

**ELIZABETH POLICE DEPARTMENT
GENERAL ORDERS**



VOLUME: Vol 2

CHAPTER: 20

OF PAGES: 4

SUBJECT: Separation from Police Department Service

EFFECTIVE DATE:

March 31, 2020

ACCREDITATION STANDARDS:

N/A

BY THE ORDER OF:

Deputy Chief Giacomo Sacca

BY AUTHORITY OF:

Director Earl J. Graves

PURPOSE The purpose of this order is to establish procedures for Elizabeth Police personnel upon separation from the agency. The following methods will govern the retirement of sworn personnel. This order does not delineate processes when department personnel separates because of disciplinary action, lay-off, or immediate resignation. This order does not alter or circumvent any valid Collective Bargaining Agreement.

POLICY An employee separating from the department through a regular retirement can take terminal leave as a length of continuous-time off leading into their first day of pensioned retirement upon approval by the Police Director. The Director may grant terminal leave after the retiring members' time records are verified by the Police Department Human Resources Office Supervisor.

DEFINITIONS

1. **Regular Retirement:** Retirement shall encompass all definitions acknowledged by the State of New Jersey Police and Fireman's Retirement System. Regular Retirement includes Mandatory Retirement, Service Retirement, Special Retirement, and Deferred Retirement. The member must make a retirement application to the Division of Pension and Benefits by submitting "online" through the Member Benefits Online System (MBOS).
2. **Disability Retirement:** Disability Retirement shall encompass all definitions acknowledged by the State of New Jersey Police and Fireman's Retirement System. Disability Retirement includes Ordinary Disability Retirement, Involuntary Ordinary Disability Retirement, Special Disability Retirement, and Accidental Disability Retirement.

3. **Terminal Leave:** A compilation of all unused Service/Severance time, vacation time, compensatory time, and holiday time as accrued through city policy and contractual obligation.
4. **Sufficient Notice:** A warning, advising that in a specific amount of time, an event will occur. Sufficient Notice allows the affected parties to prepare for an upcoming event. Fourteen calendar days is sufficient notice to advise of a Terminal Leave date.

PROCEDURE

A. Notice of Intent Report

1. Any officer who wishes to retire or utilize Terminal Leave before regular retirement must notify the Police Director, Chief of Police, and the Training Division Commander by the submission of a Private Report 14 calendar days before the employees anticipated separation date.
 - a. It is not acceptable for an employee to self-calculate time and spontaneously stop coming to work.
 - b. The Internal Affairs Unit shall investigate and prepare disciplinary charges as necessary for employees failing to abide by the rules for terminal leave notification.
2. In cases of disability retirement, the Notice of Intent report shall be completed when the member receives notification that disability has been granted.
3. The Notice of Intent report must indicate the effective dates of separation (Retirement and/or terminal leave).

B. Approval of Terminal Leave

1. Given sufficient notice, the Police Director shall notify the Human Resources Office to process the request for Terminal Leave and update the Police Department schedules.
2. Employees may consider their request for Terminal Leave granted unless otherwise notified by their commanding officer.

C. Rescinding Terminal Leave Status

1. Any officer who wishes to rescind their terminal leave status must notify the Police Director, Chief of Police, and the Training Division Commander by the submission of a Private Report 30 calendar days before the employees anticipated retirement date.
2. The Police Director shall provide a written response to the employee rescinding their request for separation along with instructions on the steps necessary before an employee may return to duty.

3. The Director shall forward the response to the Chief of Police, Training Division Commander, and Personnel Office Supervisor within ten days of the request to rescind separation.

C. Extra Duty Assignments/ Agency Recall

1. Elizabeth Police Department policy allows officers to work extra duty assignments for the first 60 calendar days of a person's terminal leave.
2. Employees on terminal leave are not subject to agency recalls after the first 60 calendar days of their leave have passed.

C. Equipment Return

1. On completion of the first 60 days of an employee's Terminal leave or sooner, employees shall contact the Training Division Commander for the complete return of all Elizabeth Police Department issued equipment.
2. Employees shall return agency vehicles assigned to them for duty recall purposes to the Traffic Unit Commander on the employee's last day of work before beginning their terminal leave.

D. Qualifications

1. Terminal leave employees may qualify with personally owned firearms at Police Headquarters within their first 60 calendar days of leave if they intend to continue to carry an off-duty handgun.
2. Off-duty firearms qualifications are subject to the Elizabeth Police General Orders on Weapons and Ammunition.
3. Employees on terminal leave may not introduce new firearms into the Elizabeth Police qualification system and may not qualify as active employees after the first 60 calendar days of their separation.
4. After the first 60 calendar days of separation, employees may qualify at Police Headquarters under the rules set for retired officer qualifications.

E. Training Division Responsibility

1. The Training Division Commander (TDC) is responsible for collecting all Elizabeth Police Department issued equipment, including but not limited to, the following:
 - a. Department issued firearms, ammunition, magazines, holsters, and agency firearm-related equipment.
 - b. Department issued portable radio, charger, batteries, microphone extension, radio holder, and any other agency issued radio equipment.

- c. Agency keys, Police Identification, and all other access related equipment.
 - d. Agency baton, oleoresin capsicum, and all other agency issued less-lethal equipment.
2. The TDC is responsible for notifying the Traffic Commander if a separating employee was assigned an agency vehicle in need of recovery.
 3. The TDC shall ensure the employee on terminal leave no longer has access to agency databases.
 4. The TDC shall complete an equipment return and agency separation report. The TDC shall forward a copy of the report to the Chief of Police and Police Director. The original report shall be filed in the retired employee's personnel file.