

## TOWNSHIP OF LUMBERTON

### RESOLUTION 2016-017

#### A RESOLUTION AUTHORIZING OFF-DUTY SECURITY-RELATED AND/OR TRAFFIC CONTROL SERVICES BY POLICE PERSONNEL

**WHEREAS**, members of the Township's Police Department often receive requests by private entities or persons, the Board of Education, and other outside entities to provide traffic control and security-related services at construction sites, social events, shopping or commercial centers or other locations and/or activities; and

**WHEREAS**, the Chief of Police has asked the governing body if Lumberton police officers would be permitted to render such traffic control and security related services in uniform, but while off-duty; and

**WHEREAS**, the municipal attorney, at the direction of the governing body, has researched the legality of such activities and has advised the Township Committee concerning same; and

**WHEREAS**, the Township Committee recognizes that off-duty police work may be proscribed by the Private Detective Law unless same is authorized coordinated, and administered through the local government; and

**WHEREAS**, it is deemed to be in the best interest of the citizens of this community, and would contribute to the overall safety and general welfare of all persons living in or traveling through this Township, for members of the Police Department to provide traffic control services at construction sites or functions overseen and/or sponsored by entities not connected with or under the control of the municipality; and

**WHEREAS**, it is also deemed to be in the best interests of the municipality to provide coordination and administration through the local government, of security-related services provided by local police officers, and to have said officers subject to departmental discipline and control, while performing such services; and

**WHEREAS**, such services almost invariably would be performed while the police officer was in an off-duty status; and

**WHEREAS**, the governing body wants to protect the Township from liability in connection with such work, and establish certain guidelines and regulations governing such work;

**BE IT NOW RESOLVED** by the Township Committee of the Township of Lumberton, County of Burlington and State of New Jersey, as follows:

#### **SECTION I. AUTHORIZATION.**

A. Members of the Township's Police Department, whether they be full-time or part-time, are expressly authorized to engage in security-related and traffic control activities during their off-duty hours for private persons or entities, so long as the arrangements therefor are made through this municipality and any compensation paid to the officers for such service is channeled through this Township.

B. The officers performing said off-duty services authorized hereunder are also authorized to wear a Township police uniform; however, nothing herein shall in any way imply or be deemed to express any commitment or obligation by the municipality to pay said officers

compensation for overtime or extra duty work, in fact, the governing body hereby disclaims any such commitment, obligation, or responsibility.

C. The authorization set forth in this Resolution shall apply only to security-related and traffic control activities during off-duty hours for private persons or entities.

D. In granting this authorization, the Township of Lumberton assumes no responsibility or liability for the actions or non-actions of the off-duty officers.

## **SECTION 2. COMPENSATION.**

A. All compensation to be paid to said officers by the private persons or entities shall be first paid by said person or entity to the Township Treasurer. The amount to be paid to the Township Treasurer shall be, for the year 2016, \$95.00 per hour where the Officer is performing traffic control/security in a Township uniform and utilizing a police vehicle, and \$65.00 per hour where the Officer is in uniform and not utilizing a police vehicle. For each entity or private person employing off-duty police officers, the administrative charge shall be \$75.00 per payroll, regardless of the number of officers so employed by each said entity or private person and regardless of the number of days during the payroll period during which said off-duty personnel are so employed. The Treasurer will then pay the officer involved the hourly rate agreed upon, less \$30.00 for the use of a police vehicle, applicable taxes and other deductions required to be made by the Township Treasurer. Under no circumstances will the Township advance monies to the officer involved. Should the private person or entity fail to make payment, then the officer's sole recourse is against the private employer or entity, and not against the Township.

B. Pursuant to memoranda issued by the State of New Jersey Department of the Treasury, Division of Pensions, dated August 1989, and February 1990, it is the express intention of this resolution that off-duty work authorized by this resolution shall entitle police officers to coverage under the Police and Firemen's Retirement System where they are injured during off-duty or outside employment authorized by this resolution. Both the Township and the members of the Township's police department are familiar with these memoranda and, because the employees shall ultimately be subject to departmental discipline and control, and because they are paid by the Township, albeit at a rate of pay not their regular or overtime rate, they are in accordance with the February 1990 memorandum prepared by Douglas R. Forrester, Director, Division of Pension, above hereto and made a part hereof, considered to be covered for injury or death which may occur while performing those duties.

C. Extended Service. In the event of a prolonged detail of a non-uniform nature, the fee shall be subject to negotiation between the Police Department and the company requesting the services, subject, however, to first approval by the Township Committee.”

D. Aircraft Related Incidents. Aircraft related incidents will be paid at the individual officer's overtime rate.”

E. Benefits. Social Security, Medicare, employer and disability and other payroll deductions and benefits shall remain the responsibility of the third party entity requesting the police officers' services.”

F. Minimum Pay. Unless a particular assignment is specifically scheduled for a period of less than four hours, the minimum pay for each officer's service shall be for a period of four hours. In addition, the third party entity requesting the services must provide a two hours notice of cancellation, and if notification is not made at least two hours prior to the scheduled commencement time, the four hour minimum pay requirement shall be complied with.”

**SECTION 3. INSURANCE; AGREEMENT.** Prior to commencing off-duty employment for private persons or entities, the officers must obtain from said person or entity the following:

A. A fully executed Agreement in the form which is above hereto (Agreement attached to original resolution) and made a part of this Resolution;

B. Written assurance that the officers are covered by the private employer's workmen's compensation insurance and personal liability insurance policies, which insurance shall include a copy of said insurance policies;

C. Such other information or documentation as may from time to time, be required by the governing body.


**SECTION 4. SUPERVISION BY CHIEF OF POLICE.** The Chief of Police of the Township of Lumberton shall be responsible for the overall conduct of the members of his department in following the rules and regulations promulgated herein, and shall insure that the terms, conditions and provisions of this Resolution shall be fully and faithfully carried out. Additionally, the Chief of Police shall have authority to control officers engaged in off-duty or outside employment pursuant to this resolution, and shall further have the authority to discipline any and all officers so engaged in outside employment, should cause for such charges arise or exist.

**SECTION 5. PROHIBITION AGAINST UTILIZATION OF MUNICIPAL VEHICLES.** Police Officers engaging in off-duty activities, as authorized and required by this Resolution, may be permitted to utilize a municipal vehicle subject to the approval and consent of the Chief of Police.

**SECTION 6. EXCEPTIONS** The Township Committee reserves the right to amend above fees for non-profit groups and/or other municipal or county organizations.

### CERTIFICATION

I, Brandon E. Umba, Deputy Municipal Clerk, hereby certify that the foregoing resolution was duly adopted by the Township Committee at its Annual Reorganization Meeting held on the 5<sup>th</sup> day of January, 2016.



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Brandon E. Umba  
Township Administrator/Deputy Municipal Clerk