

**ORDINANCE 2023-19**  
**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 39, "POLICE DEPARTMENT" SECTION 2, "DESIGNATION OF APPROPRIATE AUTHORITY," SECTION 9, "APPOINTMENT AND PROMOTION OF OFFICERS" AND ADDING SECTION 10, "PROMOTION OF OFFICERS," TO THE MUNICIPAL CODE OF THE BOROUGH OF KENILWORTH.**

**WHEREAS**, on June 12, 2013, the Borough of Kenilworth Municipal Council adopted Ordinance 2013-07, which governs the Police Department and its personnel; and

**WHEREAS**, the Borough of Kenilworth Municipal Council finds that it is in the best interests of the effective operations and management of the Borough Police Department to amend the appointment and promotional process for members of the Borough of Kenilworth Police Department; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this State or Federal Government, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Kenilworth in the County of Union, State of New Jersey as follows:

**SECTION 1.** The foregoing whereas clause is incorporated herein by reference and made a part hereof.

**SECTION 2.** Chapter 39, "Police Department," Section 2, "Designation of appropriate authority," shall be amended as follows.

**Note:** Additions are shown in **bold and underlined** and deletions are shown as ~~strikethrough~~.

**§ 39-2 Designation of appropriate authority.**

Pursuant to N.J.S.A. 40A:14-118, the Police Safety Committee Mayor is hereby designated as the appropriate authority to update, adopt, and promulgate rules and regulations for the government of the Police Department and the discipline of its members. Said rules and regulations shall govern the conduct of and be binding upon the entire membership of sworn officers and civilian employees of the Police Department. Said rules and regulations shall be maintained in a manual form and be maintained by the Chief of the Department and the Borough Clerk.

**SECTION 3.** Chapter 39, "Police Department," Section 9, "Appointment and promotion of officers," shall be repealed and replaced as follows.

**§ 39-9 Appointment of new officers.**

- A.** The Public Safety Committee, with the advice and consent of the Council, shall nominate all new police officers to be hired by the Borough.
- B.** Except as provided in Subsection 39-9 F and G below, no one shall be appointed a probationary Police Officer who does not successfully complete the following process:

**(1) Written Examination.** All candidates must pass a comprehensive written examination with a minimum score of 75. The Governing Body shall determine the person(s) or organizations who shall be responsible for the preparation and administration of the written examination.

**(2) Physical Agility Test.** All candidates who successfully pass the written examination will be required to pass a physical agility test administered by the Kenilworth Police Department.

ORDINANCE 2023-19

- (3) Scored Oral Interview. The highest ranked candidates who successfully pass both the written examination and physical agility test will be interviewed and scored by the Chief and Command Staff. The Chief will determine the number of candidates to be interviewed.
- (4) Medical Examination. All successful candidates considered for appointment shall submit to a medical examination by a licensed physician selected by the Governing Body after receiving a conditional offer of employment. All candidates must meet health requirements set for eligibility into the Police and Fire Pension System.
- (5) Background Investigation. All successful candidates being considered for appointment shall submit to a background investigation which shall be conducted by the Kenilworth Police Department, or persons or organizations designated by the Governing Body. This investigation shall determine the suitability of the candidate to be a police officer. A copy of the investigation shall be submitted to and retained by the Chief of Police.
- (6) Psychological Evaluation. All successful candidates being considered for appointment shall submit to a psychological evaluation to determine the candidate's emotional fitness for the position by a licensed psychologist or psychiatrist selected by the Governing Body after receiving a conditional offer of employment.. Copies of the evaluation shall be retained by the Chief of Police.
- C. Ranking of Candidates. Upon completion of the written examination, physical agility test and oral interviews, which shall be scored, a ranking of qualified candidates shall be prepared by the Police Chief.
- D. The resulting list of all qualified candidates, in scored rank order, will be provided to the Police Safety Committee. Such list may remain in effect and be utilized by the Police Safety Committee, within its discretion, for a period of up to (1) year.
- E. Appointment to the Police Department shall be by resolution of the Governing Body of the Borough from the list of qualified candidates following interview(s) by the Police Safety Committee, and/or Governing Body, with the candidate(s). Interviews of qualified candidates shall be conducted from a pool consisting of the highest ranked candidates numbering no less than two times the number of positions to be filled.
- F. Lateral Hires of Fully Certified Police Officers. Notwithstanding other provisions contained in this chapter, in the event the Chief of Police recommends, and the Governing Body finds, that it would be in the best interest of the Borough of Kenilworth to waive the regular process and hire one or more probationary Police Officers who are certified by the New Jersey Police Training Commission as certified Police Officers in the State of New Jersey, the Governing Body may waive some or all of the requirements that such officers take the written examination, the physical agility test, and the oral examination set forth above, and hire the probationary officer(s). However, prior to hiring a probationary officer in the circumstances, all candidates must first pass the medical examination, the psychological evaluation, background check and herein and be interviewed as set forth in Subsection E herein.
- G. Alternate Route and SLEO II Candidates Having Less than Full Certification. Notwithstanding other provisions contained in this chapter, in the event the Chief of Police recommends, and the Governing Body finds, that it would be in the best interest of the Borough of Kenilworth to waive the regular process and hire one or more

ORDINANCE 2023-19

probationary Police Officers who are considered either an Alternate Route or SLEO II candidates partially certified by the New Jersey Police Training Commission, the Governing Body may waive the requirements that such officers take the written examination, oral examination and physical agility test as set forth in herein and hire the Probationary Officer(s). However, prior to hiring a Probationary Officer in the circumstances, all candidates must first pass the medical examination, psychological evaluation, and background check, and be interviewed as set forth in Subsection E herein. In addition, all such Alternate Route and SLEO II candidates must be eligible by law and will be required within one year from their date of employment to obtain full certification from the New Jersey Police Training Commission at their own cost and expense.

SECTION 4. Chapter 39, "Police Department," Section 10, "Promotion of Officers," shall be added in its entirety.

§ 39-10 Promotion of officers.

A. The Police Safety Committee, with the advice and consent of the Council, shall nominate permanent police officers for promotion. The Police Safety Committee shall make the nomination within a reasonable time when a position becomes available and the Borough Treasurer/CFO has determined that sufficient funds exist within the budget. A reasonable period for the Police Safety Committee and Borough Treasurer/CFO to make such recommendation and determination shall be within 60 days after a vacancy has been reported to the Council.

B. In the event of a promotion to a higher position, the lower rank of the person promoted shall not be considered vacant until such officer so promoted shall express, in writing to the Chief and the appropriate authority, acceptance of the promotion.

C. All promotions to a superior position shall be made from within the membership of the Kenilworth Police Department as constituted at the time of such promotion and shall be made based upon the results of the following promotion procedures:

(1) Eligibility.

(a) Except for the promotion to sergeant, to be eligible for promotion, the officer shall be in the current rank for no less than one year within the Department;

(b) Promotion to the rank of sergeant requires five or more years of service within the Department; and

(c) In the event that no one who meets the foregoing eligibility requirements is found to be satisfactory to the Borough Council for the promotion, then the next lower ranking officer may also be considered eligible for the promotion.

(2) Notice of vacancy.

(a) When the Chief of Police is aware of a vacancy or a pending vacancy of a superior officer (other than the Chief) as determined by the Table of Organization as set forth in § 15-2, the Chief shall report to the Police Commissioner that expected date of vacancy;

(b) Selection of candidates; interviews.

[1] Upon receipt of the notice of an intended vacancy, the Chief of Police shall post a notice to all personnel describing the position that may open within the Department and requesting interested parties

ORDINANCE 2023-19

to contact his office, in writing, within 20 days of the posting and include a resume. The Police Commissioner shall then, within 40 days after the posting, convene a meeting of the Department of Public Safety with the Chief of Police. At the meeting, the Chief will present the names of all officers that have expressed an interest and are eligible for the anticipated vacancy.

[2] The Committee, with the Chief or designee of Council if a member of the Committee is unavailable, after interviewing and questioning the candidates, will provide the names of the three top choices by consensus in the order of their preference to the Borough Clerk for the dissemination to the entire Council along with their resumes. The entire Council may elect to interview the candidates or proceed as it sees fit to promote based upon the Public Safety Committee's and the Chief's recommendation and thus avoid any formal testing as provided for in this chapter.

(3) Candidate review and selection.

(a) All candidates who have scored 75% or greater shall be considered eligible for promotion.

(b) If the test has been administered within two years prior to the posting for the same level position, then only those candidates who had successfully completed the test shall initially be considered, and no further test will be administered. Upon recommendation of the Police Chief, the two-year period may be extended for up to one additional year by a resolution of the Borough Council.

(c) The Chief of Police shall review the officers' prior performance, credentials, seniority, and demonstrated ability to work well with the community.

(d) The Chief of Police shall meet with the Public Safety Committee to review and discuss recommendations for promotion. Along with his/her recommendations, at said meeting, he/she shall make available personnel, disciplinary and reprimand files for all the officers who have scored 75% or greater.

(e) The Chief of Police, after meeting with the Public Safety Committee, shall thereafter at a regularly scheduled Council meeting make a recommendation to the Borough Council within 45 days after the completion of the review with the Public Safety Committee.

(f) The Council is not bound by the Police Chief's recommendation for the promotion, but if the Council elects not to promote the person(s) recommended, the Council may discuss with the Police Chief the reasons for the rejection or reservations associated with the candidate for promotion.

(g) The Council may then promote the applicant so nominated by the Chief of Police, by majority vote, or proceed to consider other officers.

(h) In the event that the person selected by the Chief of Police is not accepted by the majority of the Council, the Chief of Police shall select another individual for promotion consideration and advise the Public Safety Committee within 30 days.

(i) Notwithstanding the appointment or promotion procedures set forth herein, the governing body may, in its sole discretion, make promotions to fill vacancies, as the circumstances may warrant, from any other member of the Police Department.

(j) Any candidate(s) who were not promoted may ask the Chief of Police to review the results of the promotional process within 14 days.

**ORDINANCE 2023-19**


**(k)** The Chief of Police will meet individually with any candidate so requesting to review the results of the promotional decision. Nothing contained in this directive shall confer upon any employee an expectation or contract right as a result of such meeting.

**SECTION 5.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall remain valid and effective.

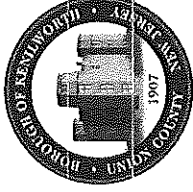
**SECTION 6.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**SECTION 7.** This Ordinance shall take effect upon final passage and publication according to law.

Linda Karlovitch, Mayor

INTRODUCTION				FINAL ADOPTION							
Moved	Sec.	Aye	May	Abs.	NP	Moved	Sec.	Aye	May	Abs.	NP
		X									X
		X						X			
	X	X					X	X			
X		X						X			
		X						X			
		X				X		X			
Introduced: July 12, 2023											
I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.											
Final Adoption: August 16, 2023											
 Angela Lazzari, Borough Clerk											

*No Action by Mayor*



## BOROUGH OF KENILWORTH

Borough Hall 567 Boulevard, Kenilworth, New Jersey 07033  
908-276-9090 Fax 908-276-7688

---

### MEMORANDUM

---

**TO:** File  
**FROM:** Angela Lazzari, Administrative Officer / Borough Clerk  
**SUBJECT:** ORDINANCE 2023-19  
**DATE:** August 14, 2023

---

Ordinance 2023-19 contained a non-substantive scrivener's error at Introduction. The title in Section 9, "Appointment and promotion of new officers." indicated a cross-out when it should not have.

SECTION 3 states that Section 9 shall be repealed and replaced, therefore, the entire section should be reflected as an addition and the entire section should have been in **BOLD** and UNDERLINED.

This error has been updated to accurately reflect the new title of Section 9, "Appointment of new officers." in **BOLD** and UNDERLINED.