

**BOROUGH OF ALLENDALE
COUNTY OF BERGEN
STATE OF NEW JERSEY**

ORINANCE NO. 21-06

**AN ORDINANCE AMENDING AND SUPPLEMENT ARTICLE 2, CHAPTER 26-25
OF THE CODE OF THE BOROUGH OF ALLENDALE**

§ 26-25 Promotion of officers.

A. Goals. The Borough of Allendale desires to promote the most qualified candidates to the ranks of Chief, Captain, Lieutenant and Sergeant. This section establishes the eligibility requirements and the process for promotion to those ranks. The promotion process shall be on the basis of merit, experience/seniority, education, military service, demonstrated ability, competitive written examinations and competitive oral examinations as noted herein. In accordance with N.J.S.A. 40A:14-129, promotion of any officer shall be made from the membership of the Allendale Police Department. In accordance with N.J.S.A. 40A:14-118, all promotions within the Allendale Police Department shall be made by the Governing Body, except as to the Chief of Police, whose promotion/appointment shall be made by the Mayor with the consent and approval of the Governing Body.

B. Eligibility requirements.

(1) Sergeant. For promotion to Sergeant, no person shall be eligible for such promotion unless he or she:

- (a) Shall have served as a full-time police officer in the Allendale Police Department for at least five years; and
- (b) Shall have met or exceeded all Allendale Police Department standards in his or her three most recent annual performance evaluations conducted by his or her superiors.

(2) Lieutenant. For promotion to Lieutenant, no person shall be eligible for such promotion unless he or she:

- (a) (i) Shall have served as a full-time officer in the Allendale Police Department for at least eight years of which at least three years was served as a full-time Sergeant for the Allendale Police Department; or
- (ii) Shall have served at least fifteen years as a full-time police officer in the Allendale Police Department; and
- (b) Shall have met or exceeded all Allendale Police Department standards in his or her three most recent annual performance evaluations conducted by his or her superiors.

(3) Captain. For promotion to Captain, no person shall be eligible for such promotion unless he or she:

- (a) (i) Shall have served at least 10 years as a full-time officer in the Allendale Police Department of which at least three years was served as a full-time Sergeant and/or Lieutenant for the Allendale Police Department. In determining such ten (10) year length of service as a full-time officer, four or more years of military service with honorable discharge shall be the equivalent of one year of employment as a full-time officer for the Allendale Police Department; or
- (ii) Shall have served at least fifteen years as a full-time officer in the Allendale Police

Department. In determining such length of service, four or more years of military service with honorable discharge shall be the equivalent of one year of employment as a full-time officer for the Allendale Police Department; and

(b) Shall have met or exceeded all Allendale Police Department performance standards in his or her three most recent annual performance evaluations conducted by his or her superiors.

(4) Chief of Police. For promotion to Chief of Police, no person shall be eligible for such promotion unless he or she:

(a) (i) Shall have served, in the aggregate, for at least five years as a full-time Captain, Lieutenant, and/or Sergeant for the Allendale Police Department; or

(ii) Shall have served at least fifteen years as a full-time officer in the Allendale Police Department. In determining such length of service, four or more years of military service with honorable discharge shall be the equivalent of one year of employment as a full-time officer for the Allendale Police Department; and

(b) Shall have met or exceeded all Allendale Police Department performance standards in his or her three most recent annual performance evaluations conducted by his or her superiors.

C. Process.

(1) In creating the list of eligible candidates for promotion to Sergeant, the Governing Body shall score/rank each such candidate as follows:

(a) A written test relating to the duties, responsibilities and job functions of the position being sought, to be prepared and administered by the New Jersey State Association of Police Chiefs (or prepared and administered by such other person, association or organization as may be authorized by the Governing Body). The written test shall constitute 30% of the overall total score for each eligible candidate, based on a test that contains a maximum value of 100 points. For example, a candidate who receives 70 points out of the total of 100 possible total points for the written test shall receive 21 points towards the overall total score ($70 \text{ points} \times 30\% = 21 \text{ points}$). In advance of such written test, the minimum threshold/score required to be eligible for promotion shall be established by the Governing Body, and such minimum threshold/score shall be communicated, in writing, to all eligible candidates for promotion prior to their taking said test. Only those candidates who achieve such minimum score shall be eligible to continue forward in the promotion process for promotion to Sergeant. A ranked list of eligible candidates for promotion shall be created based on the outcome of the aforesaid written test.

(b) Each eligible candidate who has received on the written test the minimum score required to continue forward in the promotion process shall be interviewed by an oral examination administered by an interview panel (the "interview panel") comprised of the following persons: the Chief of Police, the Borough Administrator, and no more than the next two highest ranking command staff members of the Allendale Police Department, if they exist.

[i] Only those candidates who have achieved the written test minimum score or greater (out of the maximum of 100 points) on the written examination shall be permitted to sit for an oral examination by said interview panel. Oral examinations by the interview panel shall take place after the receipt of the written examination scores.

[ii] Said interview panel's oral examination and assessment (which examination and assessment shall have 100 points as its maximum score) shall account for 30% of the candidate's total promotional score, with 30 total points being the highest possible score for such oral examination and assessment. By way of example, a candidate receiving a score of 80 points on his/her oral examination by said interview panel shall receive 24 total points for said interview panel's oral

examination element of the promotional process ($80 \times 30\% = 24$ total points).

- [iii] The oral examination and assessment by said interview panel shall include an evaluation of the following criteria: commendations, employee reviews, disciplines and early intervention summaries, annual performance evaluations, merit, productivity, demonstrated ability and accomplishments, efforts supporting department goals and objectives, in-service education and specialized schools, specialized job assignments, responsibilities, subsequent performance, attitude and demeanor, education, military experience, seniority, leadership ability, initiative, productivity, attitude toward peers, supervising officers' recommendations, motivation and morale, previous job performance, loyalty to the Department and community, experience and career development training. Said interview panel shall utilize the same criteria for each of the candidates who are interviewed for the open position(s).
- (c) After being interviewed by said interview panel, each eligible candidate who has received on the written test the minimum score required to continue forward in the promotion process shall be interviewed by the Borough Police Committee. All candidates so interviewed by the Borough Police Committee shall be asked the same questions, and the score accorded to each candidate shall be arrived at by calculating the average of the scores of all Police Committee members. The results of such oral interview by the Police Committee, and its consideration of the candidate's past performance based upon evaluations conducted during the preceding three years, shall constitute 40% of the overall total score for each candidate based on the average score of all Police Committee members of such oral interview. The total possible points for this oral interview shall be 100 points. For example, a candidate who receives a total of 60 points out of the total of 100 possible total points for this oral interview shall receive 24 points towards his/her overall total overall score ($60 \text{ points} \times 40\% = 24 \text{ points}$).
- (2) In creating the list of eligible candidates for promotion to Captain, or Lieutenant, the Governing Body shall score/rank each such candidate as follows:
 - (a) For promotion to the positions of Captain or Lieutenant, each eligible candidate shall be interviewed by an interview panel comprised of the Borough Police Committee, the Borough Administrator, the Chief of Police, and the next highest ranking command staff member, if one exists ("interview panel"). All candidates so interviewed by said interview panel shall be asked the same questions, and the score accorded to each candidate shall be arrived at by calculating the average of the scores of all said interview panel members. The results of such oral interview by said interview panel, and its consideration of the candidate's past performance based upon evaluations conducted during the preceding three years, shall constitute 60% of the overall total score for each eligible candidate based on the average score of all said interview panel members of such oral interview. The total possible points for this oral interview shall be 100 points. For example, a candidate who receives a total of 90 points for this oral interview shall receive 54 points towards his/her overall total score ($90 \times 60\% = 54 \text{ points}$).
 - (b) Each eligible candidate for Captain and Lieutenant shall be interviewed by the Governing Body. All candidates to be interviewed by the Governing Body shall be asked the same questions, and the score accorded to each candidate shall be arrived at by calculating the average of the scores of all Governing Body members. The results of such oral interview by the Governing Body shall constitute 40% of the overall total score for each eligible candidate based on the average score of all Governing Body members of such oral interview. The total possible score for this oral interview shall be 100 points. For example, a candidate who receives a total of 80 points for this oral interview shall receive 32 points toward his/her overall total score ($80 \text{ points} \times 40\% = 32 \text{ points}$).
- (3) In creating a list of eligible candidates for promotion to Chief of Police, the Governing Body shall score/rank as each such candidate as follows:

- a) Written Examination. At least twenty (20) calendar days before the written examination, the Chief of Police, or his designee, shall announce the date, time and location of the written examination. The Borough may enter into a contract with the New Jersey State Association of Chiefs of Police (NJSACOP) to develop, conduct and grade the written examination. Alternatively, the Governing Body may approve the use of a written examination not prepared by NJSACOP. The questions will be based upon basic police practices and may include police and investigative procedures, supervisory and administrative principles, New Jersey criminal law, report writing, search and seizure issues, New Jersey Attorney General Guidelines and Directives, legal aspects and requirements for police work, and such other criteria as determined by the NJSACOP, or as determined by the Governing Body. Eligible candidates who are scheduled to work during the written examination will be excused from duty to take the examination. The written test shall constitute 30% of the overall total score for each eligible candidate, based on a test that contains a maximum value of 100 points. For example, a candidate who receives 70 points out of the total of 100 possible total points for the written test shall receive 21 points towards the overall total score ($70 \text{ points} \times 30\% = 21 \text{ points}$). In advance of such written test, the minimum threshold/score required to be eligible for promotion shall be established by the Governing Body, and such minimum threshold/score shall be communicated, in writing, to all eligible candidates for promotion prior to their taking said test. Only those candidates who achieve such minimum score shall be eligible to continue forward in the promotion process for promotion to Chief of Police.

A ranked list of eligible candidates for promotion shall be created based on the outcome of the aforesaid written test.

- b) Each eligible candidate shall be interviewed by an Interview Panel comprised of the Borough's Public Safety Committee and the Borough Administrative Officer ("Interview Panel"). All candidates so interviewed by said Interview Panel shall be asked the same questions, and the score accorded to each candidate shall be arrived at by calculating the average of the scores of all said Interview Panel members. The results of such oral interview by said Interview Panel, and its consideration of the candidate's past performance based upon evaluations conducted during the preceding three years, shall constitute 40% of the overall total score for each eligible candidate based on the average score of all said Interview Panel members of such oral interview. The total possible points for this oral interview shall be 100 points. For example, a candidate who receives a total of 90 points for this oral interview shall receive 36 points towards his/her overall total score ($90 \text{ points} \times 40\% = 36 \text{ points}$).
- c) Each eligible candidate shall be interviewed by the Governing Body. All candidates to be interviewed by the Governing Body shall be asked the same questions, and the score accorded to each candidate shall be arrived at by calculating the average of the score of all Governing Body members. The results of such oral interview by the Governing Body shall constitute 30% of the overall total score for each eligible candidate based at the average score of the Governing Body members of such oral interview. The total possible score for this oral interview shall be 100 points. For example, a candidate who receives a total of 80 points for this oral interview shall receive 24 points toward his/her overall total score ($80 \text{ points} \times 30\% = 24 \text{ points}$).
- (4) The candidate(s) for promotion to Sergeant receiving the highest score(s) as calculated by reference to Subsection **C(1)(a)**, **(b)** and **(c)** above shall be deemed the first candidate eligible for promotion. The candidate(s) for promotion to Captain or Lieutenant receiving the highest score as calculated by reference to Subsection **C(2)(a)** and **C(2)(b)** above shall be deemed the first candidate(s) eligible for promotion. The candidate(s) for promotion to Chief of Police receiving the highest score(s) as calculated by reference to Subsection **C(3)(a)** and **C(2)(b)** and **C(3)(c)** above shall be deemed the first candidate(s) eligible for promotion.
- D. Notwithstanding anything in this chapter to the contrary, the Borough of Allendale reserves the right to waive the written examination and/or oral interview components of the promotional process, when the number of eligible candidates for a particular position is equal to or less than the number of vacant positions and the Borough intends to fill all vacant positions. If the Borough elects to so waive the written examination and/or oral interview components, all other components of the promotional process within this section not so waived shall remain in effect.

E. Notwithstanding anything in this chapter to the contrary, the Borough of Allendale reserves the right to relax and/or waive the eligibility requirements for a particular position(s) if the number of eligible candidates for such position(s) is less than the number of vacant positions and the Borough intends to fill all vacant positions. If the Borough so elects to relax or waive the eligibility requirements, all candidates for the particular position(s), including those who are eligible as a result of the waiver or relaxation of such requirements, shall not be required to undergo or participate in the applicable process set forth in hereinabove.

F. Any appeal of the promotional process other than for the reasons set forth in Subsections (1) and (2) herein below must be filed within 10 days of the posting of ranking of candidates, and failing same, such right of appeal shall be deemed waived. Said appeal must contain the reason(s) or justification(s) for an appeal and must be submitted to the Chief of Police, through the appropriate chain of command. The Chief of Police will assess the request, and make a determination of how the request will be addressed on a case-by-case basis. Such requests are limited to the following areas of the promotional process:

(1) Review and retabulation of the scored elements of the selection process.

(2) Review of any evaluation or internal document that was used in the selection process related to the applicant.

B. Any appeal, for reasons other than those specified in Subsection (1) and (2) above, must be filed, in writing, by a candidate with the Appropriate Authority, within 10 days of the posting of the ranking of candidates. Any such appeal will be forwarded by the Appropriate Authority to the Governing Body which may, in its sole discretion, allow the candidate to be reevaluated, or take other action it deems appropriate.

C. All determinations by Chief of Police or the Governing Body are final.

BE IT FURTHER ORDAINED that, except as modified herein, all other provisions of Chapter 26 shall remain in full force and effect as previously adopted.

	Motion	Second	Yea	Nay	Absent	Abstain
Homan			✓			
O'Connell	✓		✓			
O'Toole			✓			
Sasso					✓	
Strauch		✓	✓			
Wilczynski			✓			
Bernstein						

I hereby certify the above to
be a true copy of an Ordinance
adopted by the Governing Body
of the Borough of Allendale on
April 15, 2021



Michelle Ryan
Acting Municipal Clerk



Mayor Ari Bernstein