

TOWNSHIP OF HARDING
ORDINANCE #07 - 2023
“ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS,
STATE OF NEW JERSEY, CREATING CHAPTER 7, SECTION 31.1,
“HARDING TOWNSHIP POLICE DEPARTMENT PROMOTION PROCESS””

WHEREAS, Pursuant to N.J.S.A. 40A:14-118, the Township of Harding has established the “Harding Township Police Department,” codified at Chapter 7, Section 31, in the code of the Township of Harding; and

WHEREAS, Harding Township wishes to outline the process upon which its officers are to be promoted, in order to provide all eligible candidates for promotion with fair notice and equal access to the promotional process by effectuating a policy outlining the promotion criteria; and

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Harding, County of Morris, State of New Jersey, as follows:

Purpose: The purpose of this ordinance is to enact a criteria upon which the Harding Township Police Department promotes eligible officers as outlined in Chapter, Section 31 of the Code of the Township of Harding.

SECTION 1. The Municipal Code, Chapter 7, Section 31.1, “Harding Township Police Department Promotion Process” is hereby created and shall read as follows:

PROCEDURE:

I. PROMOTIONAL PROCESS ADMINISTRATION

- A. In all instances, except for the promotion to the position of Chief itself, the Chief of Police or designated representative shall be responsible for coordinating the promotional process, as outlined in Section IV of this policy.

II. JOB RELATEDNESS

- A. All elements of the promotional process shall measure job knowledge and performance that are necessary to perform the job, and/or are included in the position’s written job description as an essential job function.
- B. Essential functions must be specific and relate to the position as outlined within the job description for the position.

III. PROMOTIONAL ANNOUNCEMENT

- A. When a promotion is needed for the rank of sergeant or lieutenant, the Chief of Police shall seek approval of the Appropriate Authority to initiate the process.
- B. Once the Appropriate Authority has approved the promotion process to begin, the Chief of Police shall supervise the announcement process.
- C. A written announcement shall be provided by the Chief of Police at least 45 days before any oral exam is administered.
- D. The written announcement shall describe the position available, contain the eligibility requirements, and a description of the process to be used in the selection of personnel for the vacancy announced.
- E. The written announcement will also include suggested study materials and/or areas of study.
- F. No later than ten (10) days after the announcement is posted, each officer intending to participate in the process must submit a letter of intent including a cover letter and professional resume detailing that officer's background. At a minimum, the letter must include:
 - 1. Service Time/Seniority – years of service in current rank with the Harding Township Police Department, including dates.
 - 2. College Education - highest degree earned, including dates.
 - 3. Active-Duty Military Service – years of service, including dates.

IV. PROMOTIONAL PROCESS PROCEDURES

- A. General Provisions: To be eligible for promotion, candidates must meet all the criteria established (Section VI A-D) for such promotion on the date the vacancy announcement is posted.
 - 1. Officers must be members of the Harding Township Police Department at the time that the promotional process is announced.
 - 2. The agencies listed in Appendix #1 are recognized higher education accrediting organizations. In order to qualify for education credit as specified by this policy, a college or university must be accredited by one of the accrediting agencies listed in Appendix #1.

- B. Sergeant Eligibility Requirements: The candidate must have completed a total of three (3) years in the rank of police officer with the Harding Township Police Department; 40A: 14-130.
1. The candidate must possess an associate's degree from an accredited college or university or at least sixty (60) college credits from an accredited college or university.
 2. Effective January 1, 2027, the candidate must possess a bachelor's degree from an accredited college or university.
 3. In the event that there is only one candidate meeting the eligibility requirements, the Chief of Police may recommend that the sole candidate be promoted, based on assessment of the candidate's performance records, the candidate's performance evaluations, the candidate's educational background, the candidate's military background, the candidate's length of service, an assessment of the demonstrated qualities of leadership potential, the ability to assume additional responsibilities, and contents of the candidate's personnel folder with respect to complaints, commendations, disciplinary action, and other relevant matter.
 - a. Based upon the recommendation of the Chief of Police, the Appropriate Authority may recommend to the Township Committee that the sole candidate be promoted.
- C. Lieutenant Eligibility Requirements: The candidate must have completed one (1) year of supervisory police experience as a sergeant within the Harding Township Police Department.
1. The candidate must possess an associate's degree from an accredited college or university or at least sixty (60) college credits from an accredited college or university.
 2. Effective January 1, 2027, the candidate must possess a bachelor's degree from an accredited college or university.
 3. In the event that there is only one candidate meeting the eligibility requirements, the Chief of Police may recommend that the sole candidate be promoted, based on assessment of the candidate's performance records, the candidate's performance evaluations, the candidate's educational background, the candidate's military background, the candidate's length of service, an assessment of the demonstrated qualities of leadership potential, the ability to assume additional responsibilities, and contents of the

candidate's personnel folder with respect to complaints, commendations, disciplinary action, and other relevant matter.

- a. Based upon the recommendation of the Chief of Police, the Appropriate Authority may recommend to the Township Committee that the candidate be promoted.

D. Chief of Police Eligibility Requirements: The candidate must have completed one (1) year of supervisory police experience as a Lieutenant within the Harding Township Police Department. In the event that there is no eligible Lieutenant at the time of the promotional announcement, eligibility will include Sergeants who have completed one (1) year of supervisory police experience as a Sergeant. The Appropriate Authority reserves the right to include Sergeants and Lieutenants in this promotional process at any time.

1. The candidate must have completed three FBI-LEEDA courses (Trilogy Award) consisting of Supervision Leadership Institute, Command Leadership Institute, and Executive Leadership Institute and must possess an associate's degree from an accredited college or university or at least sixty (60) college credits from an accredited college or university.
2. Effective January 1, 2027, the candidate must have completed three FBI-LEEDA courses (Trilogy Award) consisting of Supervision Leadership Institute, Command Leadership Institute, and Executive Leadership Institute and a bachelor's degree from an accredited college or university.
3. The Appropriate Authority shall make a recommendation to the Township Committee regarding the promotion of the candidate. This recommendation shall be based on assessment of the candidate's performance records, the candidate's performance evaluations, the candidate's educational background, the candidate's military background, the candidate's length of service, an assessment of the demonstrated qualities of leadership potential, the ability to assume additional responsibilities, and contents of the candidate's personnel folder with respect to complaints, commendations, disciplinary action, and other relevant matter.
4. The Appropriate Authority may consider a recommendation from the current Chief of Police, if available, in order to help assess a candidate.
5. Based upon the assessments completed, the Appropriate Authority may recommend to the Township Committee that the candidate be promoted.

V. EVALUATION FOR PROMOTION – SERGEANT AND LIEUTENANT

A. A candidate's final score (and ranking) on a promotional list consists of two (2) weighted parts:

1. An oral exam administered by the New Jersey State Chiefs of Police Association – 100 points (maximum)
2. A calculation of the following:
 - a. Seniority - years of service in their current rank with the Harding Township Police Department – 1 point for each year (not to exceed 15 points)
 - b. College Education – (for the highest degree earned) - 1 point for an associate's degree (or 60 credits), 3 points for a bachelor's degree, 5 points for a master's degree (not to exceed 5 points)
 - c. Active-Duty Military Service - .5 points for each year of service (not to exceed 5 points)

3. SCORING

- a. A maximum combined score of 125 points is possible.
- b. A minimum combined score of 70 % is required in order to be ranked on the eligibility list.

B. EVALUATION FOR PROMOTION – CHIEF OF POLICE

1. A Promotion Review Board consisting of the Appropriate Authority and the Township Committee members shall evaluate candidates for promotion to the rank of Chief of Police.

VI. RANKING – ELIGIBILITY LIST

A. The Chief of Police shall rank candidates in numerical order from highest to lowest score.

1. Each candidate shall be provided with the number they place on the eligibility list.
2. For the promotion to the rank of Sergeant and/or Lieutenant, the Chief of Police may submit a recommendation to the Appropriate Authority and Township Committee to select any one of the top three ranking candidates

on the eligibility list, utilizing the “rule of three”, to be recommended for appointment to that rank.

3. The promotional eligibility list shall expire one year after the posting date of the list. The eligibility list may be extended for one additional year at the discretion of the Chief of Police. Under no circumstances will a promotional eligibility list extend beyond two years.
4. For the promotion to the rank of Chief of Police, the Appropriate Authority shall make a recommendation to the Township Committee for appointment of the candidate.

VII. SIX-MONTH PERIOD IN ACTING CAPACITY AS PART OF THE PROMOTIONAL PROCESS

- A. Prior to a recommendation for promotion to the rank of Sergeant or Lieutenant, the Chief of Police shall assign an officer to serve a six-month period in acting capacity, as part of the promotional process.
- B. Prior to completion of the six-month period in acting capacity, the candidate shall be evaluated every three months by the officer’s supervisor.
- C. All personnel must achieve an acceptable rating on their performance evaluations. Unsatisfactory performance shall be corrected through training, counseling, or a performance improvement plan, which must be completed within the six-month period that the officer is serving in an acting capacity.
 1. At the discretion of the Chief of Police, the assignment of an officer in an acting capacity may be extended for not longer than two (2) months.
- D. Personnel not receiving an acceptable performance rating at the end of the acting capacity shall not be recommended for permanent appointment.
- E. Upon successful completion of the period in acting capacity, the Chief of Police may make a recommendation to the Appropriate Authority for permanent appointment.

VIII. APPEAL OF PROCESS

- A. Within ten days of the posting of the ranking of candidates, a candidate may file a written letter of appeal.
- B. Said letter must contain the reason(s) or justification(s) for an appeal and must be submitted to the Chief of Police.

- C. The Chief of Police will assess the request on a case-by-case basis and determine the process to decide the appeal. The Chief of Police shall consult with the Appropriate Authority in every instance. Appeal requests may include the following promotional process categories:
 - 1. Review and recalculation of the scored elements of the selection process.
 - 2. Review any evaluation or internal document that was used in the selection process related to the appellant.
 - 3. If the appeal impacts the results of the promotional ranking as determined by the Chief of Police and the Appropriate Authority, the scored elements of the selection process may be recalculated, and a new eligibility list may be issued.
- D. In the event there is an appeal of the evaluation process for the position of Chief or Police, that appeal shall be made to the Township Committee.

IX. NON-DISCRIMINATION

- A. During the reviews of the promotional process as defined in Section IV of this policy, an analysis and determination will be made as to whether adverse impact or the potential for discrimination exists in the promotional process components. Adverse impact involves analyzing identifiable factors through comparisons made of the race, gender, and ethnicity of the applicants participating in the promotional process. This shall be accomplished by measuring the selection rates for each applicant by race, gender, and ethnic group as compared to the group having the highest selection rate.
 - 1. Where adverse impact or discrimination is indicated, the Chief of Police will develop a plan to correct any inequities indicated in the promotional process.
 - 2. Adverse impact records will be maintained. The office of the Chief of Police shall maintain all records and data collected. Copies shall be sent to the Appropriate Authority.
 - 3. Annually by January 31st, the Chief of Police, or designee, shall report to the Morris County Prosecutor's Office the age, gender, race, and ethnicity of each law enforcement officer eligible for promotion and promoted within the agency in the preceding calendar year, including the position to which the officer was promoted.

X. SECURITY OF PROMOTIONAL MATERIALS

- A. The Chief of Police shall be responsible for the security of promotional material.
- B. All promotional materials will remain in a secure promotional file located in the office of the Chief of Police.

XI. EMERGENCY PROMOTION

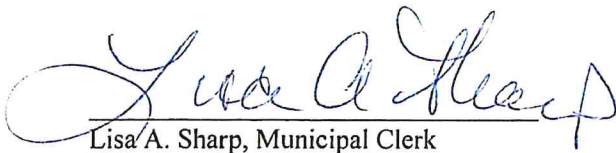
- A. In the event that the Chief of Police is incapacitated, or the Chief's employment is terminated, or the Chief retires, and there is not sufficient time to implement a full promotional process, upon recommendation by the Appropriate Authority, the Township Committee may appoint an Acting Chief or Officer-In-Charge.
- B. Unless removed by the Township Committee, the Acting Chief or Officer-In-Charge will serve until the Township Committee, in accordance with this promotional policy, appoints a permanent Chief of Police.

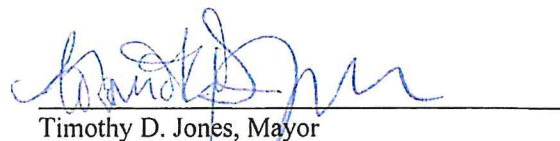
SECTION 2. This ordinance may be renumbered for the purposes of codification.

SECTION 3. This ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

ATTEST:

TOWNSHIP OF HARDING


Lisa A. Sharp, Municipal Clerk


Timothy D. Jones, Mayor

INTRODUCED: June 12, 2023
PUBLIC HEARING: July 10, 2023
ADOPTED: July 10, 2023

ADVERTISED: June 15, 2023
ADVERTISED: July 13, 2023

Vote on Adoption:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. Chipperson	1st and	☒	☐	☐
Dr. Lacz		☒	☐	☐
Mr. Platt		☒	☐	☐
Mr. Yates		☒	☐	☐
Mr. Jones		☒	☐	☐

QUALIFIED HIGHER EDUCATION ACCREDITING AGENCIES

1. Middle States Association of Colleges and Schools
Commission of Institutions of Higher Education
3642 Market Street
Philadelphia, Pennsylvania 19104
2. New England Association of Schools and Colleges
Commission of Institutions of Higher Education
209 Burlington Road
Bedford, Massachusetts 01730-1433
3. North Central Association of Colleges and Schools
The Higher Learning Commission
30 North LaSalle Street, Suite 2400
Chicago, Illinois 60602
4. Northwest Association of Schools and of Colleges and Universities
Commission on Colleges and Universities
8060 165th Avenue NE, Suite 100
Redmond, Washington 98052
5. Southern Association of Colleges and Schools
Commission on Colleges
1866 Southern Lane
Decatur, Georgia 30033-4097
6. Western Association of Schools and Colleges
Accrediting Commission for Senior Colleges and Universities
985 Atlantic Avenue, Suite 100
Alameda, California 94501
7. Western Association of Schools and Colleges
Accrediting Commission for Community and Junior Colleges
3402 Mendocino Avenue
Santa Rosa, California 95403