

VINELAND CITY POLICE DEPARTMENT RULES AND REGULATIONS



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BY THE ORDER OF:
Chief of Police R. Beu

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CHAPTER 1

INTRODUCTION

1:1. ESTABLISHMENT OF THE VINELAND CITY POLICE DEPARTMENT

1:1.1 Legal Authorization

The Police Department of the City of Vineland is established pursuant to N.J.S.A. 40A:14-118 and the City of Vineland Municipal Ordinance §123-1 and shall hereafter be referred to as the "Vineland City Police Department."

1:1.2 Rules and Regulations Established

The appropriate authority of the City of Vineland hereby adopts and promulgates the Department Rules and Regulations, in accordance Municipal Ordinance §123-9 of the City of Vineland and shall be known as the "Vineland City Police Department Rules and Regulations."

1:1.3 Right to Amend or Revoke

In accordance with N.J.S.A. 40A:14-118, the right is reserved by the appropriate authority to amend or revoke any of the rules and regulations contained herein. Proposed new rules or modifications of existing rules governing working conditions shall be negotiated with the majority representative before they are established.

1:1.4 Previous Rules, Policies and Procedures

All rules and regulations previously issued, general orders, and policies and procedures that are contrary to the rules contained herein, are hereby revoked. All other policies and procedures shall remain in force.

1:2 THE NUMBERING SYSTEM

1:2.1 Chapter and Section Designation

Each chapter, section and subsection shall be designated by title and number. All numbering breakdowns shall be arranged according to a decimal sequence.

1:2.2 Chapter and Section Sequence

The number preceding the colon shall enumerate the chapter, while the number placed immediately to the right of the colon shall indicate the section.

1:2.3 Subsection Sequence

The number placed to the right of the decimal point shall designate the subsection.

1:2.4 Series Lettering

Letters listed in series under sections and subsections shall be enclosed within parentheses.

1:2.5 Flexibility of System

This system shall provide a simple and quick method of referral to material contained herein. This format has been designed to make specific reference to particular sections or subsections possible and to facilitate expansion and revision of the contents.

1:3 RULES AND REGULATIONS MANUAL

1:3.1 Application

These rules and regulations are applicable to all police officers, special law enforcement officers, auxiliary officers, and to all civilian employees of the department, where appropriate.

1:3.2 Distribution

One copy of these rules and regulations shall be electronically distributed to each employee of the department through the PowerDMS software.

1:3.3 Responsibility for Maintenance

The Vineland City Police Department shall be responsible for maintaining a current copy of the rules and regulations, including all additions, revisions, and amendments as issued. A contemporary version of the rules and regulations shall be available to all personnel on PowerDMS.

1:3.4 Familiarization

Employees shall thoroughly familiarize themselves with the provisions of the rules and regulations. Ignorance of any provision of these rules and regulations will not be a defense to a charge of a violation of these rules and regulations. It is the continuing responsibility of each employee to seek clarification through the chain of command for any rule, which is not fully understood.

1:3.5 Severability

If for any reason any section of these Rules and Regulations shall be questioned in any court and shall be held unconstitutional or invalid, the same shall not be held to affect any other sections or provisions of this document.

1:4 DEFINITION OF TERMS

1:4.1 Appropriate Authority

The Director of Public Safety of the City of Vineland as defined and designated by authority of Municipal Ordinance §123-17 of the City of Vineland pursuant to N.J.S.A. 40A:14-118.

1:4.2 Authority

Authority is the statutory or written directive vested right to give commands, enforce obedience, initiate action and make necessary decisions. Authority may be delegated by those so designated. Acts performed without proper authority or authorization shall be considered in

violation of the rules and regulations, and those persons in violation shall be subject to disciplinary action.

1:4.3 Chain of Command

The unbroken line of authority extending from the Chief of Police through one or more subordinates at each level of command down to the level of execution and vice versa.

1:4.4 Chief of Police

The Chief of Police of the Vineland City Police Department shall be the highest ranking sworn officer of the department.

1:4.5 Days Off

Those days on which a given employee is excused from duty by the appropriate supervisor or is not required to report to duty.

1:4.6 Employee

All employees of the department, whether sworn regular, special law enforcement officers, auxiliary officers or civilian employees.

1:4.7 Gender

The use of the masculine gender in any written directive or rules and regulations includes the female gender, when applicable.

1:4.8 Incompetence

Incapable of satisfactory performance of police duties.

1:4.9 Insubordination

Failure or deliberate refusal of any employee to obey a lawful order given by a superior officer. Ridiculing a superior officer or his order, whether in or out of his presence, is also insubordination. Disrespectful, mutinous, insolent, or abusive language towards a superior officer is insubordination.

1:4.10 Lawful Order

Any written or verbal directive issued by a superior officer to any subordinate or group of subordinates in the course of police duty which is not in violation of any law, ordinance, or any department rule or regulation.

1:4.11 May/Should

As used herein, the words "may" and "should" mean that the action indicated is permitted.

1:4.12 Member

Any duly sworn police officer of the department.

1:4.13 Military Leave

The period of time during which an employee is excused from duty for service with the active or reserve armed forces of the United States or of the State of New Jersey, as provided by law or collective bargaining agreement.

1:4.14 Neglect of Duty

Neglect of duty is the failure to give suitable attention to the performance of duty. Examples include, but are not limited to, failure to take appropriate action on the occasion of a crime, disorder, or other act or condition deserving police attention; absence without leave; failure to report for duty at the time and place designated; unnecessary absence from the zone/post or assignment during the tour of duty; failure to perform duties or comply with provisions prescribed in the rules and regulations and written directives, and failure to conform to the department operating procedures.

1:4.15 Off-Duty

The status of an employee during the period he is free from the performance of specified duties also known as days off and/or hours between tours of duties. Members are subject to recall at all times.

1:4.16 On-Duty

The status of an employee during the period of day when he is actively engaged in the performance of their duties.

1:4.17 Order

Any written or oral directive issued by a supervisor to any subordinate or group of subordinates in the course of police duty.

1:4.18 Plurality of Words

The singular includes the plural and the plural includes the singular.

1:4.19 Probationary Police Officer

Any member of the department serving probationary period prior to permanent appointment to police officer, as pursuant to N.J.S.A. 52:17B-66 et seq.

1:4.20 Probationary Period

The probationary period is one year from the date of completion of the police training course, or if already holding a valid New Jersey Police Training Commission Certification, one year from date of appointment, as pursuant to N.J.S.A. 52:17B-66 et seq.

1:4.21 Seniority

Seniority is determined in accordance with New Jersey Civil Service Commission guidelines.

1:4.22 Shall/Will

As used herein, the words "shall" and "will," mean the action required is mandatory.

1:4.23 Special Law Enforcement Officer

Persons vested with special police authority pursuant to N.J.S.A. 40A:14-146.8 et seq. and Municipal Ordinances §123-20 through §123-24 of the City of Vineland.

1:4.24 Staff Supervision

Staff supervision is an advisory relationship, outside the regular hierarchy of command and responsibility in which a supervisor may review the work of another employee who is responsible to another superior officer.

1:4.25 Subordinate

A member lower in rank than his superior officer.

1:4.26 Superior Officer

A person holding a higher supervisory or command rank or position.

1:4.27 Supervisor

An employee, usually holding the appropriate rank, assigned to a position requiring the exercise of immediate supervision over the activities of other employees.

1:4.28 Tense of Words

The words used in the present tense include the future.

1:4.29 Unpaid Leave of Absence

The period of time during which an employee is excused from duty and during which time no pay is received.

1:4.30 Working Test Period (Non-Law Enforcement Officers)

In accordance with 4A:4-5.2, the working test period shall not include any time served by an employee under provisional, temporary, interim or emergency appointment. The working test period shall begin on the date of regular appointment. The regular appointment is the employment of a person to fill a position in the competitive division of the career service upon examination and certification, or the employment of a person to a position in the noncompetitive division of the career service. The typical length of the working test period shall be three months of active service, which may not be extended.

1:5 CODE OF ETHICS

1:5.1 All employees shall read and abide by the Law Enforcement Code of Ethics.

1:5.2 AS A LAW ENFORCEMENT EMPLOYEE, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession...**LAW ENFORCEMENT**.

1:6 MISSION AND VALUES STATEMENT

1:6.1 Mission and Values Statement

The mission of the Vineland Police Department is to protect and serve the citizens of the community. Our mission statement defines our purpose and our commitment to all people in the community.

It is the vision of the Vineland Police Department to create an environment which minimizes the fear of crime, fosters positive change, enhances growth and development, and increases the viability of the City's many varied neighborhoods and persons. We will strive to enhance the quality of life, safeguard the Constitutional Rights of individuals and foster a sense of security to enable citizens to live, work, be educated, and prosper in the City of Vineland.

We pledge to be open and communicative, seeking partnerships throughout the city. We will manage our resources prudently and effectively so the community will be served in the best possible manner. We commit ourselves to this high standard of performance. It is further understood that we hold a position that demands an unparalleled degree of trust, which must never be compromised.

We hold ourselves accountable for these tenants and take pride in a professional level of service to all our citizens as well as those who visit or travel through our City.

CHAPTER 2

ORGANIZATION

2:1 GENERAL DUTIES AND RESPONSIBILITIES

2:1.1 Chief of Police

1. Pursuant to N.J.S.A. 40A:14-118 and Municipal Ordinance §123-2 of the City of Vineland, the Chief of Police shall be the head of the Police Department, and he shall be directly responsible to the appropriate authority for the efficiency and routine day-to-day operation of the Police Department. Pursuant to policies established by the City of Vineland, the Chief of Police shall:
 - a. Administer and enforce the rules and regulations of the police department and any special emergency directives for the disposition and discipline of the department and its members and officers.
 - b. Have, exercise and discharge the functions, powers and duties of the police department.
 - c. Prescribe the duties and assignments of all subordinates and other personnel.
 - d. Delegate such authority as may be deemed necessary for the efficient operation of the police department to be exercised under the direction and control of the Chief of Police.
 - e. Report to the Director of Public Safety in such form as shall be prescribed on the operation of the police department and make such other reports as may be reasonably requested by the Director of Public Safety on the operation of the police force during the preceding month.

2:1.2 Supervisors

Supervisors shall be able to perform all of the general duties of a police officer. Supervisors shall:

1. Enforce department rules and insure compliance with department policies and procedures.
2. Exercise proper use of their command, within the limits of their authority, to assure efficient performance by their subordinates.
3. Exercise necessary control over their subordinates to accomplish the objectives for the department.
4. Guide and train subordinates to gain effectiveness in performing their duties.
5. Use department disciplinary procedures when necessary.
6. When using discipline, comply strictly with the provisions of the department disciplinary process.

2:1.3 Police Officers

Police officers shall:

1. Exercise authority consistent with the obligations imposed by the oath of office and in conformance with the written directives of the department.
2. Abide by all rules, regulations and department procedures and directives governing police officer employees.
3. Be accountable and responsible to their supervisor for obeying all lawful orders.
4. Coordinate their efforts with other employees of the department to achieve department objectives.
5. Conduct themselves in accordance with high ethical standards, on and off-duty.
6. Strive to improve their skills and techniques through study and training.
7. Familiarize themselves with the area of authority and responsibility for their current assignment.
8. Perform their duties promptly, faithfully and diligently.
9. Perform all related work as required in a timely fashion.
10. Support and defend individual protections, rights and privileges guaranteed by the Constitutions of the United States and the State of New Jersey.
11. Take appropriate action to:
 - a. Protect life and property;
 - b. Preserve the peace;
 - c. Detect and arrest violators of the law;
 - d. Enforce all federal, state, and local laws and ordinances coming within department jurisdiction;
 - e. Safeguard the rights of individuals as provided by the United States Constitution and Constitution of the State of New Jersey;
 - f. Regulate traffic safely and expeditiously;
 - g. Aid citizens in matters within police jurisdiction;
 - h. Take appropriate police action in aiding fellow officers as needed;
 - i. Provide miscellaneous services.

2:1.4 Civilian Employees

Civilian employees shall:

1. Take appropriate action to perform the duties of their positions promptly, faithfully and diligently.
2. Exercise authority consistent with the obligations imposed by their position and in conformance with the policies of the department.
3. Be accountable and responsible to their supervisors for obeying all lawful orders.
4. Coordinate their efforts with other employees of the department to achieve department objectives.
5. Conduct themselves in accordance with high ethical standards, on and off-duty.
6. Strive to improve their skills and techniques through study and training.
7. Familiarize themselves with the area of authority and responsibility for the current assignment.
8. Abide by all rules, regulations and department procedures and directives governing civilian employees.
9. Perform all related work as required.

CHAPTER 3
RULES OF CONDUCT

3:1 GENERAL CONDUCT

3:1.1 Performance of Duty

All employees shall promptly perform their duties as required or directed by law, rules and regulations or written directive, or by lawful order of a superior officer.

3:1.2 Action Off-Duty

While off-duty, police officers shall take appropriate action as needed in any police matter that comes to their attention within their jurisdiction as authorized by New Jersey law and department written directive.

While off-duty, police officers who take any police related action or any other action which may touch upon or reflect upon their position with the Vineland City Police Department shall notify the highest ranking officer on duty as soon as possible and shall submit a written report to the Chief of Police or designee as soon as practical.

3:1.3 Obedience to Laws, Ordinances, Rules, and Written Directives

Employees shall obey all laws, ordinances, rules, and written directives of the department.

3:1.4 Withholding Information

Employees shall report any and all information concerning suspected criminal activity of others.

3:1.5 Reporting Violations of Laws, Ordinances or Rules, and Written Directives

Employees knowing of other employees violating laws, ordinances, or rules and written directives of the department, shall report same to the Chief of Police through the chain of command. If the employee believes the information is of such gravity that it must be brought to the immediate, personal attention of the Chief of Police, the chain of command may be bypassed.

Employees charged with violating laws or ordinances shall report same to the Chief of Police through the chain of command.

3:1.6 Insubordination

Employees shall not:

1. Fail or refuse to obey a lawful order given by a supervisor;
2. Use any disrespectful or abusive language/action towards a specific supervisor.

3:1.7 Providing False Information

Employees shall not knowingly lie, give false or misleading information, or provide a false oral/written communication in any investigation when it is reasonable to expect that the information may be relied upon by the department.

3:1.8 Conduct Toward Other Department Employees

Employees shall treat other department employees with respect. They shall be courteous and civil at all times in their relationships with one another. When on-duty and in the presence of the public, an officer shall be referred to by rank.

3:1.9 Compromising Criminal Cases/Investigations

Employees shall not interfere with the proper administration of criminal justice.

3:1.10 Recommending Attorney and Bail Bond Brokers Prohibited

Employees shall not suggest, recommend, or advise the retention of any attorney or bail bond broker to any person as a result of police business.

3:1.11 Posting Bail

Employees shall not post bail for any person in custody, except relatives.

3:1.12 Use of Force

Members shall follow New Jersey State Law and department written directive on the use of force.

3:1.13 Physical and Mental Fitness for Duty

Police officers are required to be capable of performing the essential functions of their assigned positions without posing a direct threat to their own health and safety, or that of others. Officers, who are aware of any reason why they are incapable of performing the essential functions of their assigned positions without posing a direct threat to their own health and safety, or that of others, shall notify their supervisors. The department reserves the right to take appropriate action in such circumstances, which may include deeming the member unfit for duty, placing the employee on leave status, or other action. The department reserves the right in appropriate cases to require appropriate clearance before allowing the member to return to regular duties.

3:1.14 Driver's License

Members shall possess a valid New Jersey driver's license. Whenever a driver's license is revoked, suspended, or lost the employee shall be reported before the next tour of duty giving full particulars. Employees shall not operate department vehicles unless they have a valid New Jersey driver's license.

3:1.15 Address and Telephone Numbers

Employees are required to have a telephone or cellular phone in the place where they reside. Changes in address or telephone number shall be reported in writing in accordance with department directives.

3:2 ISSUING ORDERS

3:2.1 Manner of Issuing Orders

Orders from a supervisor to a subordinate shall be in clear and understandable language.

3:2.2 Unlawful Orders

No supervisor shall knowingly issue an order, which is in violation of any law or ordinance.

3:2.3 Improper Orders

No supervisor shall knowingly issue an order, which is in violation of any department rules and regulations or written directive.

3:3 RECEIVING ORDERS

3:3.1 Questions Regarding Orders

Employees, in doubt as to the nature or detail of an order, shall seek clarification from their supervisors by going through the chain of command.

3:3.2 Obedience to Unlawful Orders

Employees are not required to obey any order, which is contrary to any law or ordinance. Responsibility for refusal to obey rests with the employee, who will be required to justify the refusal to obey.

3:3.3 Obedience to Improper Orders

Employees, who are given any order which is contrary to department rules and regulations or written directive, must first obey the order to the best of their ability, and then report the improper order as provided.

3:3.4 Conflicting Orders

Upon receipt of an order, conflicting with any previous order, the employee affected will advise the person issuing the second order of this fact. Responsibility for countermanding the original order rests with the individual issuing the second order. If so directed, the latter order shall be obeyed first. Orders will be countermanded, or conflicting orders will be issued, only when reasonably necessary for the good of the department.

3:3.5 Reports of Unlawful or Improper Orders

An employee receiving an unlawful or improper order shall advise the issuing supervisor of his/her belief that the order in question is unlawful or improper. If the matter is not resolved, the officer shall at first opportunity, report in writing to the next highest-ranking supervisor above the supervisor who issued the unlawful or improper order. Action regarding such a report shall be conducted at the direction of the Chief of Police.

3:3.6 Criticism of Official Acts or Orders

Employees shall not criticize the actions or orders of any department employee in a manner which is defamatory, obscene, or which tends to impair the efficient operation of the department.

3:4 POLICE RECORDS AND INFORMATION

3:4.1 Release of Information

Employees shall not release any information nor reveal any confidential business of the department to the public or the press except as provided in department written directives.

3:4.2 Department Records

Contents of any record or report filed within the department shall not be exhibited or divulged to any person other than a duly authorized police officer, except with the approval of the appropriate supervisor, or under due process of law, or as permitted under department written directives.

3:4.3 Reports

No employee shall knowingly falsify any official report or enter or cause to be entered any inaccurate, false, or improper information on records of the department.

3:5 GIFTS, REWARDS, ETC.

3:5.1 Soliciting Gifts, Gratuities, Fees, Rewards, Loans, Etc.

Except as stated herein, employees shall not under any circumstances solicit any gift, gratuity, fees, rewards, loans, etc. where there is any direct or indirect connection between solicitations and their department membership or employment. All solicitations must stay within the parameters of Federal and State law, directives from the Office of the New Jersey Attorney General and Cumberland County Prosecutor's Office. Employees shall not solicit for any organization that in anyway references their employment as an employee of the City of Vineland without the knowledge of the Chief of Police pursuant to the standards set forth above. Nothing herein is meant to prevent action authorized by N.J.S.A. 45:17A-18 et seq.

3:5.2 Acceptance of Gifts, Gratuities, Fees, Loans, Etc.

Employees shall not accept either directly or indirectly any gift, gratuity, fees, rewards, loans, etc. or any other thing of value arising from or offered because of his police employment or any activity connected with said employment or employment with the City of Vineland or which might tend to influence directly or indirectly the actions of said employee or any other employee in any matter of police business; or which might tend to cast an adverse reflection on the department or any employee thereof. No employee of the department shall receive any gift, gratuity, fees, rewards, loans, etc. from other employees without the express permission of the Chief of Police.

3:5.3 Other Transactions

Every employee is prohibited from buying or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to his attention or which arose out of his department employment, except as may be specifically authorized by the Chief of Police.

3:5.4 Rewards

Employees shall not accept any gift, gratuity or reward in money or other consideration for services rendered in the line of duty to the community or to any person, business or agency except lawful salary and that which may be authorized by the law and the Chief of Police.

3:5.5 Disposition of Unauthorized Gifts and/or Gratuities

Any unauthorized gift, gratuity, loan, fee, reward, or other object coming into the possession of any employee shall be forwarded to the Chief of Police together with a written report explaining the circumstances.

3:5.6 Debts - Incurring and Payment

1. No employee shall borrow any money or otherwise become indebted to any other employee.
2. Employees shall not solicit other members or employees to co-sign or endorse any promissory note or other loan.
3. No employee shall offer to act as a co-signer or endorser of any promissory note or other loan for another employee.
4. Paragraphs 1-3 do not apply to transactions among employees related to each other.
5. Employees shall promptly pay all just debts and legal liabilities incurred by them.

3:5.7 Intercession – Soliciting

Employees shall not attempt to circumvent, undermine or improperly influence department procedures for determining promotions, assignments, disposition of disciplinary charges, appeals from department hearings, or related matters. Examples of circumventing, undermining or improperly influencing such procedures include, but are not limited to, soliciting unauthorized persons to intercede in such procedures, communicating or supplying information in a manner not authorized or permitted under such procedures, refusing to participate and/or cooperate in any investigation into alleged improper behavior. Members and employees may utilize the review, appeal and grievance procedures provided by statute, ordinance, department rules and procedures, City ordinance or policy, and collective bargaining agreements. Nothing in this section shall prohibit employees from lawful consultation with attorneys and union representatives. Any lawyer or union representative consulted shall not be permitted to speak on behalf of the employee and shall not interfere in any investigatory process, including a prohibition against delaying the process.

3:6 ALCOHOLIC BEVERAGES AND DRUGS

3:6.1 Alcoholic Beverages and Drugs

1. No employee of the department will appear for, or be on duty, under the influence of an alcoholic beverage (any beverage containing alcohol) (hereinafter “alcohol”) or illegal drugs (including the illegal use of prescription drugs) (hereinafter “drugs”), or be unfit for duty because of use of drugs or an alcoholic beverage. The reasonable opinion of a supervising officer that the employee is under the influence of, or has alcohol or drugs in the employee’s system shall be sufficient to establish a violation of this provision. In addition, the presence

of detectable level of alcohol or drugs as tested by blood, urine or other medical test shall constitute a violation of this provision. Superior officers shall not assign to duty any employee in an unfit condition due to the use of alcohol or drugs and shall immediately relieve of duty and service weapon any employee found on duty in such condition. Supervisors shall not allow to remain on duty, any employee whose fitness for duty is questionable due to the use of alcohol or drugs. The superior officer shall submit a written report of the incident to the Chief of Police. (See Procedures for Employees Using Prescription Drugs in a Legal Manner Under Section 3 below)

2. Employees shall not consume alcoholic beverages within eight hours prior to reporting for duty. Employees shall not report for duty under the influence of any alcoholic beverage. This includes having the odor of alcoholic beverage emanating from the person or clothing of an employee. Employees of the department, shall not drink alcohol while on duty, or take any drug as defined herein, except on special assignment authorized by the Chief of Police. Sworn employees shall not drink alcohol or take drugs while in uniform or during any activity where the employee is acting as a representative or has identified himself as an employee of the Department. An employee, while assigned to duty in civilian clothes, may use alcohol or drugs only when absolutely necessary in the performance of duty, provided such use does not render them unfit for proper and efficient performance of duty. Employees should not, to the extent possible, engage in any behavior that could put him/herself in danger or the public in danger after consuming alcohol or drugs, for example, driving. All use of alcohol or drugs used in the performance of an employee's duty must be documented in writing, detailing the reasons therefore and the amounts consumed as soon as possible after such consumption. An employee may be subject to testing to confirm the level of alcohol/drugs in their system.
3. Taking Prescription or other Medication While on Duty/Notification about Medication – Members of the department shall disclose to their supervisors if they are taking medication (prescription or non-prescription) that may affect their ability to perform their duties, including but not limited to using a firearm or operating a motor vehicle. Such members shall also disclose the expected duration of their use of such medication. The department reserves the right to take appropriate action in such circumstances, which may include deeming the member unfit for duty, placing the employee on sick leave status, or other appropriate action. The department may also consider other appropriate accommodations if the employee has a disability as defined by law. The department reserves the right in appropriate cases to require medical clearance before allowing the member to return to regular duties. The department reserves the right to take appropriate action in case of any employee who is impaired on duty for any reason, including the use of prescription or non-prescription medication who has failed to give proper advance notification.
4. Alcohol may not be consumed at or in the police station or ancillary facilities.
5. No member shall, at any time when in uniform, or any part thereof, except in the performance of duty, enter any place in which alcohol is served or sold, unless authorized by a supervisor. This provision does not include establishments with a separate dining area where the serving of alcohol is not the primary function (e.g. certain diners and restaurants which have a liquor license). If an employee is unclear whether an establishment would violate this section, he should contact his supervisor.
6. Employees shall not bring into or keep any alcohol or drugs on department premises except when necessary in the performance of a police related task. Alcohol or drugs brought into department premises in the furtherance of a police related task shall be properly identified and stored according to department written directives.

7. Any employee reporting for duty with the odor of alcohol on his breath or appearing to be under the influence may be subject to testing as set forth in Section 3:6.2 below.
8. No liquor license shall be held by any police officer, or by any profit corporation or association in which any police officer is interested, directly or indirectly.
9. Pursuant to law, members of the Vineland City Police Department may not be employed by a business located in Vineland City, which is licensed to sell alcoholic beverages in New Jersey. Members of the Vineland City Police Department may be employed by such licensed businesses, which are located outside Vineland City with prior notice to the Chief of Police and under the following legal conditions:
 - a. Police officers so employed shall not, while engaged in the selling, serving, possessing or delivering of any alcoholic beverages: (1) have in his possession any firearm, or; (2) wear or display any uniform, badge or insignia which would identify them as a police officer.
 - b. No police officer so employed shall be permitted to work in excess of twenty-four (24) hours per week in any such establishment.

The Chief of Police retains the right to advise any police officer that for the good of the Department or for other operational reasons (including but not limited to the ability to work overtime), the officer cannot obtain or retain such employment.

3:6.2 Substance Testing

1. Members will be ordered to submit to drug testing when there is a reasonable suspicion to believe that the member is using drugs illegally, in accordance with the following procedure.
 - a. The Chief of Police or Cumberland County Prosecutor must approve any reasonable suspicion test.
 - b. A written report shall be prepared to document the basis for the reasonable suspicion. The report will be reviewed by the Chief of Police or Cumberland County Prosecutor before the reasonable suspicion test may be ordered.
 - c. The drug test must be administered in accordance with the procedures contained in the Attorney General's Law Enforcement Drug Testing Policy then in effect.
 - d. Officers who refuse to submit to a drug test based on reasonable suspicion after being lawfully ordered to do so are subject to the same penalties as those officers who test positive for the illegal use of drugs. Officers who resign or retire after receiving a lawful order to submit a urine specimen for drug testing and who do not provide the specimen shall be deemed to have refused to submit to the drug test.
 - e. A negative test result is a condition of employment as a sworn officer. A positive result will result in: a) the officer's termination from employment; b) inclusion of the officer's name in the central drug registry maintained by the Division of State Police; and, c) the officer being permanently barred from future law enforcement in New Jersey.
2. Random drug screening may be ordered by the Chief of Police from time to time. If the Chief of Police orders random drug screening it shall be in accordance with the Office of the New Jersey Attorney General's Guidelines on Drug Testing, any policy mandated by

the Cumberland County Prosecutor and department written directive. Employees who refuse to submit to a test when randomly selected are subject to the same penalties as those employees who test positive.

3:7 DUTY CONDUCT

3:7.1 Reporting for Duty

Employees shall report for duty at the time and place specified, properly uniformed and equipped.

3:7.2 Absence from Duty

Every member who fails to appear for duty at the date, time and place specified without the consent of competent authority, is "absent without leave". Such absence must be reported in writing to the supervisor immediately. Absences without leave must be reported in writing to the Chief of Police. Any member who is absent without leave for a continuous period of 5 days shall forfeit their position in the department, pursuant to N.J.S.A. 40A:14-122.

3:7.3 Harassment in the Workplace

All employees of the department shall adhere to the written directive established by the Chief of Police and the City of Vineland regarding Harassment in the Workplace.

3:7.4 Civil Rights

All employees shall observe and respect the civil rights of all persons.

3:7.5 Work Expectation

Employees are expected to perform their duties to the best of their abilities at all times.

3:7.6 Retaliation

No employee shall take any official action or initiate or engage in any conduct with the intention to retaliate against any person for criticizing or complaining about any employee. This shall not apply to situations where employees are disciplined for engaging in actions, which constitute insubordination.

3:7.7 Personal Relationships

If a supervisor and subordinate enter into a dating relationship, marital relationship or civil union during the course of employment, and the department reasonably believes the relationship may create a conflict of interest, one of the employees shall be transferred to another shift or assignment. A supervisor or subordinate involved in a relationship as described within shall report the relationship to the Chief of Police. Failure to report such a relationship may subject the involved employees to discipline.

3:7.8 Smoking

P.L. 2005, C.383 "NJ Smoke-Free Air Act" approved January 15, 2006. It provides for an employer's obligation to establish a written directive protecting the health, welfare and comfort of employees from those employees who smoke. That written directive must establish designated non-smoking areas. It is the policy of this department not to allow the use of tobacco products or electronic cigarettes in any office or vehicle assigned to the Vineland City Police Department.

Employees desiring to smoke may do so outside or in an area designated for smoking. It is the rule of this department not to allow the use of tobacco products or electronic cigarettes in any designated crime scene area.

3:7.9 Distracters

The use of any item or object that distracts an employee from the performance of duty other than equipment authorized by the department is prohibited while on duty.

3:7.10 Relief

Employees are to remain at their assignments and on duty until properly relieved by other employees or until dismissed by competent authority.

3:7.11 Meals/Breaks

All meals/breaks are to be consumed within authorized areas, subject to modification by the supervisor.

3:7.12 Training

Employees shall attend training at the direction of the appropriate supervisor. Such attendance is considered a duty assignment, unless the prevailing collective bargaining agreements provides otherwise.

3:7.13 Inspections

Employees directed to attend full dress inspections shall report in the uniform prescribed, carrying the equipment specified. Unauthorized absence from such inspection shall be considered absence without leave.

3:7.14 Prohibited Activity On-Duty

Employees who are on-duty are prohibited from engaging in activities, which are not directly related to the performance of their duty with exceptions as noted:

1. Meeting with other officers (except in performance of their police duties) without permission of supervisor, sleeping, loafing, idling;
2. Reading material other than department required materials (except at meals);
3. Conducting private business while on duty;
4. Unlawful gambling, unless to further a police purpose such as conducting an investigation of suspected criminal activity as authorized through the chain of command;
5. Smoking in public view;
6. Sexual conduct;
7. Soliciting or otherwise enhancing secondary employment interests while on duty or as a result of an official duty;
8. Conducting secondary employment activities while on duty;

9. Taking any photographs, pictures, digital images that are not related to the job, including but not limited to pictures of any crime scenes, traffic crashes, people, or job related incidents or occurrence with any personal analog or digital device, camera or cellular telephone, except as may be necessary for the furtherance of official duties, and only in accordance with established department procedures pertaining to preservation of evidence and chain of custody;
10. Releasing any personal or department photographs, pictures, digital images of any crime scenes, traffic crashes, people, or job related incident or occurrence taken with a personal or department analog or digital device, camera or cellular phone to any person, entity, business, or media/Internet outlet without the express written permission of the Chief of Police;
12. Video or audio recording, which is not connected with an official investigation or duties, is prohibited;
13. Employees are forbidden to videotape or record conversations with other employees unless related to the job and approved in advance by the employee's supervisor. This prohibition does not apply to videotaped interviews of witnesses or suspects where two or more employees may be present, the routine recording of telephone calls over or through the department telephone system via any recording system approved by the Chief of Police, or to the use of mobile video recorders installed in police vehicles as authorized by the Chief of Police. The exception to this is for an Internal Affairs investigation as authorized by the Chief of Police or representatives of the involved prosecutorial authorities.
14. Any other activity deemed inappropriate by the Chief of Police.

3:7.15 All Other Conduct

Misconduct by a police officer need not be predicated on the violation of any particular department rule or regulation. Police officers are called upon to exercise tact, restraint and good judgment in their relationship with the public and must present an image of personal integrity and dependability in order to have the respect of the public. The department will take appropriate disciplinary action against any officer whose actions violate this standard of good behavior.

3:8 UNIFORMS AND IDENTIFICATION

3:8.1 Regulation Uniforms Required

All members and civilian employees of the department who are required to wear a uniform shall maintain regulation uniforms. Uniforms shall be kept neat, clean and well pressed at all times. All uniform/equipment must be clean, in good working order, and conform to department specifications.

3:8.2 Manner of Dress On-Duty - Uniform

Members and civilian employees of the department required to wear a uniform will wear the prescribed duty uniform while on duty. The Chief of Police or his/her designee may prescribe other clothing as required by the nature of the duty, which a particular employee is assigned. Members and civilian employees will wear and maintain an employee uniform when so directed by the Chief of Police in accordance with department written directives.

3:8.3 Wearing or Carrying Identification

Employees shall wear or carry their department identification at all times, provided that it is practical under the circumstances.

3:8.4 Identification as Police Officer

Except when impractical or where the identity is obvious, police officers shall identify themselves by displaying the official badge or identification card before taking police action.

3:8.5 Altering Style of Uniform

Uniforms shall be made of the material and in the style prescribed in accordance with department written directive, and such style shall not be altered or changed in any manner whatsoever, unless authorized by the Chief of Police.

3:8.6 Manner of Dress - Civilian Attire

Employees may wear corporate casual or traditional business attire as prescribed by the Chief of Police or his/her designee.

3:8.7 Personal Appearance

Every employee of the police department, while on duty, must at all times be neat and clean in person, clothes clean and pressed, and uniform in conformity with department written directives. Further, they shall, as often as necessary, examine and clean equipment and keep it always in good serviceable condition.

3:9 DEPARTMENT EQUIPMENT AND PROPERTY

3:9.1 Equipment On-Duty

Employees shall carry all equipment on-duty as prescribed by department written directive based on their assignment.

3:9.2 Equipment Off-Duty

Employees shall carry equipment off-duty as prescribed by department written directive.

3:9.3 Firearms

Employees shall follow department written directive on the care and handling of firearms.

3:9.4 Department Property and Equipment

Employees are responsible for the proper care of department property and equipment assigned to them or used by them in the course of duty. Equipment and/or property will be handled and maintained in accordance with department written directive.

3:9.5 Use of Department Property and Equipment

Employees are prohibited from using any department property, equipment, consumable supplies and other resources for personal business or pleasure.

3:9.6 Damaged or Inoperative Property or Equipment

Employees shall immediately report to their supervisors any loss of or damage to department property assigned to or used by them. The supervisor shall also be notified of any defects or hazardous conditions existing in any department equipment or property.

3:9.7 Care of Department Buildings

Employees shall not mark or deface any surface in any department building. No material shall be affixed to any wall in department buildings without specific authorization from the appropriate supervisor.

3:9.8 Notices

Employees shall not mark, alter, or deface any posted notice of the department. No notices or announcements shall be posted on bulletin boards without permission of the appropriate supervisor, except those areas designated for use by the collective bargaining unit(s).

3:9.9 Use of Department Vehicles

Employees shall not use any department vehicle without the permission of the Chief of Police or his/her designee. Department vehicles shall not be used for personal business or pleasure without the permission of the Chief of Police.

3:9.10 Operation of Department Vehicles

When operating department vehicles, employees shall not violate traffic laws, except in cases of emergency and then only in conformity with state law and department written directive regarding same.

3:9.11 Transporting Citizens

No citizen shall be transported in department vehicles except as necessary in the performance of official police duties. Such transportation will be done in conformance with department written directive or at the direction of the commanding officer, immediate supervisor or communications center.

3:9.12 Reporting Accidents

Accidents involving department personnel, property, equipment and vehicles must be reported in accordance with department written directive.

3:9.13 Inspection

Department property and equipment is subject to entry and inspection without notice. This includes, but is not limited to any vehicle, desk, filing cabinet, and/or locker, the use of which is provided to the employee by the department.

3:9.14 Liability

If any department property is damaged or lost as result of misuse or negligence by an employee, that employee will be held liable to reimburse the department for the damage or loss and is subject to disciplinary action.

3:9.15 Surrender of Department Property

1. Upon Separation from the Department - Employees are required to surrender all department property in their possession upon separation from the service. For failure to return a non-expendable item, the employee will be required to reimburse the department for the fair market value of the article.
2. Under Suspension - Any employee under suspension shall immediately surrender their identification, firearm (if applicable), and all other department property to the appropriate supervisor pending disposition of the case.

3:10 COMMUNICATIONS, CORRESPONDENCE

3:10.1 Restrictions

1. Employees shall not use department letterheads for private correspondence.
2. Employees shall only send official correspondence out of the department under the direction of the Chief of Police or his/her designee. This includes but is not limited to letters, subpoenas, e-mails, memorandums, and any other type of paper or electronic written communication.

3:10.2 Forwarding Communications

Any employee who receives a written communication for transmission to another employee shall forward same without delay.

3:10.3 Use of Department Address

Employees shall not use the department as a mailing address for private purposes. The department address shall not be used for any private vehicle registration or driver's license.

3:10.4 Telephones

Department telephone equipment may not be used for personal use involving toll charges without the express approval of a supervisor.

3:10.5 Cell Phones

Department and private cell phones will be used in accordance with state law and department written directive.

3:10.6 Computers

The use of department computers will be conducted in accordance with department written directive.

3:10.7 Radio Discipline

Employees operating the police radios shall strictly observe the procedures and restriction for such operations as set forth in department written directive and by the Federal Communications Commission.

3:11 CONDUCT TOWARD PUBLIC

3:11.1 Publicity

Employees may identify themselves as employees of the Vineland City Police Department. However, members and employees shall not use or refer to their affiliation with the Vineland City Police Department for purposes of furthering or gaining advantage in personal pursuits or for any other reason that has or reasonably may have an adverse impact on the department or of the City of Vineland. The Chief of Police shall determine whether an employee's conduct has violated this standard. Nothing herein is meant to prevent action authorized by N.J.S.A. 45:17A-18 et seq. or the New Jersey State Constitution.

3:11.2 Personal Preferment

No employee may seek the improper influence or intervention of any person outside of the department for purposes of personal preferment, advantage, transfer or advancement. Members and employees may utilize where legally required and where not duplicative the review, appeal and grievance procedures provided by statute, ordinance, department rules and procedures, City policy, and collective bargaining agreements. Nothing in this section shall prohibit employees from lawful consultation with attorneys and union representatives where required by law. Unless otherwise required by law, an employee may not consult with both an attorney and a union representative.

3:11.3 Commercial Testimonials

Employees shall not permit their names or photographs to be used to endorse any product or service without the permission of the Chief of Police. They shall not, without the permission of the Chief of Police, allow their names or photographs to be used in any commercial testimonial, which alludes to their position or employment with this department or their position as a police officer or employee of a police department.

3:11.4 Public Appearance Requests

All requests for public speeches, demonstrations, etc., will be routed to the Chief of Police for approval and processing. Employees directly approached for this purpose shall suggest that the party submit his request to the Chief of Police.

3:11.5 Courtesy

Employees shall be courteous and orderly in all dealings with the public. They shall perform their duties professionally, avoiding harsh, violent, profane or insolent language, and always remain calm regardless of provocation to do otherwise. Upon request, they are required to supply their names and badge numbers in a courteous manner. They shall attend to requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the department.

3:11.6 Impartial Attitude

All employees must remain completely impartial toward all persons coming to the attention of the department. Violations of the law are against the people of the state and not against the individual officer. All citizens are guaranteed equal protection under law. Exhibiting partiality for or against a person because of race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, domestic partner or civil union status, familial status, liability for service in the Armed Forces of the United States, disability, atypical hereditary cellular or blood trait, genetic information, nationality, pregnancy or other protected class (N.J.S.A 10:5-1 et seq.) is conduct unbecoming a public employee. Similarly, unwarranted

interference in the private business of others when not in the interests of justice is conduct unbecoming a public employee.

3:11.7 Disparaging Comments Regarding Protected Personal Characteristics

Courtesy and civility toward the public is required of all employees of the department. Employees shall not use words which humiliate, disparage, demean, degrade, ridicule, or insult a person because of their race, creed, color, national origin, ancestry, age, sex, gender identity or expression, affectional or sexual orientation, marital status, domestic partner or civil union status, familial status, liability for service in the Armed Forces of the United States, disability, atypical hereditary cellular or blood trait, genetic information, nationality, pregnancy or other protected class (N.J.S.A 10:5-1 et seq.).

3:11.8 Public Statements

Employees of the department shall not make public statements concerning the work, plans, policies, or affairs of the department which may impair or disrupt the operation of the department or which are obscene, unlawful, or defamatory.

3:11.9 Subversive Organizations

No employee shall knowingly become a member of or connected with a subversive organization, except when necessary in the performance of duty, and then only under the direction of the Chief of Police.

3:11.10 Affiliation with Certain Organizations Prohibited

Police officers shall not join or affiliate with any organization, or enter into any business relationships that would interfere with the officer's ability to fulfill his or her obligations to the department, that may impair or disrupt the operations of the department, or that is inconsistent with the mission of the department. This section shall not apply to active or reserve service in the armed forces of the United States or the State of New Jersey.

3:11.11 Affiliation with Radical Groups

No employee, except in the discharge of police duties, shall knowingly associate with or have any dealings with any person or organization which advocates or which is instrumental in fostering hatred, prejudice, or oppression against any group set forth in Section 3:11.7 or any political entity.

3:12 POLITICAL ACTIVITIES

3:12.1 Political Activities Prohibited

Employees should not be permitted to engage in political activity while on duty, and no employee shall be permitted to use his official position to influence another person's partisan or non-partisan political activity.

3:12.2 Election to Public Office

Employees shall not be candidates for or hold in office in elective public positions or political organizations within or inclusive of the jurisdiction in which they are employed unless authorized to do so by the Cumberland County Prosecutor.

3:12.3 Soliciting Prohibited

Employees of the department shall not solicit contributions for political purposes while on duty or when such activity prevents the employee from performing his job with the department, nor shall any employee interfere with or use the influence of his office for political reasons.

3:12.4 Contributions

Employees may contribute funds or any other thing of value to candidates for public office subject to the provision of law governing such contributions.

3:12.5 Polling Duties

Employees shall not engage in any polling duties except in the performance of their official duties.

3:12.6 Displaying of Political Material

Employees shall not display any political material on any government property or on their person while on duty or in uniform or while representing the department or the City.

3:13 JUDICIAL APPEARANCE AND TESTIMONY

3:13.1 Court Appearances

Employees must attend court or quasi-judicial hearings as required by a subpoena. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court official. When appearing in court, either the official uniform or appropriate business attire shall be worn. Weapons will not be displayed unless wearing the uniform. Members shall present a neat and clean appearance, avoiding any mannerism, which might imply disrespect to the court.

3:13.2 Testifying for the Defendant

Any employee subpoenaed to testify for the defense in any trial or hearing, or against the City of Vineland in any hearing or trial shall notify their supervisor upon receipt of the subpoena. He shall also notify the appropriate prosecutorial authority handling the case.

3:13.3 Duty of Employees to Appear and Testify

It shall be the duty of every employee to appear and testify upon matters directly related to the conduct of his office, position or employment before any court, grand jury, or the State Commission of Investigation.

3:13.4 Department Investigations – Testifying

Employees shall be required to respond to questioning, provide reports, and render materials during department investigations in accordance with the provisions of the New Jersey Attorney General's Internal Affairs Policy & Procedures currently in effect.

3:13.5 Truthfulness

Employees are required to be truthful at all times whether under oath or not.

3:13.6 Civil Action Interviews

Civil action interviews involving members or employees which arise out of department employment shall be conducted according to department directives.

3:13.7 Civil Action, Court Appearances – Subpoenas

An employee shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. Employees will accept all subpoenas legally served. If the subpoena arises out of department employment or if the employee is informed that he is a party to a civil action arising out of department employment, he shall immediately notify the Chief of Police, who in turn shall notify the proper authorities. He shall also notify the Chief of Police of testimony he is to give. Employees shall not enter into any financial understanding for appearances as witnesses prior to any trial, except in accordance with department directives.

3:13.8 Civil Depositions and Affidavits

Employees shall confer with their supervisor before giving a deposition or affidavit on a civil case. If the supervisor determines that the case is of importance to the City of Vineland, he shall inform the Chief of Police before the deposition or affidavit is given.

3:13.9 Civil Action, Expert Witness

Employees shall not volunteer or agree to testify as expert witnesses in civil actions without the prior written approval of the Cumberland County Prosecutor and the Chief of Police.

3:13.10 Civil Process

Members shall not serve civil process or assist in civil cases unless the specific consent of the Chief of Police is obtained. They shall avoid entering into civil disputes, particularly while performing their police duties, but shall prevent or abate a breach of the peace or crime in such cases.

3:13.11 Internal Affairs Investigations

The Vineland City Police Department hereby adopts and incorporates the “Internal Affairs Policy & Procedures” of the Police Management Manual promulgated by the Police Bureau of the Division of Criminal Justice in the Department of Law and Public Safety to govern the conduct of internal affairs investigations.

CHAPTER 4

DISCIPLINARY REGULATIONS

4:1 DISCIPLINARY ACTION

4:1.1 Disciplinary Action

Department employees regardless of rank or assignment, shall be subject to disciplinary action, according to the nature or aggravation of the offense, for violating their oath and trust by committing an offense, incapacity, misconduct or disobedience of established department Rules and Regulations punishable under the laws or statutes of the United States, the State of New Jersey, municipal ordinances, or failure, either willfully or through negligence or incompetence to perform the duties of their rank of assignment; or for violation of any written directive or rule or regulations of the department; or for failure to obey any lawful instruction, order, or command of a superior or supervisor. Disciplinary action in all cases will be decided on the merits of each case.

The disciplinary system established herein shall reflect the overarching emphasis for improving the quality of service being delivered by employees of this department. Discipline should not engender a strictly negative connotation. The disciplinary process is meant to correct employee actions and conduct that tend to impede the efficient and effective operation of the department. The proper use of discipline can achieve this objective without realizing a reduction in morale. Training and counseling shall be a function of the department's overall disciplinary system. In lieu of discipline, training and counseling shall be corrective actions used to modify an employee's performance.

4:1.2 Establishing Elements of Violation

Existence of facts establishing a violation of the law, ordinance, or rule is all that is necessary to support any allegation of such as a basis for disciplinary action. Nothing in these rules and regulations prohibits disciplining or charging employees merely because the alleged act or omission does not appear herein, in the department, or in laws and ordinances within the cognizance of the department.

4:2 DEPARTMENT AUTHORITY TO DISCIPLINE

Final disciplinary authority and responsibility rests with the Chief of Police. When necessary, the Chief of Police may suspend any employee from duty pending the filing of formal charges.

4:2.1 Discipline Authority

1. Under the provisions of N.J.A.C. 4A:2-2.3, employees, regardless of rank, shall be subject to disciplinary action for:
 - a. Incompetency, inefficiency or failure to perform duties;
 - b. Insubordination;
 - c. Inability to perform duties;
 - d. Chronic or excessive absenteeism or lateness;
 - e. Conviction of a crime;

- f. Conduct unbecoming a public employee;
 - g. Neglect of duty;
 - h. Misuse of public property, including motor vehicles;
 - i. Discrimination that affects equal employment opportunity (as defined in N.J.A.C. 4A:7-1.1), including sexual harassment;
 - j. Violation of federal regulations concerning drug and alcohol use by and testing of employees who perform functions related to the operation of commercial motor vehicles, and State and local policies issued thereunder;
 - k. Violation of New Jersey residency requirements as set forth in P.L. 2011, c. 70; and
 - l. Other sufficient cause.
- 2. Violations of any of the causes listed above may subject an employee to progressive discipline up to and including dismissal.
 - 3. All disciplinary matters will be decided fairly and impartially on the merits of the case considering all mitigating and aggravating factors.
 - 4. All disciplinary procedures shall be in accordance with the laws of the State of New Jersey, applicable case law, collective bargaining agreements, administrative regulations, Civil Service Commission rules and municipal ordinance.
 - 5. Major Discipline
 - a. Major discipline shall include:
 - 1) Removal;
 - 2) Disciplinary demotion;
 - 3) Suspension or fine for more than five (5) working days;
 - 4) Suspension or fine for five (5) working days or less where the aggregate number of days suspended or fined in any one calendar year is fifteen (15) working days or more;
 - 5) The last suspension or fine where an employee receives more than three (3) suspensions or fines of five (5) working days or less in a calendar year.
 - b. Major discipline shall be administered under the provisions of N.J.A.C. 4A:2-2 et seq., N.J.S.A. 40A:14-149, and applicable case law.
 - 6. Minor Discipline
 - a. Minor discipline includes discipline from a reprimand to a suspension (or equivalent fine) of five working days or less.

- b. Minor discipline shall be administered under the provisions of N.J.A.C. 4A:2-3.1 et seq., N.J.S.A. 40A:14-147, collective bargaining agreements, and applicable case law.

4:2.2 Progressive Discipline/Corrective Action

A system of progressive discipline/corrective action shall be used, wherever appropriate and practicable. Discipline shall follow the basic concepts of due process as established in N.J.A.C. 4A:2-1 et seq. Basic guidelines include:

1. In certain situations, formal discipline is not required in order to correct employee performance in various areas. All training and counseling resulting from a performance issue shall be documented and forwarded through the appropriate chain of command to the Chief of Police or designee. Performance based issues may be corrected by using training and counseling outlined below:

Training - Training is encouraged as a means of improving employee effectiveness and performance through positive and constructive methods. Training and discipline are not mutually exclusive. Certain minor offenses may be handled through targeted training. Supervisors have an affirmative obligation to observe the conduct and appearance of employees and detect those instances wherein corrective action (training) may be necessary. Training includes:

- Verbal Instruction - The supervisor may, depending on the circumstances, provide individual on the spot training where such is indicated.
- Peer Training - The supervisor may assign the employee to another employee with experience in the area where training is indicated.
- In-Service Training - The supervisor may refer the employee to an in-service training program.

Counseling - Counseling is indicated where personal actions or job performance are in conflict with basic police practice and agency written directives. Certain first offenses are sufficiently minor in nature and may be handled by supervisors documenting the counseling session on the Critical Incident form. Facts to be considered in making these decisions will include, but are not limited to the person's intent, receptivity of the supervisory consulting and their desire to correct the problem. More serious infractions may indicate the need for a stronger response in place of, or in addition to, counseling. The Critical Incident form shall be filed in the employee's disciplinary file.

2. Repeat performance based issues or minor misconduct issues may be corrected through formal discipline. Such action is taken when an employee's performance deficiency is repeated despite prior corrective action, or when a violation is serious and significant enough to require punitive action. Depending upon the seriousness of the violation, punitive disciplinary action may not always be based upon the progressive disciplinary process. It may be necessary to utilize punitive disciplinary action with the first occurrence of an act or behavior. Repeat performance based issues or minor misconduct issues may be corrected by using the following action:

Reprimand - They are intended to be the least intrusive form of discipline. To be effective, however, reprimands must be timely. Otherwise, the employee may believe future infractions will be tolerated. In some cases, a minor infraction may warrant more than counseling, but less than a reprimand. In those instances, a report of the offense shall be

documented and issued to the employee as a reprimand. The disciplinary document shall be filed in the employee's disciplinary file.

3. Serious misconduct issues or repeat minor misconduct issues may be corrected with more serious formal discipline using one or more of the following actions:
 - a. Monetary fine; (only when suspension would be detrimental to public health, safety or welfare and agreed upon by the employee, see N.J.S.A. 11A: 2-20)
 - b. Suspension without pay;
 - c. Loss of promotional opportunity;
 - d. Demotion;
 - e. Termination.
4. All punitive actions applied as a result of discipline shall be documented and forwarded through the appropriate chain of command to the Chief of Police or designee.

4:2.3 Appeals Procedure

1. Appeals from penalties imposed as a result of discipline or corrective action may be taken as provided in the City personnel policies, manuals, ordinance, collective bargaining agreements and New Jersey Civil Service Commission regulation and laws of the State of New Jersey.
2. Appeals to Civil Service Commission
 - a. Any employee of the department who has been tried and convicted upon any disciplinary charge or charges may obtain review by the Civil Service Commission pursuant to N.J.S.A. 11A:1-1 et seq. and N.J.A.C. 4A:2-1.1 et seq.
 - b. Disciplinary charges appealed to Civil Service Commission transmitted for hearing to the Office of Administrative Law before an Administrative Law Judge shall be adjudicated in compliance with N.J.A.C. 1:1-1.1 et seq.