

## **ORDINANCE 21-2021**

### **AN ORDINANCE AMENDING CHAPTER 21, ARTICLE 1 OF THE CODE OF THE BOROUGH OF CLAYTON AND SUPERSEDING BOROUGH ORDINANCES 2-2021, 9-2016 AND 15-2015 REGARDING POLICE PROMOTIONAL PROCESS (POLICE DEPARTMENT)**

***BE IT ORDAINED*** by the Mayor and Council of the Borough of Clayton, County of Gloucester and State of New Jersey that Chapter 21, Article I is hereby amended as follows:

Section I. Chapter 21, Article I is shall be entitled "Police Promotional Process".  
Ordinances 2-2021, 9-2016 and 15-2015 are superseded.

#### Section II. General

- A. This policy is established for promotions in the Clayton Police Department.
- B. Promotion denotes vertical movement in the organization hierarchy from one rank classification to another accompanied by increases in salary and responsibilities.

#### Section III. Notice of Promotional Testing

- A. A Notice of Promotional Testing shall be posted a minimum of 60 calendar days prior to start of the promotional process.
- B. The Notice of Promotional Testing shall be posted on an appropriate bulletin board which contains police notices in the Department.
- C. The Notice of Promotional Testing shall also be emailed to each officer in the Department.
- D. The Notice of Promotional Testing will include the following items:
  - 1. The posting date;
  - 2. The criteria and eligibility of the positions to be filled (see Section XI below);
  - 3. The due date for the Notice of Intent to Participate (described below);
  - 4. The due date for written application documents, if any;
  - 5. The date or dates of written tests, oral tests, and interviews;
  - 6. The anticipated date(s) on which the vacant positions will be filled;

7. The source materials which may assist prospective candidates in preparing for the test(s);
8. How long the promotional list will remain active (see Section X below regarding duration of promotional lists).

#### Section IV. Letter of Intent to Participate and Written Application

- A. Each officer who wishes to participate in promotional process shall submit a letter of intent, along with an updated resume, to the Chief of Police stating his or her intent to participate in the process. The letter shall state that the officer wishes to participate in the promotional process. The letter shall further indicate what the officer considers his or her most important contributions to the Department in his or her current position and what projections he or she has to further benefit the Department.
- B. The deadline for submission of the Letter of Intent along with an updated resume shall be contained in the Notice of Promotional Testing. Unless otherwise stated, the deadline shall be twenty (20) calendar days prior to the start of the promotional testing.

#### Section V. Summary of Testing Procedure

- A. Unless otherwise specified in the Notice of Promotional Testing, the promotional process shall consist of the following phases:
  1. Written Examination ("Phase I(A)");
  2. Oral Examination ("Phase I(B)");
  3. Chief's Review (Resume/Background) ("Phase II"); and
  4. Interview with Public Safety Committee ("Phase III").
- B. For purposes of overall scoring, the following percentages shall apply to each Phase:
  1. Phase I(A): 30% of overall score;
  2. Phase I(B): 40% of overall score;
  3. Phase II: 20% of overall score; and
  4. Phase III: 10% of overall score.
- C. In the event that there is only one (1) eligible candidate who has provided a Letter of Intent for promotion to Captain, Phase I may be waived at the discretion of the Chief of Police, with the consent of the governing body.

Section VI. Phase I – Written and Oral Testing (70% of Overall Score)

- A. Written and oral examinations will be administered by the New Jersey State Association of Chiefs of Police as designated in the Notice of Promotional Testing.
- B. All candidates receiving a minimum raw score of 70 or above during Phase I(A) will move to Phase I(B). All candidates receiving a minimum score of 70 or above during Phase I(B) will move to Phase II.
- C. A list of candidates who have achieved a raw score of 70 or above on each of Phase I(A) and Phase I(B) will be posted following the receipt by the Chief of Police. The list will identify the passing candidates in alphabetical order (without listing the respective scores).
- D. Any candidate who does not move on to Phase II and wishes to find out his/her numerical score may contact the Chief of Police within ten (10) calendar days following the posting of passing candidates.
- E. Any additional information regarding the examination must be directed to the testing entity.
- F. In the event that only one (1) eligible candidate seeks advancement to the position of Captain, Phase I may be waived at the discretion of the Chief of Police with the consent of the governing body.

Section VII. Phase II – Chief's Review of Resume/Background (20% of Overall Score)

- A. Phase II shall be conducted at or about the same time as Phase I. The Phase II examiner shall be the Chief of Police. The Chief of Police shall not conduct the Phase II assessment with awareness of the scores of candidates in Phase I.
- B. For the Phase II assessment, the Chief of Police shall review the Letter of Intent, personnel file, and the updated resume submitted with the Letter of Intent in the Police Department.
- C. Scoring shall be as follows for Phase II (20 total points – 20% of overall score)
  - 1. Seniority (Maximum Score: 5 Points)
    - 4-5 years = 1 point
    - 6-7 years = 2 points

8-9 years = 3 points  
 10-11 years = 4 points  
 12 or above = 5 points

2. Education/Military (1 point per level) (Maximum Score: 5 Points)

Military = 1 Point  
 Associates Degree = 1 Point  
 Bachelors Degree = 2 Points (incorporates 1 pt. for a AA)  
 Masters Degree = 3 Points (incorporates 1 pt. AA and 1 point BA)  
 Ph. D., J.D. = 4 Points (incorporates 1 pt. AA, 1 point BA and 1 point M.A./M.S. (or equivalent))

3. Personnel Record/File (Maximum Score: 5 Points)

- a. Start with 5 points.
- b. Deduct ¼ point for minor infractions (written reprimand, etc.), etc.
- c. Deduct ½ point for any infractions held in abeyance.
- d. Deduct 1 point per suspension infractions.
- e. This accounts for all items contained within file except for expired conditional reprimands or expired performance notices.

4. Commendations/Awards/Resume (Maximum Score: 5 Points)

- a. Commendations/Awards – Maximum score of 3 Points
  - i. Official letters of commendation 1/4 point each
  - ii. Official service awards 1/8 point each
- b. Resume – Maximum score of 2 Points
  - i. Average Resume 1 point
  - ii. Above Average Resume 2 points

D. The Phase II score shall be calculated on a score sheet by adding the total number of points with a maximum of 20 points. 1 point shall represent 1% of the total overall score for the promotional testing.

E. At the conclusion of Phases I and II, a list of candidates moving to Phase III shall be posted in alphabetical order.

Section VIII. Phase III – Public Safety Committee Interview

- A. Upon completion of Phases I and II, Phase III will be conducted.
- B. The purpose of the Phase III interview is to allow the Public Safety Committee to assess the subjective abilities of each candidate as described in further detail below.
- C. Prior to the Phase III interviews, each candidate shall receive a list of topics relevant to his or her sought position that the interview questions may be derived from (e.g., Resume, Background, Experience, Community Relations, Municipal Ordinances, Police Department SOP's, and Rules and Regulations). *In the* meantime, the Public Safety Committee shall agree on a list of questions for each position to be asked of all candidates. For any question involving technical expertise, the Chief of Police shall provide the Public Safety Committee with the elements of an acceptable answer.
- D. Prior to the Phase III interviews, the Chief will present the Public Safety Committee with the names of all candidates eligible for Phase III in alphabetical order for each promotional position. The Public Safety Committee will not have the scores of each candidate at this time.
- E. The Public Safety Committee will then proceed to conduct an interview of each eligible candidate.
- F. During the Phase III interview, each candidate will be asked the same questions as all other candidates. Where circumstances require, the Public Safety Committee shall be permitted to ask follow-up questions of any candidate to clarify a candidate's answer or to seek further elaboration.
- G. Unless otherwise specified in the Notice of Promotional Testing, the scoring for the Phase III interview shall be as follows:
  - 1. Background and Experience (20% of Phase III Score)
    - Inadequate (0 points)
    - Adequate (1 point)
    - Outstanding (2 points)
  - 2. Knowledge of Subject Matter (20% of Phase III Score)
    - Inadequate (0 points)
    - Adequate (1 points)
    - Outstanding (2 points)
  - 3. Involvement in the Community (20% of Phase III Score)

- Inadequate (0 points)
  - Adequate (1 points)
  - Outstanding (2 points)
4. Communication Ability (20% of Phase III Score)
- Inadequate (0 points)
  - Adequate (1 points)
  - Outstanding (2 points)
5. Leadership Potential (20% of Phase III Score)
- Inadequate (0 points)
  - Adequate (1 points)
  - Outstanding (2 points)
- H. Each interviewer shall score each candidate on a scoring sheet for that candidate. At the conclusion of the interview, each interviewer shall calculate his or her total points for that candidate. Interviewers shall not discuss their scoring of any candidate until the conclusion of Phase III.
- I. A designated non-scoring interview participant, such as the Borough Clerk, Borough Administrator, or Chief Financial Officer, shall serve as the interviewing secretary.
- J. At the conclusion of each interview, each interviewer shall provide his or her scoring sheet to the interviewing secretary. The interviewing secretary shall verify that the total scores are correct.
- K. After receipt of the scoring sheets, the interviewing secretary shall then enter the total scores from each interviewer onto a Phase III master scoring sheet which contains the name of each candidate, the total score for each interviewer, the average total score, and the Phase III score (average total score divided by maximum score of 20) as follows:

<b>Candidate</b>	<b>Interviewer 1 Total Score</b>	<b>Interviewer 2 Total Score</b>	<b>Interviewer 3 Total Score</b>	<b>Average of Total Scores</b>	<b>Phase III Score (%)</b>
A					
B					
C					

- L. The master scoring sheet above shall be adapted as required depending on the number of interviewers and candidates.
- M. In the event that there is only one (1) eligible candidate who submitted a Letter of Intent for promotion to Captain, Phase III scoring may be waived

at the discretion of the Chief of Police, with the consent of the governing body. However, the eligible candidate will be subject to an interview with the Chief of Police and the governing body. Topics for the interview will be provided to the candidate in advance.

**Section IX. Calculation of Overall Scores and Appointment**

A. At the conclusion of Phase III, the combined scores of the remaining candidates will be calculated by the Public Safety Committee based on the overall percentages set forth above, which are as follows:

1. Phase I(A): 30% of overall score;
2. Phase I(B): 40% of overall score;
3. Phase II: 20% of overall score; and
4. Phase III: 10% of overall score.

B. The combined scores shall be entered into an overall scoring sheet as follows:

<b>Candidate</b>	<b>Phase I(A) Score*0.30</b>	<b>Phase I(B) Score*0.40</b>	<b>Phase II Score *0.20</b>	<b>Phase III Score *0.10</b>	<b>Final Score (Sum of Columns)</b>	<b>Rank</b>
A						
B						
C						

C. The Public Safety Committee shall create a Promotional Eligibility List based on the final scoring. A separate Promotional Eligibility List will be created for each rank to be filled.

D. The names of those candidates who achieve a final score of 70 or higher will be published on a Promotional Eligibility List. The promotional list shall be published in the order of highest score to lowest score, but without the scores of each candidate.

E. A candidate shall be selected from the top three candidates on the promotional list upon recommendation of the Chief of Police and the Public Safety Committee with the approval of the Governing Body.

F. At the conclusion of the promotional process, each candidate may request a final score sheet breaking down his or her score for each Phase. Within thirty (30) calendar days of receiving his or her final score sheet, any candidate may request to meet with the Chief of Police to discuss the examination on written notice to the Chief of Police. The Chief of Police

shall schedule such a meeting at a reasonable time following the written request.

Section X. Active List & Additional Promotions

- A. Future promotions will be made by the Governing Body, with the advice and recommendations of the Public Safety Committee and Chief or designee, from any of the top three candidates on the promotional list for the rank in question.
- B. If an existing list contains less than three candidates, the Governing Body, with the advice and recommendation of the Public Safety Committee and the Chief of Police (or Chief's designee) may choose from the existing list or render it expired and initiate the procedure for a new test. The F.O.P. shall be notified prior to rendering a list expired.
- C. Officers on the existing list that do not want to be considered for the promotion must submit written notice to the Chief no later than thirty (30) calendar days after the promotional announcement.
- D. When a candidate is promoted, the next highest-ranked candidate after the top three candidates moves into eligibility. For example, if Officers A, B, C, D, and E are on the eligible list, Officers A, B, or C may be promoted. If Officer B is promoted, the next promotion may be made from among Officers A, C, and D.
- E. If a higher-ranked candidate is passed over for a promotion, the Governing Body shall, upon written request of the higher-ranked candidate, provide the higher-ranked candidate a reason for its decision.
- F. The candidates who successfully complete the examination process, but do not receive a promotion at the conclusion of the promotional process will remain on the list until it is declared expired. The list shall be active for a maximum of two years from date of final results being published.

Section XI. Eligibility Requirements

A. Eligibility for Chief of Police

1. EXPERIENCE:

- a. As of the date on which a job opening for this position is posted, the candidate must hold the rank of sergeant or above for one (1) year immediately preceding the posting.



Time served in an acting capacity shall not count towards this requirement.

- b. Proficiency in report writing, communication, leadership, and emergency management.
- c. Proficiency in relevant computer software such as word processing and spreadsheet applications.

2. LICENSE:

- a. Candidates must possess a driver's license valid in New Jersey.
- b. Current New Jersey Police Training Commission. Certification as New Jersey Law Enforcement Officer.

3. CITIZENSHIP:

- a. Must be a citizen of the United States and resident of the State of New Jersey.

4. PROMOTIONAL TESTING:

- a. Candidates must undergo and satisfactorily complete any promotional testing as may be required by law or ordinance.

5. BACKGROUND INVESTIGATION:

- a. Candidates must consent to, and pass, a stringent background investigation.
- b. The following convictions will automatically disqualify an applicant from the process:
  - i. if within the past five (5) years the applicant has (i) a DUI/DWI conviction or (ii) any revocation or suspension of his/her driving privileges; or
  - ii. if at any time they have two (2) or more DUI/DWI's or any felony or criminal conviction.
- c. Candidates must list any legal expungements of any convictions.

6. PHYSICAL AND PSYCHOLOGICAL REQUIREMENTS:

- a. Candidates must be of sound mind and sound body. Any psychological, medical, or physical condition or defect which would prevent efficient performance of the duties of the position, cause the appointee to be a hazard to himself/herself or others, or become aggravated as a result of performance of these duties, will be cause for rejection.

7. FIREARMS:

- a. Appointees to this position must successfully qualify semi-annually in the use of firearms.

8. DRUG AND ALCOHOL:

- a. This is a safety-sensitive position and is subject to all applicable drug and alcohol laws, regulations, policies and testing procedures.

9. 24/7 AVAILABILITY:

- a. The position of Chief of Police is a command-level position which requires 24/7 availability, except where the Chief is unavailable due to an out-of-state vacation, medical issue, or emergent personal issue. In any event where the Chief of Police is unavailable, the Captain must be available. The Chief must be available at all times in any circumstance where the Captain is unavailable.

10. EDUCATION:

- a. For all promotional processes initiated after January 1, 2024 to fill an opening for this position, candidates must possess the following:
  - i. Bachelor's Degree from an accredited college or university;
  - ii. Associate's Degree plus 60 credits from an accredited college or university.

B. Eligibility for Captain

1. EXPERIENCE:

- a. As of the date on which a job opening for this position is posted, the candidate must hold the rank of sergeant or above for one (1) year immediately preceding the posting. Time served in an acting capacity shall not count towards this requirement.
  - b. Proficiency in report writing, communication, leadership, and emergency management.
  - c. Proficiency in relevant computer software such as word processing and spreadsheet applications.
2. LICENSE:
- a. Candidates must possess a driver's license valid in New Jersey.
  - b. Current New Jersey Police Training Commission Certification as New Jersey Law Enforcement Officer.
3. CITIZENSHIP:
- a. Must be a citizen of the United States and resident of the State of New Jersey.
4. PROMOTIONAL TESTING:
- a. Candidates must undergo and satisfactorily complete any promotional testing as may be required by law or ordinance.
5. BACKGROUND INVESTIGATION:
- a. Candidates must consent to, and pass, a stringent background investigation.
  - b. The following convictions will automatically disqualify an applicant from the process:
    - i. if within the past five (5) years the applicant has (i) a DUI/DWI conviction or (ii) any revocation or suspension of his/her driving privileges; or
    - ii. if at any time they have two (2) or more DUI/DWI's or any felony or criminal conviction.

- c. Candidates must list any legal expungements of any convictions.
- 6. PHYSICAL AND PSYCHOLOGICAL REQUIREMENTS:
  - a. Candidates must be of sound mind and sound body. Any psychological, medical, or physical condition or defect which would prevent efficient performance of the duties of the position, cause the appointee to be a hazard to himself/herself or others, or become aggravated as a result of performance of these duties, will be cause for rejection.
- 7. FIREARMS:
  - a. Appointees to this position must successfully qualify semi-annually in the use of firearms.
- 8. DRUG AND ALCOHOL:
  - a. This is a safety-sensitive position and is subject to all applicable drug and alcohol laws, regulations, policies and testing procedures.
- 9. 24/7 AVAILABILITY:
  - a. This position of Captain a command-level position which requires 24/7 availability, except where the Captain is unavailable due to an out-of-state vacation, medical issue, or emergent personal issue. In any event where the Captain is unavailable, the Chief of Police must be available. The Captain must be available at all times in any circumstance where the Chief of Police is unavailable.
- 10. EDUCATION:
  - a. For all promotional processes initiated after January 1, 2024 to fill an opening for this position, candidates must possess the following:
    - i. Bachelor's Degree from an accredited college or university;
    - ii. Associate's Degree plus 60 credits from an accredited college or university.

C. Eligibility for Sergeant

1. EXPERIENCE:

- a. Minimum of five years of law enforcement experience required.
- b. Proficiency in report writing, communication, leadership, and emergency management.
- c. Proficiency in relevant computer software such as word processing and spreadsheet applications.

2. LICENSE:

- a. Candidates must possess a driver's license valid in New Jersey.
- b. Current New Jersey Police Training Commission Certification as New Jersey Law Enforcement Officer.

3. CITIZENSHIP:

- a. Must be a citizen of the United States and resident of the State of New Jersey.

4. PROMOTIONAL TESTING:

- a. Candidates must undergo and satisfactorily complete any promotional testing as may be required by law or ordinance.

5. BACKGROUND INVESTIGATION:

- a. Candidates must consent to, and pass, a stringent background investigation.
- b. The following convictions will automatically disqualify an applicant from the process:
  - i. if within the past five (5) years the applicant has (i) a DUI/DWI conviction or (ii) any revocation or suspension of his/her driving privileges; or
  - ii. if at any time they have two (2) or more DUI/DWI's or any felony or criminal conviction.

- c. Candidates must list any legal expungements of any convictions.
- 6. PHYSICAL AND PSYCHOLOGICAL REQUIREMENTS:
  - a. Candidates must be of sound mind and sound body. Any psychological, medical, or physical condition or defect which would prevent efficient performance of the duties of the position, cause the appointee to be a hazard to himself/herself or others, or become aggravated as a result of performance of these duties, will be cause for rejection.
- 7. FIREARMS:
  - a. Appointees to this position must successfully qualify semi-annually in the use of firearms.
- 8. DRUG AND ALCOHOL:
  - a. This is a safety-sensitive position and is subject to all applicable drug and alcohol laws, regulations, policies and testing procedures.
- 9. EDUCATION:
  - a. For all promotional processes initiated after January 1, 2024 to fill an opening for this position, candidates must possess the following:
    - i. Bachelor's Degree from an accredited college or university;
    - ii. Associate's Degree plus 60 credits from an accredited college or university.

## Section XII. Repealer


All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section XIII. Severability

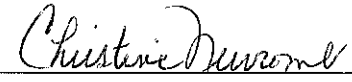
Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

***BE IT FURTHER ORDAINED*** that this Ordinance shall take effect immediately upon final passage and publication as required by law.

BOROUGH OF CLAYTON

 *Council President*  
THOMAS BIANCO, Mayor

Attest:

  
CHRISTINE NEWCOMB, Borough Clerk

**BOROUGH OF CLAYTON  
GLOUCESTER COUNTY, NEW JERSEY**

**ORDINANCE 21-2021**

**AN ORDINANCE AMENDING CHAPTER 21, ARTICLE 1 OF THE CODE OF THE  
BOROUGH OF CLAYTON AND SUPERSEDING BOROUGH ORDINANCES 2-2021, 9-  
2016 AND 15-2015 REGARDING POLICE PROMOTIONAL PROCESS  
(POLICE DEPARTMENT)**

This Ordinance was introduced at a meeting held on the 23rd day of September, 2021. It is scheduled for a public hearing and final adoption at a meeting of the Mayor and Council of the Borough of Clayton beginning at 6:30 p.m. on the 12<sup>th</sup> day of October, 2021, at the Municipal Building, 125 N. Delsea Drive, Clayton, New Jersey.

The purpose of this Ordinance is to amend Chapter 21, Police Promotional Process, of the Code Book of the Borough of Clayton.

A copy of this Ordinance can be obtained without any cost, by any member of the general public in the Borough Clerk's office within the Borough of Clayton in the Municipal Building, 125 North Delsea Drive, Clayton, New Jersey.

Christine Newcomb, Municipal Clerk  
Borough of Clayton



**NOTICE OF INTRODUCTION**  
**BOROUGH OF CLAYTON, NEW JERSEY**

**ORDINANCE 21-2021**

**AN ORDINANCE AMENDING CHAPTER 21, ARTICLE 1 OF THE CODE OF THE  
BOROUGH OF CLAYTON AND SUPERSEDING BOROUGH ORDINANCES 2-2021, 9-  
2016 AND 15-2015 REGARDING POLICE PROMOTIONAL PROCESS  
(POLICE DEPARTMENT)**

**TAKE NOTE** that the foregoing ordinance was introduced at a meeting of the Mayor and Council of the Borough of Clayton held on September 23, 2021 and was then read for the first time. The said ordinance will be further considered for final passage by the Mayor and Council at the Municipal Building, 125 N. Delsea Drive, Clayton, New Jersey, at a meeting beginning 6:30 p.m. on October 14, 2021, at which time and place, or any time and place to which such meeting be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

**BY ORDER** of the Mayor and Council of the Borough of Clayton.

Christine Newcomb  
Borough Clerk

**NOTICE OF ADOPTION**

**BOROUGH OF CLAYTON, NEW JERSEY**

**ORDINANCE 21-2021**

**AN ORDINANCE AMENDING CHAPTER 21, ARTICLE 1 OF THE CODE OF THE  
BOROUGH OF CLAYTON AND SUPERSEDING BOROUGH ORDINANCES 2-2021, 9-  
2016 AND 15-2015 REGARDING POLICE PROMOTIONAL PROCESS  
(POLICE DEPARTMENT)**

The foregoing Ordinance was finally adopted by the Mayor and Council of the Borough of Clayton on October 14, 2021.

Christine Newcomb  
Borough Clerk