

STATE OF MICHIGAN
BEFORE THE DEPARTMENT OF LABOR
EMPLOYMENT RELATIONS COMMISSION

IN RE:

CITY OF PORT HURON

and

COUNCIL #55, AFSCME,

AFL-CIO, LOCAL #1518
POLICE DEPARTMENT

-----*William M. Ellman*-----
10-27-69

FACT FINDING RECOMMENDATIONS

The fact finding hearing was held at Port Huron on September 18th, 1969, between the City of Port Huron, Michigan and the AFSCME #55, representing the police officers of the City of Port Huron. A hearing had been requested by the police officers on or about the 7th day of August, 1969. Present and participating for the Union Local 1518 were:

Mitchell Gradowski, representative
Len Everitt
James Schmidt
Ronald Donaghy

Present and participating for the City of Port Huron were:

Dean Luce, City Attorney
Bruce Seymore
Tony Bonadio
Guy Provost
Carl Falk
Doug DeFrain

Port Huron, City of

The bargaining unit covers some 40 employees. At the formal hearing, numerous records were presented by both sides and were later reviewed by the fact finder including but not limited to the following:

Charter of the City of Port Huron
adopted April 7, 1941

Charter of the City of Port Huron,
adopted April 18, 1969

The budget for 1969 and 1970 prepared
by the office of the City Manager of the
City of Port Huron.

Background

The fiscal year for the City of Port Huron coincides with the calendar year. Negotiations on this contract began on or about the 28th day of February, 1969 and have continued through mediation. In the final analysis the issues remaining between the parties are the following: "hard" wages; accumulated sick leave and the question of retroactivity to July 1, 1969.

The hearing began on or about 10:00 A.M. and lasted approximately through 4:00 P.M. on September 18, 1969. In addition, an opportunity was afforded both parties without the presence of the fact finder to see whether they could find a formula for voluntary disposition. This was unsuccessful, as were negotiations since on or about February 26, 1969. The diligent and tireless efforts of State Mediator Stanley Dobry were recently concluded.

Various Positions and Arguments

The City has offered a police patrolman an annual wage of \$8,385, which is a net increase for employees ranging from \$1,488 to \$1,675 depending upon job classifications and seniority. It is the City's position that in addition to the wage that the City offered the police false arrest insurance and life insurance and that the wage package which on an all inclusive basis is in excess of \$10,000 for the patrolman and could not be increased. The City says that it could not pay because revenues for increases are not adequate. The City believes that the 90 days accumulated sick leave is adequate and that the benefit of 18 weeks or 4 1/2 months sick leave with full pay is indeed a substantial benefit far exceeding that which is available in the public or private work in the Port Huron area. The City takes the position that the retroactivity to June 1st, 1969 is not necessary and is unfair because the settlements afforded other unions, including the Teamsters Local Union #339 representing the public works employees, and the unorganized employees, receive retroactivity to June 1st. The City's position is that retroactivity is not called for because the benefits afforded to the police exceed the ones to these of the other groups.

The Union contends that some 17 municipalities or townships of like size pay policemen more. The City also takes the position that 90 days accumulated sick leave is adequate and

should not be increased to 120 days.

How Can City Governments Participate

As everyone knows, there is considerable concern about reported crime which has mushroomed in the last few years. Without concentrated public involvement lead by city officials, phrases such as "Crime in the street" are indeed empty and remain generally ineffective. It is the duty of police to upgrade police personnel and adjust police salary rates so as to be consistently competitive with private industry. The President's Crime Commission Report urges that police salary's for all positions be increased in nearly all cities. (See President's Commission on Law Enforcement and Administration of Justice, Task Force Report: The Police, page 135). This report urges that the starting salary, excluding the question of fringe be between \$6,000 and \$9,000 and that the maximum salary for a patrolman be at least \$12,000. (Task Force Report: The Police, supra).

It is interesting to note the salary of special agents for the F.B.I. start at \$8,421 and can earn up to \$16,905 in that position. Testimony was taken as to surrounding areas and included the following information from the police exhibit No. 1, which is attached hereto. The City of Pontiac should have starting salaries of \$10,300 by July 1, 1969, although the City of Detroit is offering approximately \$10,000 for the year commencing July 1, 1969.

Communities must now realize the need to increase salaries and they must also understand that salaries must be adequate. Police cannot be expected to recruit adequate personnel until communities are willing to pay the price for improved police performance, etc.

How Crime Has Infected Our Communities

One boy in six will be referred to a juvenile court during his life. In 1965, more than 2,000,000 Americans were received in prisons or juvenile homes or placed on probation in courts. Forty (40) percent of all male children now living in the United States will be arrested for non-traffic offenses during their lives. Another paragraph in the same review, (The Challenge of Crime in a Free Society), indicates that an independent survey of some 1700 persons (who had never been charged with a criminal act) suggested that 91% of the group interviewed admitted that they had committed acts for which they might have received jail or prison sentences.

Recommendation on Wages

From the hearing and the positions taken by the parties, the fact finder is convinced that the City has made considerable effort to improve its financial base. A review of the budget and testimony taken did not clearly establish that there is now money available for the City to pay additional salaries.

The testimony bore out the fact that Port Huron is still behind other cities in the area. The parties at this time are some \$435.00 apart. It is the recommendation of the fact finder that the figure of \$100.00 per man be added to the proposal of the City and that the wage adjustment be \$8,435. It is also suggested that concentrated efforts be made for contracts to exceed the one year period in the future.

Sick Leave

The City's position is that the benefit of 90 day sick leave accumulation far exceeds the benefit to which others are entitled in the area. The debate on this particular matter could be extended and adequate reasons could be given both sides for either increasing or continuing the same amount of accumulation. It is, therefore, the recommendation of the fact finder that 105 days accumulated sick days be given the union.

Retroactivity

The question of retroactivity back to June 1st, 1969 is raised. It is the City's position that this was a negotiated matter between the City and the union and that an additional consideration was given to the Union, and therefore the Union is not entitled to retroactivity. The fact finder sees no reason why retroactivity should not be granted to June 1st, 1969. The

police should not be penalized for good faith bargaining which carried them from February on beyond the period in question. The benefit to the police is not sufficient to avoid this conclusion.

It is important that most communities realize the need to increase pay even though they are still inadequate. It is important that the public assures its police force of adequate pay, working conditions and fringe benefits.

We realize that this recommendation does throw a burden on the City to find additional sources of revenue either under the present budget or to seek other sources of revenue, but it is important that no city avoid its responsibility. It must at the very least assure its personnel of adequate pay.

The market place must determine wage rates. Any self-imposed inability to pay by and city or its inhabitants must not be permitted to go unchallenged.

Cities and their residents must move affirmatively into those areas in order to provide adequate compensation for its representatives, particularly in an area as critical as that of law enforcement.

Respectfully submitted,

WILLIAM M. ELLMANN

William M. Ellman

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Dated: OCT 27 1969

PORT HURON POLICE

POPULATION: 25,000 to 50,000

Battle Creek Twp.	\$7,500
East Detroit	9,900
Hazel Park	9,050
Farmington Twp.	9,000
Garden City	9,000
Hamtramck	8,739
Highland Park	9,547
Holland	7,930
Kalamazoo Twp.	7,525
Madison Hgts.	9,400
Midland	8,640
Mt. Morris Twp.	8,138
Muskegon	8,000
Port Huron	7,228
Southgate	8,800
Sterling Hts.	9,779
Wayne State	10,565
Wyandotte	8,963

SIX MUNICIPALITIES IN MACOMB COUNTY

St. Clair Shores.	9,650
East Detroit	9,900
Warren	9,600
Mt. Clemens	9,035
Roseville	8,300
Sterling Hts.	10,274

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