

ORDINANCE NO. 2021-34-OA B

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AMENDING CHAPTER 14 OF THE TOWNSHIP CODE
ENTITLED "ESTABLISHMENT OF THE POLICE
DEPARTMENT AND VOLUNTEER FIRE
DEPARTMENT" AND SPECIFICALLY ARTICLE I
ENTITLED "POLICE DEPARTMENT", SECTION 6
THEREOF ENTITLED "QUALIFICATIONS"

August 23, 2021

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Township Committee of the Township of Berkeley, County of Ocean, State of New Jersey, as follows:

SECTION 1. Chapter 14 of the Township Code entitled "Establishment of The Police Department and Volunteer Fire Department" and specifically Article I thereof entitled "Police Department" and Section 6 thereof entitled "Qualifications" is hereby supplemented as follows:

§14-6.4 HIRING UPON COMPLETION OF BASIC COURSE FOR POLICE OFFICERS, EXEMPTION FROM CIVIL SERVICE EXAM.

In accordance P.L. 2021, c.7 (C.11A:4-13) the Berkeley Township Police Department may hire a person, exempt from the requirement to take an examination for an entry level law enforcement position upon the successful completion of a full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police Training commission in accordance with the Conflict of Interest and Nepotism Policy set forth herein. Notwithstanding the provisions set forth herein, the Berkeley Township Police Department shall give preference to any Veteran of the United States Military that is already on the applicable New Jersey Civil Service list.

§ 14-6.4A. CONFLICT OF INTEREST AND NEPOTISM POLICY.

1. No person who is a relative or family member of any Police Department employee or officer or any elected official shall be considered for full-time, part-time or seasonal employment as an employee of the Berkeley Township

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Police Department. This shall not restrict nor prohibit the continued employment of individuals to a position or positions with the Township where a relative of a permanent employee is elected after the date of the permanent employee's start date of employment with the Township.

2. No elected official may serve as liaison to the Police Department that employees any member of that elected official's family.
3. No Police Department employee shall be in a position that provides supervision over a member of his or her family. This precludes the acceptance of applications for full-time, part-time, or seasonal employment from relatives for positions in the Police Department where supervision conflicts exist or, through promotion, potential conflict could exist. This policy does not apply to present employees of the Township.
4. These policies are not for the purpose of depriving any citizen of an equal chance for a government job, but solely to eliminate the potential for preferential treatment of the relatives of the Police Department, government personnel or elected officials. These policies will not deprive any permanent employee as of the date of these policies of any promotional right in the normal career development nor change the existing status of any permanent employee. None of these policies apply to any unpaid volunteer positions.
5. No Police Officer or employee shall have an interest in a business organization or engage in any business, transaction or professional activity which is in substantial conflict with the proper discharge of his or her duties in the public interest.
6. No Police Officer or employee shall use or attempt to use his or her official position to secure unwarranted privileges or advantages for himself/herself or others.
7. No Police Officer or employee shall act in his or her official capacity in any matter where he or she, a member of his or her immediate family or a business organization in which he or she has an interest has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence of judgment.
8. No Police Officer or employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice his or her independence of judgment in the exercise of his or her official duties.

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SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provisions, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This Ordinance shall take effect after second reading and publication as required by law.

CARMEN F. AMATO, JR, Mayor


ANGELO GUADAGNO, Council President
JAMES J. BYRNES, Council Vice President

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on August 3, 2021, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 23rd day of August, 2021 at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.


BEVERLY M. CARLE, RMC

Township Clerk, Township of Berkeley

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Joseph C. Falk*

Jeffrey D. Cheney

*Rule 1:40 Mediator

File No. GL-1073

July 7, 2021

Via Email

John Camera, Administrator
Berkeley Township
627 Pinewald Keswick Road
PO Box B
Bayville, NJ 08721

Re: Ordinance

Dear Mr. Camera:

Pursuant to P.L. 2021, c.7, which establishes exemptions from the Civil Service Commissions Law Enforcement Examination requirements for law enforcement officers, the law requires that in order for a municipality to utilize the provisions of the statute, the municipality must adopt an ordinance permitting same and also a conflict of interest and nepotism policy. To this end, I've prepared a draft ordinance for your review.

However, it may be a little premature to adopt the ordinance because I know Civil Service is in the process of creating model language and provisions that they want in a conflict of interest policy. Civil Service indicated that they should provide draft regulations to provide framework for these ordinances going forward in August and September of this year. Nonetheless, I have faith in the ordinance that I've prepared that it would meet the requirements to guard against nepotism and conflicts of interest. However, if you want to wait on the introduction, I can touch base after the model regulations are in place and we can tailor the ordinance appropriately.

If you have any questions, let me know.

Very truly yours,

/s/ Christopher J. Dasti

CHRISTOPHER J. DASTI

CJD: bm
Encl.