

**TOWNSHIP OF RARITAN  
COUNTY OF HUNTERDON, NEW JERSEY**

**ORDINANCE #16-06**

**REVISED**

**AN ORDINANCE AMENDING CHAPTER 2.56 ENTITLED “POLICE DEPARTMENT”  
OF TITLE 2 ENTITLED “ADMINISTRATION AND PERSONNEL” OF THE REVISED  
GENERAL ORDINANCES OF THE TOWNSHIP OF RARITAN**

**WHEREAS**, the Township of Raritan recognizes that there are times when police officers are sought for employment by private employers outside the scope of their regular duties and responsibilities for public safety reasons; and

**WHEREAS**, the Township Committee desires to establish procedures for the employment of off duty police officers to conform to the Fair Labor Standards Act, New Jersey Attorney General Opinions and statutory law.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Raritan, in the County of Hunterdon, State of New Jersey, as follows:

**Section 1.** Chapter Title 2.56 entitled “Police Department” of Title 2 entitled “Administration and Personnel” of the Revised General Ordinance of the Township of Raritan is as follows:

**CHAPTER 2.59**

**OUTSIDE EMPLOYMENT OF OFF DUTY POLICE OFFICERS**

**§2.56.160 Requirements.**

Police officers may work for outside persons or entities on their off-duty hours with the approval of and provided the Chief of Police determines, in his discretion, that there are sufficient police personnel available, that the outside employment assignment will not interfere with the needs of the Township, and that sufficient funds have been deposited in an escrow account with the Township Chief Financial Officer to cover the anticipated costs of such off-duty assignments. Such work shall hereinafter be referred to as off-duty police services or employment.

**§2.56.170 Application.**

Any person, entity, contractor or utility wishing to employ an off duty police officer must apply to the Chief of Police, or his designee, requesting off-duty police services. The written application shall include the following information:

1. The dates that off-duty police services and, if appropriate, police vehicle(s) will be needed.
2. The nature of the off-duty police services requested.

3. An estimate of the number of off-duty police officer(s), and an estimate of the number of hours the person or entity anticipates needing such police officer(s) and, if appropriate, police vehicle(s). The Chief of Police, or his designee, based upon the application, will ultimately determine the number of police officer(s) and number of hours of officers needed for each application, subject to §2.56.190 below.

#### **§2.56.180 Escrow Account.**

A. The funds to cover the cost of off-duty police services and use of any Township vehicles, based on the estimated number of officers and hours as determined by the Chief of Police, or his designee, shall be submitted to the Chief of Police, or his designee, which shall be forwarded to the Township's Chief Financial Officer, or his designee, before the start of any off-duty employment in accordance with State and Division of Local Government services regulations. An escrow account shall be established for funds dedicated to the payment of off-duty police officers for outside employment by private persons or entities. The person, entity, contractor or utility shall deposit an amount sufficient to cover the rates of compensation and administrative fees set forth herein for the total estimated hours of service. All funds received for off-duty police services shall be deposited and kept in this account. All payments to the police officers for such services shall be made from the funds in this account.

B. In the event the funds in such escrow account should become depleted, the Chief of Police, or his designee, shall immediately notify the responsible person or entity that the funds in the escrow account are insufficient to pay for continued off-duty police services. The person, entity, contractor or utility shall then either replenish the escrow account with an amount sufficient to pay for continued services or the Chief of Police, or his designee, shall immediately terminate provision of the off-duty police services, unless the Chief of Police or his designee determines such termination would be a danger to the safety and welfare of the public.

C. If the estimated costs deposited in the escrow account exceed the actual costs incurred, then the Township shall, upon proper notice to the Township Chief Financial Officer, and certification from the Chief of Police, or his designee, that the project is completed and no further police services are needed, refund the remainder of the escrow account.

#### **§2.56.190 Compensation**

A. Any off duty police officer hired for outside employment shall be compensated at the rate set forth in the "Outside Employment" provision of the current PBA 337 and PBA 337A collective negotiations agreements. The current rates for outside employment are \$75 per hour for the Hunterdon County Regional High School District and the Flemington-Raritan School District (K-8), and \$85 per hour for all other employment.

B. The person, entity, contractor or utility requesting such off duty employment shall also be responsible for payment of an administrative fee to the Township as established by Resolution. Borough Resolution 13-129 establishes the current administrative fee for outside employment at 24.81% of the hourly pay rate. This fee is in addition to the cost per officer set forth in Paragraph A.

C. Any off duty police officer hired for outside employment shall be paid a minimum of four (4) hours regardless of the actual amount of time worked.

D. Any person, entity, contractor or utility who commits to hiring a Police Officer or Officers and cancels or reschedules the work within 24 hours of the time scheduled to commence the work shall be required to pay the officer(s) through the Township of Raritan for four (4) hours at the applicable hourly rate unless a natural disaster and/or state of emergency is declared.

E. Any off-duty police officer hired for outside employment shall be subject to the Rules and Regulations, SOP's and General Orders of the Raritan Township Police Department. Wages earned for outside employment shall not be applied toward the pension benefits of the police officer so employed, nor shall hours worked for outside employment be considered in any way as compensable overtime payable by the Township.

F. The person, entity, contractor or utility requesting such off duty employment shall assume any and all liability arising from such off duty police employment, including but not limited to liability arising from travel to and from job locations and services rendered during the off duty employment. The person, entity, contractor or utility requesting such off duty employment must sign, in advance, a hold harmless and indemnification agreement stating that such person or entity will release, defend and indemnify the police officer so employed, the Chief of Police, the Raritan Township Police Department, Raritan Township, and any agent, officer or employee thereof, and save them harmless from and against any and all claims, actions, damages, liabilities, and expenses, including but not limited to, court costs and reasonable attorney's fees, in connection with such off duty employment.

G. Prior to the commencement of any off duty employment, the person, entity, contractor or utility requesting such off duty employment shall deliver to the Township a Certificate of Insurance evidencing general liability coverage in an amount of at least \$1,000,000 per occurrence, and Worker's Compensation with statutory limits, which shall be reasonably satisfactory to the Township. The Certificate of Insurance must name the Township of Raritan as additional insured. All policies of insurance evidenced by any certificate filed hereunder shall be maintained in full force and effect during the term of the outside employment. Upon any change or renewal, a new Certificate must be filed with the Township.

**Section 2. Severability.**

If any section or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

**Section 3. Repealer.**

All prior ordinances or parts of same which are inconsistent with any provisions of this article are hereby repealed to the extent of any inconsistency.

**Section 4. Effective Date.**

This ordinance shall take effect upon final adoption and publication according to law.

ATTEST:

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF RARITAN

\_\_\_\_\_  
Rose Sollena, RMC/CMC  
Township Clerk

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Karen Gilbert  
Mayor

**NOTICE OF PENDING ORDINANCE**

**PLEASE TAKE NOTICE** that the foregoing Ordinance was introduced at a Township Committee Meeting by the Township Committee of the Township of Raritan on April 5, 2016, the same was then ordered to be published according to law with a public hearing and a vote scheduled for the meeting of May 3, 2016 beginning at 7:00 p.m. at the Municipal Building, One Municipal Drive, Flemington, New Jersey at which time all interested persons will be heard.

Rose Sollena, RMC/CMC  
Township Clerk

