

CITY COUNCIL**The City of Orange Township, New Jersey**DATE December 6, 2022NUMBER 477-2022**TITLE:**

A RESOLUTION OF THE MUNICIPAL COUNCIL OF THE CITY OF ORANGE TOWNSHIP, COUNTY OF ESSEX, STATE OF NEW JERSEY, AUTHORIZING HIRING OF POLICE OFFICERS THROUGH THE ALTERNATE ROUTE OPTION ESTABLISHED UNDER THE CIVIL SERVICE ACT, N.J.S.A. 11A:1-1 ET SEQ.

WHEREAS, the Civil Service Act, *N.J.S.A. 11A:1-1 et seq.*, was recently amended to include a provision stating that “[t]he Civil Service Commission shall exempt from the requirement to take an examination for an entry-level law enforcement officer position ... a person who successfully completes a full Basic Course for Police Officers training course or a full Basic Course for Correction Officers training course at a school approved and authorized by the New Jersey Police Training Commission within nine months from the date of hire as a temporary entry-level officer.” *N.J.S.A. 11A:4-1.3(a)* (emphasis added to indicate new language); and,

WHEREAS, that amendment further provided that “[a] municipal ... police department may hire a person, exempt from the requirement to take an examination ... upon adoption of ... [a] resolution by the governing body authorizing such hiring ... and the adoption of a conflict of interest and nepotism policy,” *N.J.S.A. 11A:4-1.3(c)*; and,

WHEREAS, the Municipal Council (“Municipal Council”) of the City of Orange Township (“City”), along with the Governor of the State of New Jersey, recognizes that although the Law Enforcement Examination administered by the Civil Service Commission is intended to create a neutral, objective, and equitable means for those seeking to serve their communities as law enforcement officers, numerous factors, including the inability of some candidates to afford preparatory courses, the existing process yields candidate eligibility lists that disproportionately benefit non-minority candidates; and,

WHEREAS, the Director and Chief of the City’s Police Department have reported to the Mayor and the Council that the Police Department will greatly benefit from utilizing the alternate route option established in *N.J.S.A. 11A:4-1.3*; and,

WHEREAS, the Municipal Council previously adopted a conflict of interest policy codified under §§ 4-73 through 4-76 of the Orange Municipal Code (“Code”), and a code of ethics for employees, as well as elected and appointed officials, set forth under § 16-1 of the Code; and,

WHEREAS, the Municipal Council previously adopted a comprehensive nepotism policy set forth under § 23:1-3.5 of the Code; and,

WHEREAS, the City’s Police Department has also adopted its own, internal, comprehensive “Nepotism and Conflicting Relationships” policy.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF ORANGE TOWNSHIP, COUNTY OF ESSEX, STATE OF NEW JERSEY, that the Mayor is hereby authorized to hire law enforcement officers to serve in the City of Orange Township Police Department, provided that each applicant shall have, at least, successfully

completed either a full Basic Course for Police Officers training course or a full Basic Course for Correction Officers training course at a school approved and authorized by the New Jersey Police Training Commission within nine months from the date of hire by the City as a temporary entry-level officer in accordance with *N.J.S.A.* 11A:4-1.3; and,

BE IT FURTHER RESOLVED that each candidate for appointment to the Police Department shall also submit to a physical examination by a licensed practicing physician and/or an examination by a licensed psychologist of the State of New Jersey, the character and scope of which shall be to determine the applicant's mental, physical and other qualifications to perform the duties of a law enforcement officer, and any applicant failing to meet such qualifications, or in the opinion of the examining physician is incapable of performing the duties of a law enforcement officer safely and efficiently, shall be ineligible for appointment to the Police Department; and,


BE IT FURTHER RESOLVED that no person who is disqualified to serve as a law enforcement officer as provided in the New Jersey Statutes shall be appointed to the Police Department; and,

BE IT FURTHER RESOLVED that any law enforcement officer hired utilizing the alternate route option established in *N.J.S.A.* 11A:4-1.3, shall be subject to all Civil Service rules and regulations other than the entry-level examination requirement, including without limitation all probationary periods and disciplinary action procedures.

Adopted: December 6, 2022

Joyce L. Lanier
City Clerk

Tency A. Eason
Council President

| | | | |
|---|--|---|---------------------------|
|  | ORANGE POLICE DEPARTMENT Todd R. Warren, Police Director Chief. Vincent Vitiello, Chief of Police | | |
| | Nepotism | Nepotism and Conflicting Relationships | |
| | Applicability: Police Personnel Distribution: Power DMS | | Number of Pages: 4 |
| Date(s) | Authority | General Order # | File |
| Effective: 10/18/2021 | Director Todd R. Warren Chief. Vincent Vitiello | N/A | PowerDMS |
| | | | |

PURPOSE: The purpose of this policy is to ensure equal opportunity and effective employment practices to include recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security, while maintaining positive morale by avoiding actual or perceived favoritism, discrimination or other actual or potential conflicts of interest by or between members of this department.

POLICY: The City of Orange Township Police Department will not prohibit all personal or business relationships between employees. However, in order to minimize the potential for nepotism or other inappropriate conflicts of interest, reasonable restrictions will be implemented in circumstances where such relationships do exist.

PROCEDURE:

I. Definitions

A. Business Relationship -- Serving as an employee, tenant, landlord, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or any other transaction where the employee's annual interest, compensation, investment or obligation is greater than \$250.00.

B. Conflict of Interest -- Any actual, perceived or potential conflict of interest in which it reasonably appears that an employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship with another employee.

C. Nepotism – The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

D. Personal Relationship – Includes marriage, cohabitation, co-parenting, dating or any other intimate relationship beyond mere friendship or coworkers

E. Public Official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

F. Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

G. Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

H. Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

II. Restricted Duties and Assignments

A. The City of Orange Township Police Department will not prohibit all personal or business relationships between employees. However, in order to minimize the potential for nepotism or other inappropriate conflicts of interest, the following restrictions shall apply:

1. Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they have a personal or business relationship.

a. If extraordinary circumstances require that such a supervisor/subordinate relationship exists temporarily (i.e. an employee is held-over past their normal shift hours to complete a report), the involved supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to a supervisor where no conflict exists.

b. When personnel and circumstances permit, the Orange Police Department will make reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Chief of Police reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

c. Supervisory personnel will make reasonable effort to avoid scheduling employees of the same rank to the same shift as a relative, or someone with whom they have a business or personal relationship.

2. Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they have in a personal or business relationship.

3. Training Officers and other trainers will not be assigned to directly train relatives, or persons with whom they are involved in a personal or business relationship. Training Officers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully documented as complete and the employee is off probationary status.

4. To avoid actual or perceived conflicts of interest, employees of the Orange Police Department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.

5. Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should have known is under criminal investigation, is a convicted felon, parolee, fugitive, or registered sex offender, or who engages in intentional violations of state or federal laws.

III. Employee Responsibilities

A. Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his or her immediate supervisor in writing.

1. If the employee's immediate supervisor is the person with whom the relationship is with, it shall be the responsibility of that immediate supervisor to notify their supervisor in writing.

B. Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall immediately notify his or her immediate supervisor.

IV. Supervisor's Responsibilities

A. Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever reasonably possible. Supervisors shall also promptly notify their Division Commander of such actual or potential violations through the chain of command.

Todd R Warren
Director, Todd Warren
Director of Police

10-12-21
Date

[Signature]
Chief, Vincent Vitiello
Chief of Police

10/12/21
Date

Section 11A:4-1.3 - Certain entry-level law enforcement applicants, exemption from examination requirement

- a. The Civil Service Commission shall exempt from the requirement to take an examination for an entry-level law enforcement position a person who has successfully completed a full Basic Course for Police Officers training course at a school approved and authorized by the New Jersey Police Training commission.**
- b. The Civil Service Commission shall promulgate, pursuant to the "Administrative Procedure Act," P.L. 1968, c.410 (C.52:14B-1 et seq.), rules and regulations and establish administrative processes that are reasonable, necessary, and consistent with the provisions of this act.**
- c. A municipal or county police department may hire a person, exempt from the requirement to take an examination for an entry-level law enforcement position pursuant to subsection a. of this section, upon adoption of an ordinance or resolution by the governing body authorizing such hiring by the police department and the adoption of a conflict of interest and nepotism policy.**

N.J.S. § 11A:4-1.3

c.

Added by L. 2021, c. 7, s. 1, eff. 8/4/2021.

Chapter 4. Administration of Government

Article XVIII. Miscellaneous Provisions

§ 4-73. Conflicts of interest prohibited.

No officer or employee shall be interested, directly or indirectly, in any contract or job for work or materials, or in the profits thereof, to be furnished or performed for the city or for any public or private utility operating within the territorial limits of the city.

§ 4-74. Special privileges prohibited.

No officer or employee shall accept or receive, directly or indirectly, from any person or agency operating any public or private utility under franchise within the territorial limits of the city any frank or any pass, ticket or service, either free or on terms more favorable than those granted to the public generally.

§ 4-75. Rewards prohibited.

No candidate for office, appointment or employment and no officer, appointee or employee shall, directly or indirectly, give or promise any office, position, employment, benefit or thing of value to any person for the purpose of influencing or obtaining his/her political support, aid or vote, under the penalty of being disqualified to hold the office or employment to which elected or appointed.

§ 4-76. Violations and penalties.

Any person who shall violate any provision of the above shall, upon conviction thereof in a court of competent jurisdiction, forfeit his office.

23:1-3.5 EMPLOYMENT OF RELATIVES The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into the day-to-day working relationships. Therefore, relatives of persons currently employed by the City may be hired only if they will not be working directly for or supervising a relative or will not occupy a position in the same line of authority within the organization. Additionally, City 23 Attachment 1:23 Supp 3, Apr 2021 ORANGE TOWNSHIP CODE employees cannot be transferred into such a reporting relationship. If the relative relationship is established after employment, the individuals concerned will be consulted to determine who is to be transferred out of the unit. If that decision cannot be made by the individuals, management will decide. This policy is not for the purpose of depriving any citizen of an equal chance for government employment, but is solely to eliminate the potential for unfair preferential treatment of the relatives of government personnel. This policy will not deprive any present employee of any promotional right in normal career development, nor change the existing status of any employee. When in the normal selection process, relatives of City employees are considered for appointment or promotion, the selection will be deferred to the Office of the Business Administrator for final decision. Relatives for the purpose of this policy includes all members of the immediate family, including husband, wife, parents, step-parents, brothers, sisters, direct line aunts and uncles, children, grandparents, and grandchildren and in-laws by reason of relation to any of the above. Aunts, uncles, nephews, or nieces by marriage, and cousins are not regarded as members of the immediate family for the purpose of this policy