

O-22-26  
8/17/22

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 11, POLICE DEPARTMENT, SECTION 11-11, EXTRA-DUTY**

**WHEREAS, the provision of police for special services is an advantage to the residents of the City of Bayonne as the costs would otherwise fall upon the residents of the City at large; and**

**WHEREAS, the Attorney of the State of New Jersey and the New Jersey Division of Local Government Services have determined that the members of a municipal Police Department may, during their off-duty hours, engage in police-related activities for private persons or entities otherwise known as “extra duty”; and**

**WHEREAS pursuant to the laws of the State of New Jersey, a municipality may agree to implement a system whereby the extra-duty assignments of police officers are arranged through a contract between the municipality and the private person or entity; and**

**WHEREAS, the contract between the municipality and private person or entity must include a provision whereby the compensation for extra-duty police related services is placed in a fund established by the municipality, with proceeds of said fund being disbursed by the municipality to the individual police officers performing such services; and**

**WHEREAS, it is in the best interest of the City of Bayonne to establish a procedure for the assignment of extra-duty police services which will allow for the greater protection of the citizens of the City of Bayonne.**

**NOW THEREFORE BE IT ORDAINED, by the Municipal Council of the City of Bayonne, as follows:**

**SECTION 1:** The Revised General Ordinances of the City of Bayonne, Chapter 11, Police Department, Section 11-11 Extra-Duty, is hereby amended and supplemented as follows (additions **\*\*between asterisks and/or in bold\*\***, deletions {within brackets and/or ~~struck through~~):

**\*\*11-11 Extra Duty.**

**11-11.1 Definitions.**

- a. **Extra-Duty shall mean any employment when a Police Officer is not scheduled for a shift of duty by the City of Bayonne Police Department and that is conditioned on the actual or potential use of law enforcement powers by the police officer employee. Extra-duty employment is also referred to as traffic details or off-duty work that are paid through the City.**

**11-11.2 Requirements Rates of Compensation for extra-duty police services**

- a. **The party requesting the service of the member of the Bayonne Police Department provided for in this article shall be charged and pay for such services in accordance with the terms and**

conditions specified in the current collective negotiation agreements for each position, said agreements being on file in the Office of the City Clerk.

- b. **Payment to City personnel for extra-duty services.**
  - 1. Any police officer assigned to perform extra-duty services shall perform such services as an employee of the City of Bayonne and shall be subject to the established rules and regulations of the Police Department including, but not limited to, the Bayonne Police Department Standard Operating Procedures.
  - 2. Wages earned for outside “extra-duty” employment by any City of Bayonne Police Officer shall not be applied toward pension benefits of the police officer so employed, nor shall hours worked for outside employment be considered in any way compensable as overtime payable by the City of Bayonne.
- c. **Third party administrative fees.** Where, as authorized by resolution of the Mayor and Council of the City of Bayonne, a third party has been contracted by the governing body for administration and fee collection associated with extra-duty law enforcement services, a fee may be charged in addition to those set forth by resolution authorizing such third-party contract.
- d. **Insurance.** Each private person or entity employing an extra-duty police officer pursuant to this chapter shall be responsible to maintain their own insurance coverage in limits acceptable to the City of Bayonne. Each private person or entity shall be required to name the City of Bayonne as an additional insured. Upon request, proof of said insurance coverage shall be provided to the Police Chief or his or her designee.
- e. **Indemnification.** Each private person or entity requesting the services of extra-duty police officers shall indemnify the City of Bayonne for any and all damages which may arise from the extra-duty police officer’s employment by said private person or entity.
- f. **Emergencies.** The Police Chief or his or her designee shall have the authority to order any police officer engaged in extra-duty assignments within the City of Bayonne to respond to an emergency situation within the City. The Police Chief or his or her designee, shall also have the right to order any extra-duty assignment to be terminated whenever said assignment creates an unacceptable risk to the health, safety and welfare of the extra-duty police officer and/or the citizens of the City of Bayonne. In the event a police officer is assigned to an emergency situation, said private person or entity shall make note of said emergency as well as the time said police officer was removed from said extra-duty assignment. In any situation where an extra-duty police officer is called to an emergency situation, said private person or entity shall not be responsible for the payment of the officer’s hourly rate, administrative fee, or any other fees to the City until such time as said police officer and/or equipment returns to the extra-duty assignment.\*\*