



Legislation Text

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**AN ORDINANCE AMENDING TITLE II, CHAPTER 22, SUBSECTION 3.11(e) OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY 2000, AS AMENDED AND SUPPLEMENTED, BY INCREASING THE RATES OF COMPENSATION AND ASSOCIATED FEES FOR POLICE OFFICERS' CONTRACTED EXTRA-DUTY EMPLOYMENT.**

**Public Hearing will be held at the Special Meeting on 01/25/22.  
Deferred 6PSF-a 012022**

**WHEREAS**, Ordinance 6PSF-a, adopted on February 3, 2010, authorized members of the Department of Public Safety, Police Division to accept police-related employment during off-duty hours and established compensation rates and associated fees for contracted off-duty employment; and

**WHEREAS**, the Police Division conducted an informal survey of other neighboring municipalities which revealed that the City of Newark's compensation rates and associated fees for contracted off-duty employment was below the same or similar rates and associated fees for neighboring municipalities (the current rates and fees for Irvington, Orange, West Orange, Bloomfield and East Orange are attached); and

**WHEREAS**, the Acting Director of the Department of Public Safety wishes to increase the compensation rates for contracted off-duty employment so that they are comparable with the rates and associated fees of neighboring municipalities; and

**WHEREAS**, the Acting Director of the Department of Public Safety believes it is in the best interest of the City of Newark to amend this Ordinance to provide rates comparable to neighboring municipalities, and recommends that the Municipal Council adopt this amendment.

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

[NOTE: **Bold underlined** text represents additions, and ~~strikethroughs~~ represent deletions.]

**SECTION 1.** Title II, Chapter 22, Subsection 3.11(e), of the Revised General Ordinances of the City of Newark, New Jersey 2000, is hereby amended to read as follows:

**2.22-3.11. Contracted Off-Duty Employment.**

*e. Rates of Compensation; Administrative Fee; Payment for Services; Equipment Costs.*

1. Absent any contractual agreements with a vendor or contractor to the contrary, the following rates of compensation apply:

(a) Traffic Control, Parades and Events, Movie/TV Sets - ~~\$57.00~~ **\$90.00** per hour.

(b) Store or Building Security - ~~\$23.00~~ **\$50.00** per hour.

(c) Supervisory Fee - \$5.00 per hour added to the applicable fee. **Non-Profit 501(c)(3) Organization, Civic Organization or Tax Exempt Organization - \$50.00 per hour.**

(d) **Supervising Officer Fee - \$10.00 per hour added to the applicable fee.**

(e) **Vehicle Fee - \$20.00 per hour added to the applicable fee.**

2. All off-duty employment Law Enforcement Officers shall be guaranteed a minimum of four (4) hours and be compensated for any fraction thereof, or whole hour, in addition thereto.

3. **A Supervising Officer Supervisor** will be required for every six (6) **four (4)** police personnel assigned to a security officer company/**vendor seeking services**. The supervisory fee **Supervising Officer Fee** will be paid to the highest-ranking member of the **Police** Division assigned to the vendor (~~referring to private security company or private employer~~).

4. An additional fee of five (~~\$5.00~~) dollars **fifteen dollars (\$15.00)** per officer per hour is hereby established to cover administrative costs, overhead, and out-of-pocket expenses of the City.

5. Any commercial single store **police** detail, details for or on behalf of tax exempt organizations, ~~nonprofit (51(c)(3))~~ **non-profit 501(c)(3)** organizations, civic organizations, **and** individuals in noncommercial situations, shall be at the hourly rate of ~~twenty-one (\$21.00)~~ **fifty dollars (\$50.00)**. However, any such **police** details deemed by the Public Safety Director, or her or his/her designee, **to involve**, based upon prior history, ~~to involve~~ major or unusual crowd control issues, (including, but not limited to, parades and festivals) shall be at ~~then in that event~~ the hourly rate **of shall be fifty-seven (\$57.00) ninety dollars (\$90.00)** per hour.

6. Exemption. All public utility companies are exempt from the provisions set forth in this subsection requiring advance payment to the Trust Account; providing, however, that there are no amounts previously due that are outstanding for a period in excess of fifteen (15) days. Any such delinquent balances shall require advance payment of the amount outstanding prior to any officer engaging in any further off-duty assignment.

7. Cancellation. In the event that the person or entity requesting off-duty Law Enforcement Officers fails to contact the City of Newark at least four (4) hours prior to the scheduled start time to cancel the job, or the officer works less than four (4) hours and the job is completed, the officer is entitled to be paid for the minimum of four (4) hours.

8. Request for City-Owned Vehicles. All requests for City-owned vehicles, for use exclusively **use** by an officer while performing public safety functions on behalf of and as assigned by the Police Division, must be reviewed **ed** by the Public Safety **Director**.

9. Marked Police Vehicle - ~~\$10.00~~ **\$20.00** per hour.

10. The request **for a City-Owned vehicle** shall be approved, in writing, by the Public

Safety Director, if, in **his/her** the opinion of the Public Safety Director, the intended use of the vehicle by the off-duty officer, would not be inconsistent with the rules and regulations of the Newark **Police** Division of Police, the laws of this State and/or the efficient functioning and good reputation of the Newark Police Division.

11. The aforesaid rates may be reviewed from time-to-time as may be appropriate, however, shall remain in full force and effect until appropriately amended.

12. **The City may choose to utilize a third party administrator to perform the above actions related to the off-duty employment process. These actions may include, but are not limited to: (i) communicating with the person or entity requesting the service to schedule off-duty assignments, (ii) scheduling the officers for these assignments, and (iii) billing or invoicing the person or entity and receiving escrow and/or payments in a manner set forth by the third party administrator. The third party administrator may charge additional fees for the above services and utilize different rules and requirements for collecting payment as set forth in its contract/agreement with the City of Newark. The third party administrator will reimburse the City of Newark via an Automated Clearing House (ACH), or other funds transfer method, for fees due to the City and/or its officer(s). This reimbursement shall be within fourteen (14) days of the invoice date and shall coincide with the City of Newark's payroll schedule, for "assignments" that the officer(s) performed or is scheduled to perform in accordance with the above-mentioned compensation rates and associated fees for contracted off-duty employment** Department of Public Safety, Division of Police Policy and Procedure shall be revised to be in compliance with this section and N.J.S.A. 45:19A-9 et seq.

13. **The General Orders and/or Policy and Procedures for the Department of Public Safety, Police Division, shall be revised to be in compliance with this section and N.J.S.A. 45:19A-1 et seq.**

## **Section 2. REPEALER.**

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

## **Section 3. SEVERABILITY.**

If any Section, part of any Section, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance. The Municipal Council declares that it would have passed the Ordinance, each section and Subsection thereof, irrespective of the fact that any one or more of the Subsection, sentences, clauses or phrases may be declared unconstitutional or invalid.

## **Section 4. EFFECTIVE DATE.**

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

## **STATEMENT**

This Ordinance amends Title II, Chapter 22, Subsection 3.11(e), of the Revised General Ordinances of the City of Newark, New Jersey, 2000, by increasing the compensation rates and associated fess for police officers' contracted off-duty employment.