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IN THE MATTER OF THE ARBITRATION BETWEEN:

TOWNSHIP OF CLINTON

- and -

POLICE OFFICERS ASSOCIATION
OF MICHIGAN

Case No. D95 B-0413

COMPULSORY ARBITRATION

Pursuant to Act 312, Michigan Public

Act of 1969, as amended.

OPINION AND AWARD

Arbitration Panel

Peter D. Jason
Arbitrator

Fred Wutzke
Township Delegate

Kenneth Grabowski
Union Delegate

INTRODUCTION

These proceedings were commenced pursuant to Act 312 of Public Acts of 1969 as amended. The arbitration panel is comprised of the chairman Peter D. Jason; Township Delegate Fred Wutzke, and Union delegate Kenneth E. Grabowski.

A prehearing conference was held on September 14, 1995 and the hearing was held on May 1, 1996. The township of Clinton is represented by Charles M. Towner of Towner and Towner, P.C. POAM is represented by William Birdseye of the Police Officers Association of Michigan. After of submission of the last best offers on May 13, 1996, the parties forwarded written briefs on June 17, 1996. On August 1, 1996 the union made a formal request to reopen the hearing to introduce newly discovered evidence. After objection by the township was considered, the chairman granted the request and an additional hearing was held on November 27, 1996. The parties then filed supplemental briefs on January 15, 1997. In all, the record consisted of 161 pages of recorded testimony and 33 exhibits.

The parties have agreed that they have settled all their outstanding issues except for wages. It was also agreed that the wage issue is economic and that the award will cover two years. The parties further agreed that each year may be considered as a separate issue if the panel so desires.

Section 8 of Act 312 provides that each economic issue must be decided by selecting last best offer submitted by one of the parties. The relevant factors to be considered are set forth in Section 9 of the Act as follows:

423.239. Basis for findings, opinions, and orders

Sec. 9. Where there is no agreement between the parties, or where there is an agreement but the parties have begun negotiations or discussions looking to a new agreement or amendment of the existing agreement, and wage rates or other conditions of employment under the proposed new or amended agreement are in dispute, the arbitration panel shall base its findings, opinions and order upon the following factors, as applicable:

- (a) The lawful authority of the employer.
- (b) Stipulations of the parties.
- (c) The interests and welfare of the public and the financial ability of the unit of government to meet those costs.
- (d) Comparison of the wages, hours and conditions of employment of the employees involved in the arbitration proceeding with the wages, hours and conditions of employment of other employees performing similar services and with other employees generally:
 - (i) In public employment in comparable communities.
 - (ii) In private employment in comparable communities.
- (e) The average consumer prices for goods and services, commonly known as the cost of living.
- (f) The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.
- (g) Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings.
- (h) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment through voluntary collective bargaining, mediation, fact-finding, arbitration or otherwise between the parties, in the public service or in private employment.

BACKGROUND

Clinton Township is a suburban community located in Macomb County, northeast of the city of Detroit. Its 1990 population was 85,866 which makes it the third largest community in Macomb County. The townships' population increased by 18.6% from 1980 to 1990. The Police Officers Association of Michigan is the recognized

exclusive bargaining representative for all patrol officers in the Clinton Township Police Department. At the time the petition for arbitration was filed there were 68 officers in this unit. In addition to the officers there are 6 captains, 4 lieutenants, and 13 sergeants. The evidence disclosed that the command structure of the department was reorganized in the summer of 1996.

COMPARABLES

The parties selected comparable communities as a basis for comparison. The township proposed the six largest communities in Macomb County. They were Warren, Sterling Heights, St. Clair Shores, Roseville, Shelby Township and Eastpointe. The Union also proposed six comparable communities; Macomb County, Roseville, Shelby Township, St. Clair Shores, Sterling Heights and Warren. However, Macomb County had not settled their wages for the time period in question so data from Macomb County was not used as a basis for comparison. Thus, the parties' comparable communities were the same except for Eastpointe. Since the data from Eastpointe does not materially effect the statistics, the chairman has considered the Eastpointe data but agrees with the union that it is not very relevant. The chairman placed his reliance on the data from the rest of the communities that both parties agree are comparable.

WAGES

The salary structure for parole officers provides as follows:

ARTICLE XL SALARY STRUCTURE

40.1: The parties hereto agree that the annual base salary for patrol officers for the period extending from April 1, 1993 through March 31, 1997, and thereafter until amended, shall be as follows:

	<u>Effective</u> <u>4/1/93</u>	<u>Effective</u> <u>4/1/94</u>	<u>Effective</u> <u>4/1/95</u>	<u>Effective</u> <u>4/1/96</u>
Start	23,559	24,266	WAGES TO BE REOPENED FOR NEGOTIATIONS	
6 mos.	25,676	26,446		
12 mos.	27,792	28,626		
18 mos.	29,912	30,809		
24 mos.	32,029	32,990		
30 mos.	34,147	35,171		
36 mos.	36,264	37,352		
42 mos.	38,381	39,532		
48 mos.	40,500	41,715		

The award by this panel will determine wages effective 4-1-95 and 4-1-96. The last best offer of the township was to increase the wages by 3 1/2% on April 1, 1995 and another 3 1/2% on April 1, 1996. In contrast the Union has proposed that the wages be increased by 4 1/2% on April 1, 1995 and 4 1/2% on April 1, 1996. After a thorough review of the record the chairman selects the townships last best offer for both years as being the more reasonable. The union alleged that adopting the townships' last best offer would not match inflation nor maintain the townships place among the comparables. Although some confusion arose because the township's wages are in effect from April 1 to March 31 rather than the more traditional July 1 to

June 30, once this was adjusted it was clear that this was not the case. I find that the township's last best offer was 1/2% more than the inflation rate over the term of the contract and that the township maintained its relative position among the comparables. In addition, with respect to internal comparisons, both with units covered by Act 312 and units which are not covered by Act 312, the township's general pattern was 3 1/2% for 1995 and 3 to 3 1/2 % for 1996. With minor variances, this is what was offered to this unit.

The union also brought to the panel's attention that three elected officials received slightly over a 4 % wage increase on April 1, 1995. I agree that these officials received these increases but I do not find this fact to be significant in this matter.

After the record was reopened the union also brought to the panel's attention that there was a reorganization in the command structure of the Clinton Township Police Department. Because of the reorganization many of the police supervisors received adjustments in their wages, both to compensate them for extra duties or to increase the pay differential between them and the ranks below them to more accurately reflect the practice in comparable communities. After reviewing this evidence the chairman also finds that these adjustments should not affect the wages of the police officers in this bargaining unit. These officers' jobs remained the same and the wage improvements offered by the township are fair compensation.

The chairman selects the last best offer of the township for both years.

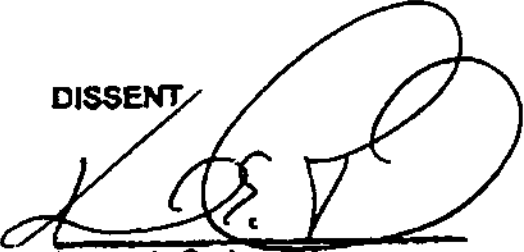
January 24, 1987


Peter Q. Jason
Chairman

APPROVED


Fred Wutzke
Township Delegate

DISSENT


Kenneth Grabowski
Union Delegate