

ORDINANCE 2024 – 21

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 39, “POLICE DEPARTMENT” SECTION 8 “SELECTION OF CHIEF”, AND SECTION 9, “APPOINTMENT OF NEW OFFICERS” TO THE MUNICIPAL CODE OF THE BOROUGH OF KENILWORTH.

WHEREAS, on August 16, 2023, the Borough of Kenilworth Municipal Council adopted Ordinance 2023-19, amending Chapter 39 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 clauses are incorporated herein by reference and made a part hereof.

SECTION 2. Chapter 39, “Police Department,” Section 8, “Selection of Chief.” and Section 9, “Appointment of new officers.” shall be amended as follows.

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

§ 39-8. Selection of Chief.

- A. The Mayor is solely responsible for recommending candidates for the position of Police Chief. The selected individual shall be appointed with the advice and consent of the Council. Recommendations for the position of Chief of the Kenilworth Police Department are limited to the current members of the Department who **hold the rank of Lieutenant or Captain**~~shall have served as a sergeant for at least one year or be of a superior rank.~~
- B. To be considered for the position, candidates for Police Chief must **currently hold the rank of Lieutenant or Captain with the Department and must** express an interest in writing, to the Mayor and Borough Clerk within **14**~~10~~-days after the posting by the Borough Clerk on the bulletin board at the entrance to the Municipal Building and on the web page of the intent to interview individuals for the position of Chief of Police. Each of those individuals shall be offered the opportunity to be interviewed by the Mayor.

§ 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 § **39-9 F, and ~~C~~ and H** below, no one shall be appointed a probationary police officer who does not successfully complete the following process:
 - (1) Written examination. ~~All~~ eCandidates must pass a **standardized** comprehensive written examination with a minimum score of 75. The **Police Committee and the Police Chief**~~governing body~~ shall determine the person(s) or organizations who shall be responsible for the preparation and administration of the written examination.

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- (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.
 - (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 one (1) year. **The governing body may, by resolution, authorize the use of the list for a period of up to two (2) years.**
- 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 probationary police officers who are considered either an alternate route or SLEO II candidate 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

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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.

H. Individuals employed as Communications Operators for the Borough of Kenilworth

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 have been employed as Communications Operators for the Borough of Kenilworth for a minimum of six (6) months, the Governing Body may waive the requirements that such candidates take the written examination and/or oral examination set forth in herein and hire the Probationary Officer(s). However, prior to hiring a Probationary Officer in such circumstances, all candidates must first pass the physical agility test, medical examination, psychological evaluation, and background check, and be interviewed as set forth in Subsection E herein.

SECTION 3. 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 4. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

SECTION 5. This Ordinance shall take effect upon final passage and publication according to law.


Linda Karlovitch, Mayor

INTRODUCTION					COUNCILPERSON	FINAL ADOPTION						
Moved	Sec.	Aye	Nay	Abs.		NP	Moved	Sec.	Aye	Nay	Abs.	NP
		X			PATRICK BOYLE			X				
X		X			JOSEPH FINISTRELLA			X				
		X			TONI GIORDANO PICERNO	X		X				
	X	X			WILLIAM MAURO			X				
				X	SAVINO SCORESE		X				X	
					JOHN ZIMMERMAN							X
Introduced: October 2, 2024					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: October 16, 2024					Angela Lazzari Angela Lazzari, Borough Clerk							