

**SIDEBAR AGREEMENT BETWEEN THE BOROUGH OF RED BANK AND RED BANK
POLICEMEN'S BENEVOLENT ASSOCIATION, LOCAL 39 CONCERNING THE
ASSIGNMENT TO AND STIPEND FOR DETECTIVES**

This SIDEBAR AGREEMENT ("Agreement") is made this 1st day of October, 2016 between the BOROUGH OF RED BANK ("Borough") and RED BANK POLICEMEN'S BENEVOLENT ASSOCIATION, LOCAL 39 ("Union"). Borough and Union are collectively referred to as the "Parties."

WHEREAS, the Borough and Union are parties to a collective negotiations agreement in effect from January 1, 2014 through December 31, 2017 ("the CNA"); and

WHEREAS, the CNA provides for a salary for the assignment of "Detective;" and

WHEREAS, the Borough currently does not have any officers assigned to Detective; and

WHEREAS, the Borough and the Union engaged in negotiations related to the assignment of officers to Detective; and

WHEREAS, the Parties have reached an agreement concerning assignments to Detective; and

WHEREAS, the Parties agree that the title "Detective" is an assignment, and not a separate position within the Police Department; and

WHEREAS, the Parties agree that assignment to Detective does not constitute a promotion; and

WHEREAS, the Parties agree that, by entering this Agreement, the Borough is not waiving its managerial prerogative to assign (or not assign) officers to Detective.

NOW, THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. The Borough shall assign as Detectives the four (4) officers, who, as of the date of this Agreement, are currently serving as Detective. Notwithstanding the foregoing, the Parties agrees that selection of Detectives is within the sole managerial prerogative of the Chief of Police;

2. Notwithstanding the provisions of Article VIII, of the CNA, "Salaries," the Parties agree that each of the four (4) officers referenced in Paragraph 1, above, shall receive an annual pensionable stipend in the amount of \$3,959.00, pro rated. This stipend shall be paid retroactive to July 1, 2016; and

3. This Agreement shall be in effect from October 1, 2016 until a successor collective negotiations agreement is approved and ratified. Notwithstanding, this Agreement is not intended to deprive the Chief of Police from exercising his managerial prerogative to not assign detectives should he reach the good-faith conclusion that such decision is in the best interest of the operation of the Police Department;

4. This Agreement is subject to approval and ratification by the governing body of the Borough and by the Union, respectively;

5. No officer affected by this Agreement shall be entitled to back pay (except as specifically provided by Paragraph 2, above) or additional compensation of any kind, including, but not limited to compensatory time, other than as expressly stated in this Agreement;

6. Nothing contained herein shall be precedent setting, nor constitute a binding past practice. Neither this Agreement, nor its terms, shall be admissible in any action, arbitration, litigation, or proceeding of any kind between the Parties, except an action to enforce the terms of this Agreement;

7. Except as modified by this Sidebar Agreement, all provisions of the existing CNA shall continue in full force and effect; and

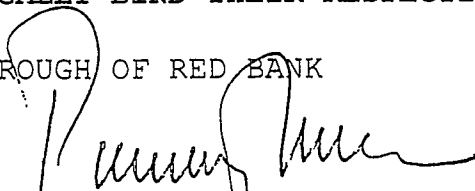
8. The precatory phrases ("Whereas" clauses), are not mere recitals, but are specifically agreed to by the Parties and incorporated herein by reference as set forth as length herein.

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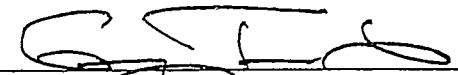
BY SIGNING BELOW, THE PARTIES REPRESENT AND WARRANT THAT THEY HAVE READ, UNDERSTAND AND AGREE TO THE TERMS CONTAINED IN THIS DOCUMENT AND THAT EACH IS AUTHORIZED TO SIGN THIS AGREEMENT AND LEGALLY BIND THEIR RESPECTIVE PARTY.

BOROUGH OF RED BANK

RED BANK PBA, LOCAL 39



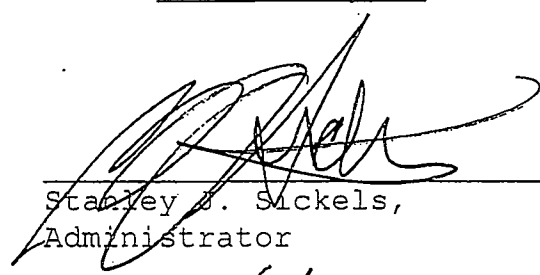
Pasquale Menna,
Mayor



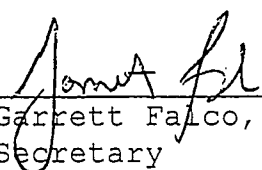
George Travostino,
President

Dated: October 4, 2016

Dated: 10/4/16



Stanley B. Sickels,
Administrator



Garrett Falco,
Secretary

Dated: 10/4/2016

Dated: _____

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 16-254

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
A SIDEBAR AGREEMENT WITH PBA LOCAL #39**

Councilman Whelan offered the following resolution and moved its adoption:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank of Red Bank that the Mayor, after review of appropriate documents with labor counsel, is hereby authorized to execute a Sidebar Agreement with PBA Local #39 to effectuate a change in the contract that will authorize changes to the title of "Detective" to make it an assignment rather than a separate position within the Police Department and that assignment to Detective will not constitute a promotion;

BE IT FURTHER RESOLVED that the Agreement shall be subject to review and approval by the Borough Attorney; and

BE IT FURTHER RESOLVED that the Borough Clerk shall forward Certified Copies of this Resolution to PBA Local #39.

Seconded by Councilman Taylor and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilwoman Burnham	(x)	()	()	()
Councilman Zipprich	(x)	()	()	()
Councilwoman Horgan	(x)	()	()	()
Councilwoman Schwabenbauer	(x)	()	()	()
Councilman Taylor	(x)	()	()	()
Councilman Whelan	(x)	()	()	()

Dated: September 28, 2016

I hereby certify the above to be a true copy of a resolution adopted by the Mayor and Council of the Borough of Red Bank, County of Monmouth, NJ at a meeting held on September 28, 2016.

Bonnie K. Thomas

Bonnie K. Thomas, Deputy Municipal Clerk