall be treated as any other court obligation. Accordingly, officers are entitled to all of the salary and benefits provided for in their applicable collective bargaining agreements for attendance at court sessions.

20. Emergency Recall

- a. In an emergency, the shift supervisor may need to recall to full duty one or more officers assigned to an extra-duty detail.

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- b. While the provisions of this subsection make this a permissible action, it should be noted that such recall to full duty shall be considered an extraordinary action that must only be exercised in the face of a bona fide emergency.
- c. In making such a determination, the shift supervisor shall consider the following:
 - (i) The nature and degree of the emergency.
 - (ii) The possible hazard created by removing officers from their extra-duty assignment.
 - (iii) Less drastic alternatives, such as mutual aid.
- d. If one or more officers are recalled from an extra-duty assignment, the shift supervisor shall, at the earliest opportunity, return those officers to their extra-duty assignments or arrange to have the assignment covered by another officer.
- e. In such cases, the Operations Division Commander shall make recommendations concerning a reduction in the number of hours billed to the contracting entity.

21. Benefits Considerations

- a. Only officers employed and compensated through the municipality shall be considered “on-duty” for liability and indemnification purposes.
- b. Only service as a policeman which is paid by an employer is considered creditable service under the Police and Fire Retirement System (N.J.S.A 43:16A4). Other conditions or types of employment may affect the accidental disability and death benefits of the PFRS.

All police procedures heretofore employed by the Clinton Township Police Department which conflict with this order are hereby rescinded. Supervisors shall be held accountable for the enforcement and application of this order. All members of the Clinton Township Police Department are required to follow this order as applicable. Violations of this order subject members to disciplinary action.

OFF-DUTY EMPLOYMENT APPROVAL FORM

Employee's Name _____ Present Assignment _____

Prospective Off- Duty Employer _____ Address _____

Prospective Immediate Supervisor _____ Business Phone _____

New Request _____ or Annual Renewal _____

If New, Anticipated Starting Date _____ Hours per Week _____

Nature of Work to be Performed (General and Specific) _____

Off-Duty Employment at _____ will be terminated by _____ (date).

Request is _____ Approved _____ Date _____
Submitting Officer
_____ Denied

Police Director Date

Witnessing Supervisor Date

This request must be received in the Police Director's office two weeks prior to starting/termination date. Complete original and two (2) copies. Submit original and two (2) copies to Police Director. Original will be returned to submitting officer. One (1) copy will be placed in Police Director's office file and one (1) copy will be placed in employee's personnel file.