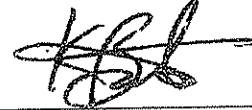
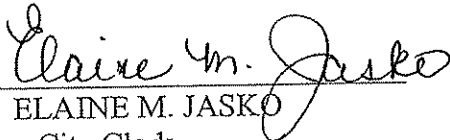


**RESOLUTION AUTHORIZING APPROVAL AND EXECUTION OF THE
MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF PERTH AMBOY AND
THE PERTH AMBOY PBA, LOCAL NO. 13 REGARDING MILITARY LEAVE
POLICY AND WITHDRAWAL OF UNFAIR PRACTICES BY PERC DOCKET NO.
CO-2012-002**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PERTH AMBOY that the Administrator is hereby authorized to execute on behalf of the City the Memorandum of Agreement dated August 8, 2012, a copy of which is attached hereto.



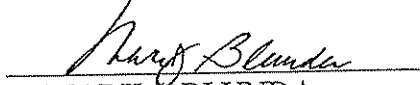
KENNETH BALUT
Council President



ELAINE M. JASKO
City Clerk

Dated: August 8, 2012

APPROVED AS TO FORM:



MARK J. BLUNDA
Director of Law

MJB:ld

Victoria Ann Kopsch ASST-
I, ~~Elaine M. Jasko~~, City Clerk of Perth Amboy
Middlesex County, New Jersey, do hereby certify the
above to be a true copy of a Resolution
adopted by the council of said city on the 8th
day of August, 2012.



Victoria Ann Kopsch
City Clerk

MEMORANDUM OF AGREEMENT

Agreement made this ~~8th~~ ^{AUGUST} day of ~~June~~ 2012 between the City of Perth Amboy ("City") and the Perth Amboy PBA Local No. 13 ("PBA") as follows:

WHEREAS, there is currently a pending grievance arbitration filed by the PBA against the City with PERC Dkt. No. AR-2012-149 regarding overtime procedures; and

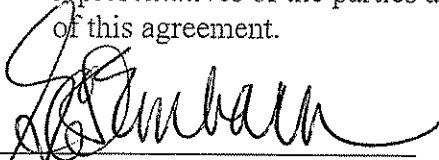
WHEREAS, there is currently a pending Unfair Practice Charge filed on behalf of the PBA and against the City with PERC Dkt. No. CO-2012-002 regarding the Perth Amboy Police Department's written policy on military leave; and

WHEREAS, in the interest of resolving all disputes between the City and the PBA with regard to the two matters referenced above the City and the PBA hereby agree to the following:

1. The Grievance Arbitration filed by the PBA and now pending as PERC Dkt. No. AR-2012-149 will be withdrawn by the PBA with prejudice.
2. The pending Unfair Practice Charge filed on behalf of the PBA with PERC Dkt. No. CO-2012-002 will be withdrawn by the PBA with prejudice.
3. The PBA hereby agrees to abide by and not to challenge the Police Department's written policy on Military Leave as set forth in General Order No. 11-029, with an effective date of May 12, 2011 and agrees to waive any claim for unpaid leave and/or use of accrued leave time in connection with any prior military leave that occurred up to the execution of this agreement.
4. The City hereby agrees that Officers Danny Gonzalez, Franklin Hernandez, Jesus Martinez, Steven Hedberg and Jose Rosario will be grandfathered and will be entitled to paid leave for Unit Training Assemblies (UTA), Mandatory Unit Training Assemblies, and Battle Assemblies, commonly and collectively known as "weekend drills". These five (5) officers only will, on a going forward basis, be entitled to paid leave for five (5) weekends per year for such "weekend drills" when such weekend drills conflict with the Officer's scheduled work shifts as a Perth Amboy Police Officer.
5. When, and if, the (5) weekends of paid leave are exhausted by any of the five officers, any additional military leave for weekend drill dates for that officer shall be without pay or with the officer utilizing paid leave time or voluntarily switching his shift.
6. Either party may raise the issue of military leave as a proposal during the next round of negotiations.
7. It is agreed and understood that all other Perth Amboy Police Officers shall be entitled to leave in accordance with the specific terms of the Military Leave Policy contained in

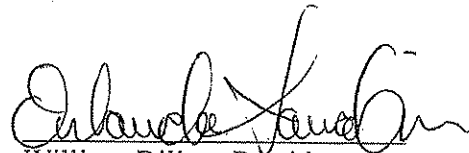
General Order No. 11-029. It is further understood that the five officers listed in paragraph 4 shall be entitled to military leave other than "weekend drills" in accordance with the specific terms of the Military Leave Policy contained in General Order No. 11-029.

8. It is agreed and understood that in order to be eligible for paid leave for Weekend Drills the eligible officers must submit a written request for leave along with required orders in accordance with the requirements of the Department's Military Leave Policy.
9. It is agreed and understood that military leave for weekend drills, whether paid or unpaid, shall be provided in the following manner:
 - * Officers scheduled for a weekend drill on Saturday morning who are scheduled work the 10:00 p.m. to 8:00 a.m. shift on Friday shall be entitled to leave for their entire Friday Shift.
 - * Officers scheduled for a weekend drill on Saturday morning who are scheduled work the 5:00 p.m. to 3:00 a.m. shift on Friday shall be entitled to military leave beginning at 10:00 p.m on Friday.
 - * Officers scheduled for a weekend drill on Saturday and/or Sunday who are scheduled to work beginning on Saturday and/or Sunday will be entitled to military leave for their shift beginning on Saturday and/or Sunday.
10. This written agreement encompasses all terms agreed to by the parties with respect to these matters.
11. It is understood that this memorandum of agreement is subject to ratification by the PBA and approval by the Governing Body of the City of Perth Amboy. By their signatures the representatives of the parties agree to recommend approval and ratification of the terms of this agreement.



Gregory Fehrenbach, City Administrator
City of Perth Amboy

Dated: 8/8/12



William Dillon, President
PBA Local 13

Orlando Sanabria

Dated: 7/16/2012