

BOROUGH OF DEMAREST COUNTY OF BERGEN ORDINANCE #1179-26

The following ordinance was introduced at a regular meeting of the Council by title on March 23, 2026 and will be considered for final passage after public hearing thereon, at a meeting of the Borough Council to held at its meeting room in Borough Hall, 118 Serpentine Rd., Demarest, NJ on April 27, 2026 at 7:30 pm.

AMENDING CHAPTER 40, POLICE DEPARTMENT

Section 1. Purpose and Authority. The purpose of this Ordinance is to amend Chapter 40 of the Demarest Borough Code to establish the requirements and procedure to be followed for promotions and appointments within the Demarest Police Department.

Section 2. Amendment. Chapter 40 is hereby amended to add Article VI as follows:

§40-39 Promotions and Appointments

A. With the advice and consent of the Council, the Mayor shall nominate and appoint the Chief of Police, Deputy Chief of Police, Captains, Lieutenants, Sergeants, and officers.

B. PROMOTIONAL ANNOUNCEMENT FOR CAPTAIN, LIEUTENANTS AND SERGEANTS

1. Whenever a vacancy in the ranks is anticipated or authorized, the Chief of Police shall issue a written Promotional Announcement at least thirty (30) days before the start of the promotional process.
2. The Promotional Announcement shall be distributed to all sworn members of the Demarest Police Department and shall specify:
 - Rank to be filled
 - Eligibility requirements
 - Examination components and weighting
 - Date(s), time(s), and location(s) of testing
 - Study materials
 - The deadline and procedure for submission of intent to participate.
3. Only those members who meet the announcement eligibility requirements and submit timely written notice of intent shall be permitted to participate in the promotional process.
4. Each officer intending to participate in the process must submit a letter of intent no later than ten (10) days prior to testing.

C. ELIGIBILITY

1. Only officers who are members of this Department for at least five (5) years at the time of the promotional process are eligible for consideration consistent with New Jersey Law per N.J.S.A. 40A:14-130
2. In order to be eligible for promotion candidates must meet all the criteria established for such promotion on the date of the vacancy announcement.

3. Candidates must be in good standing, having no sustained major disciplinary action within the prior three **(3)** years.
4. Sergeants Eligibility Requirements: The candidate must have completed a total of five **(5)** years at the rank of Police Officer in the Demarest Police Department.
5. Lieutenant Eligibility Requirements: The candidate must have completed a total of six months at the rank of Sergeant in the Demarest Police Department.
6. Captain Eligibility Requirements. The candidate must have completed a total of six months at the rank of Sergeant or Lieutenant in the Demarest Police Department.
7. In the event there are no officers within the preceding rank, then the officers at the next lower rank shall be eligible for promotion, therefore allowing for the skipping of a vacant rank.

D. EXAMINATION PROCESS

The promotional examination shall consist of the following components:

1. Written Examination for Front Line Supervisor, specifically Sergeant.

The written examination shall evaluate knowledge of:

- New Jersey criminal and motor vehicle law
 - Department policies and procedures
 - Supervisory and leadership principles
2. Study materials shall be identified in advance and study guides will be provided to all candidates.
 3. The examination may be administered and proctored by an external agency, including the New Jersey State Association of Chiefs of Police (NJSACOP), to ensure objectivity.

E. PERFORMANCE REVIEW

1. A review of the candidate's prior performance evaluations shall be conducted.
2. Consideration may include:
 - Sustained disciplinary history
 - Commendations
 - Prior supervisory or acting assignments.

F. EVALUATION FOR PROMOTION FOR THE RANK OF SERGEANT

Candidates for promotion to Sergeant shall comprise of the following components with corresponding points:

- Written Examination: **20 points**
- Chief Police and Police Committee interview: **50 points**
- Performance Review and Education: **10 points**
- Chief's Recommendation: **20 points**

1. The written examination shall be scored on a scale of zero **(0)** to one hundred **(100)**. The raw score achieved by the candidate shall be multiplied by 0.20 to determine the written examination component score.

Total maximum value of twenty: (20) points.

2. An oral interview with the Chief of Police and Police Committee. Ten (10) base questions will be generated and approved by the Chief of Police and Police Committee. The same 10 base questions will be asked of all candidates. In addition, a review and evaluation of the candidate's personnel file by the Chief of Police and Police Committee may be conducted. A candidate's confidential medical information or other protected information will not be reviewed.

Total Maximum Value: 50 Points.

- a. Comprehension and presentation skills in oral communications.
- b. Maturity in judgement, honesty.
- c. Interest in law enforcement.
- d. Evidence of supervisory ability, acceptance of responsibility, projection as a role model, performance under stress, and teamwork.
- e. Demonstrated knowledge and understanding of the Borough, including the physicality and demographics thereof, as well as an understanding of the various departments thereof, community involvement
- f. Knowledge and understanding of supervisory practices, departmental rules, regulations, policies and procedures.

The oral interview ranking shall be scored based upon standardized evaluation criteria established prior to the commencement of the promotional process. Each member of the interview panel shall independently score the candidate in designated categories for a maximum value of fifty (50) points. The scores awarded by each member shall be averaged to determine the candidate's final oral interview score.

3. Due consideration shall be given to the candidate's overall job performance and level of education attained. **Total Maximum Value: 10 Points**

Job performance shall be evaluated based upon the candidate's three **(3)** most recent performance evaluations. The evaluation ratings shall be averaged divided by three **(3)** and converted to a maximum value of five **(5)** points toward the final promotional score.

- Exceeds Standards 5 points
- Meets Standards 4 points
- Needs Improvement 2 points

Educational attainment shall be scored in accordance with the point values listed below, not to exceed five **(5)** points.

- a. High School diploma/GED: **one (1) point.**
- b. Associate's degree or in excess of 60 credits accumulated towards a bachelor's degree: **one and one-half (1.5) points.**

- c. High School diploma/GED plus United States military service resulting in an honorable discharge: **three (3) points**.
- d. Bachelor's degree: **three (3) points**.
- e. Bachelor's degree plus United States military service resulting in an honorable discharge: **four (4) points**.
- f. Master's degree: **four and a half (4.5) points**.
- g. Master's degree plus United States military service resulting in an honorable discharge: **five (5) points**.

Candidates shall receive the following point values (out of a maximum of 10) based upon their highest level of education and overall job performance received.

4. Due consideration shall be given to the recommendation of the Chief of Police. **Total Maximum Value: 20 Points**

The Chief of Police shall evaluate each candidate and assign a score not exceeding twenty (**20**) points based upon objective review of the candidate's service record, leadership qualities, supervisory aptitude, integrity, and overall fitness for promotion. The Chief's recommendation shall be documented and shall constitute the final twenty (**20**) point component of the promotional process.

G. EVALUATION FOR PROMOTION TO THE RANK OF LIEUTENANT OR CAPTAIN

Candidates for promotion to the rank of Lieutenant and Captain **shall not** be required to complete a written examination.

The promotional evaluation process for Lieutenant and Captain shall consist of the following components with corresponding weights:

- Chief of Police and Police Committee Interview: **60 points**
- Performance Review and Education: **15 points**
- Chief's Recommendation: **25 points**

Total Maximum Value: 100 Points.

1. An oral interview shall be conducted by the Chief of Police and Police Committee. A review and evaluation of the candidate's personnel file may also be conducted. Confidential medical information or other legally protected information shall not be reviewed.

Each member of the interview panel shall independently score the candidate using standardized evaluation criteria established prior to the commencement of the promotional process. The individual scores shall be averaged to determine the candidate's final oral interview score.

The evaluation shall emphasize, but not be limited to, the following:

- Leadership and executive decision-making ability
- Organizational management and strategic planning
- Supervisory experience and command presence
- Knowledge of departmental operations and municipal governance
- Ethical judgment and integrity

- Community engagement and interagency cooperation

Total Maximum Value: 60 Points.

2. The candidate's three (3) most recent performance evaluations shall be averaged and converted to a maximum value of seven (7) points.

Educational attainment shall be scored consistent with the scale outlined in this policy, and proportionally converted to a maximum value of (8) points.

Total Maximum Value: 15 Points.

3. The Chief of Police shall evaluate each candidate and assign a score not exceeding twenty-five (25) points based upon objective review of the candidate's:

- Command-level leadership qualities
- Operational readiness
- Administrative compliance
- Professional reputation
- Overall fitness for promotion

The Chief of Police recommendation shall be documented and shall constitute the final twenty (25) point component of the promotional process

H. LIST OF ELIGIBILITY

Upon conclusion of the required promotional components applicable to the rank being sought, including written examination where applicable, oral interview, performance and education evaluation, and Chief of Police recommendation, a final cumulative score shall be calculated for each candidate in accordance with the adopted scoring formula.

Candidates shall be ranked in descending order based upon their total combined score out of a possible one hundred (100) points.

Only candidates who successfully complete all required components of the promotional process shall be eligible for placement on the Eligibility List. Candidates must achieve a minimum overall final score of seventy percent (70%) in order to qualify for placement on the Eligibility List.

An official Eligibility List shall be established reflecting the final rank order of all qualifying candidates.

In the event of a tie in the final score, ranking shall be determined in the following order:

For promotion to Sergeant:

1. Higher Oral Interview score
2. Higher Chief of Police Recommendation
3. Higher Written Examination score
4. Greater seniority in grade
5. Determination by the Chief of Police

For promotion to Lieutenant or Captain:

1. Higher Oral Interview score
2. Higher Chief of Police Recommendation
3. Higher Performance Review and Education Score
4. Greater seniority in grade
5. Determination by the Chief of Police

I. DURATION OF ELIGIBILITY LIST

The Eligibility List shall remain in effect for a period of two **(2)** years.

J. APPOINTMENT FROM ELIGIBILITY LIST

Upon establishment of the Eligibility List, the Chief of Police shall review the ranked candidates and determine which candidate is recommended for promotion based upon final score, departmental needs, and overall suitability for the position.

The Chief of Police shall submit a formal written recommendation to the Appropriate Authority for approval. The Appropriate Authority will then make its recommendation to the Mayor.

Final appointments shall be made by the Mayor and Council in accordance with N.J.S.A. 40A:14-118.

K. APPEAL OF PROCESS

Within ten **(10)** days of the decision of the Mayor and Council on a promotion, a candidate may file a written letter of appeal. Said letter must contain the reason(s) or justification(s) for an appeal and must be submitted to the Chief of Police. The Appropriate Authority and the Chief of Police will assess the request and make a determination of how the request will be addressed on a case-by-case basis.

L. PROBATIONARY PERIOD IN RANK

All promotions to the rank of Sergeant, Lieutenant, and Captain shall be subject to a probationary period of one **(1)** year from the effective date of appointment.

During this period, the promoted member's performance in the supervisory and or command level role shall be evaluated to ensure satisfactory execution of the duties and responsibilities of the rank.

If, during the probationary period, the promoted member is found to be unable to satisfactorily perform the duties of the rank, the Chief of Police may recommend to the Appropriate Authority that the member be returned to their previously held rank.

Any such action shall be taken in accordance with applicable law and due process requirements.

Section 3. Repealer. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. Savings and Construction. This ordinance shall be construed consistent with the purpose state in Section 1 hereof. If any part of this Ordinance is invalidated by a court of competent jurisdiction, the remainder of this Ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Demarest Code only where stated herein; otherwise this Ordinance is amendatory and supplementary to the existing provisions of the Demarest Code.

Section 5. Codification. This Ordinance shall be codified as amendments to the chapters set forth herein.

Section 6. Effective Date. This Ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.