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6/5/2000

STATE OF MICHIGAN  
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES

In The Matter Of:

MARINE CITY,

Employer,

-and-

Case No. D99 C-0530

INTERNATIONAL UNION OF  
OPERATING ENGINEERS,  
Local 547,

Labor Organization.

**FACT FINDER:**

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Thomas M. Clemons, Esq.  
KANE, CLEMONS and JOACHIM  
721 St. Clair River Drive  
Algonac, Michigan 48001  
Appearing on behalf of the Employer

Mr. Dan O'Rourke, Business Rep.  
IUOE, LOCAL 547  
24270 West Seven Mile Road  
Detroit, Michigan 48219  
Appearing on behalf of the Labor Organization

**FACT FINDING DECISION**

**BACKGROUND:**

The parties made opening statements. Neither the Union nor the Employer called any witnesses. Both parties submitted exhibits. Both parties made closing statements. Both parties submitted written position statements after the close of proofs.

The Employer and Union submitted their comparables along with contracts of other units and cities as exhibits.

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Marine City

Marine City has a population of approximately 4500 people with a taxable value in excess of \$91 Million and a per capita income of in excess of \$11,000 per year. Other comparables operate water filtration plants and waste water treatment plants. Both parties were in agreement that the Cities of St. Clair and Algonac were comparable cities. East China Township was cited as an extremely high tax based because of a large Edison plant. Other comparables, while having DPW departments, do not operate either a filtration or waste plant, or in some instances, they may have one, but not the other. Some of the Cities and Townships that were used as comparables provide services for other cities. Marine City provides water and disposes of sewage for other cities in the area and receives revenue for those services.

#### **STIPULATIONS:**

The parties both agreed to a three-year contract.

#### **ISSUES REMAINING:**

1. Wages
2. Longevity
3. Health insurance cost sharing
4. Supervisors working Union overtime
5. Promotion language
6. Pagers
7. Residency (withdrawn)

Hearing held January 27, 2000. The Exhibits are as follows:

Joint:

J-1 Fact Finding Statute

Union:

U-1 Comparison chart

U-2 Contracts

U-3 Blue Cross/Blue Shield documents

Employer:

C-1 Package of exhibits

C-2 Actuarial study

**Issue 1: Wages.** The following offers and requests were made:

**The Employer offers the following:**

1999	2.75%
2000	2.50%
2001	3.00%

**The Union requests the following:**

1999	3.00%
2000	3.00%
2001	3.00%

The comparables are:

UNIT	1997	1998	1999	2000
Marine City DPW	3.0%	3.5%	3.0%	2.5%
Marine City POA	3.5%	3.0%	3.0%	2.5%
East China Twp.			2.5%	2.5%
St. Clair County			2.5%	2.5%
Clay Township			3.0%	3.0%
Ira Township			3.0%	3.0%
City of St. Clair			3.0%	3.0%

UNIT	TOP WAGES
Algonac	\$15.84
St. Clair	\$18.99
Marine City (Current)	\$18.31

**EMPLOYER OFFER EQUATED IN HOURLY WAGES**

YEAR	TOP WAGE
1999	\$18.81
2000	\$19.28
2001	\$19.86

**I.U.O.E. DEMAND EQUATED IN HOURLY WAGES**

YEAR	TOP WAGE
1999	\$19.22
2000	\$20.08
2001	\$20.86

**Finding of Fact:** Fact Finder finds that the comparable cities used by both the Employer and the Union, as well as other bargaining units within the City have contracts that expire at the end of the fiscal year 2000. After reviewing all of the comparables admitted into evidence after hearing arguments, the *Fact Finder recommends that the Employer's position of a three-year contract calling for increases retroactive to 1999 of 2.75%, 2000 of 2.5%, and 2001 of 3.0% should be adopted.*

**Issue 2: Longevity.** The Employer proposes that longevity be ended for new hires. The Union proposes that longevity be continued for new hires. The comparables are as follows:

Marine City DPW \$650.00 maximum longevity to be given to new hires  
Marine City POA \$650.00 maximum longevity to be given to new hires  
East China Township continues longevity for new hires  
St. Clair County continues longevity for new hires  
Clay Township does not have longevity  
Ira Township does not have longevity  
Algonac does not have longevity  
City of St. Clair does not have longevity  
New Baltimore has longevity  
Marysville has not had longevity for new hires since 1984

**DISCUSSION:** After a review of the comparables and the exhibits, the *Fact Finder recommends that the Union's position should be adopted.*

**Issue 3: Health Insurance Cost Sharing:** The Employer originally proposed that there should be a cost sharing of any increases in premiums. The Union's position was that the Employer continue to pay all Blue Cross premiums in full as it has in the past, including any increases in premiums. The comparables were as follows:

Marine City POA: Employer pays in full  
East China Township: Employer pays in full  
St. Clair County: Employer pays in full  
Clay Township: Employer pays in full  
Ira Township: Employer pays in full  
City of St. Clair: Employer pays in full  
Algonac: Employer pays in full  
Marysville: Employer pays in full  
New Baltimore: Employer pays in full

**DISCUSSION:** At the hearing of January 27, 2000, the Union put forth a new proposal whereby they would seek other health care insurance that was available to the Union members. The Employer, in its position statement dated May 23, 2000, states that it will accept the Union proposal thereby resolving the health care issue. Thus, this is no longer an issue as the employer will pay, in full, present health care premiums as well as any increase of premiums during the term of this contract.

**Issue 4: Supervisors Working Union Overtime:** The Employer proposes that supervisors be allowed to work overtime at the supervisor's option. The Union's position is that supervisors should not be allowed to work overtime unless there are no Union members available or willing to work overtime. The comparables are as follows:

Marine City DWP: Supervisors are not allowed to work overtime  
Marine City POA: Supervisors are not allowed to work overtime  
East China Township: Supervisors are not allowed to work overtime  
St. Clair County: Supervisors are not allowed to work overtime  
Clay Township: Supervisors are not allowed to work overtime  
Ira Township: Supervisors are not allowed to work overtime  
City of St. Clair: Unknown

**DISCUSSION:** In accordance with the comparables where supervisors are not allowed to work overtime, the Union's position should be adopted. It should be noted, however, that if a Union member is not available or does not wish to work overtime, then supervisors shall be afforded, of course, the right to work overtime.

**Issue 5: Promotion Language:** The Employer is proposing promotion by qualification. The Union wants it by seniority. The Employer wants the parties properly licensed as a pre-requisite to being promoted. The comparables are as follows:

Marine City DWP: by seniority only  
Marine City POA: by seniority and qualifications  
East China Township: by seniority and qualifications  
St. Clair County: by seniority and qualifications  
Clay Township: by seniority and qualifications  
Ira Township: by seniority and qualifications  
City of St. Clair: by seniority and qualifications

**DISCUSSION:** After considering the arguments, statements, and briefs submitted in this matter, it is the important to note that the water treatment and sewage plants are very critical not only to Marine City, but to other cities who pay for the services. Therefore, the *Fact Finder recommends that the Employer's proposal be adopted that promotions be by qualification and not by seniority. However, seniority should be considered once qualifications are met.* The Union members should be given a reasonable opportunity to acquire the proper training for said promotions.

**Issue 6: Pagers:** The Employer's position is that pagers be required to be carried by the employees and furnished by the employer at their cost. There were no comparables put forth in this issue. At the hearing, the Union's position was that they did not want pagers for their members.

**DISCUSSION:** Once again, the water treatment plant and the sewage waste plant are critical. They are plants that require some technical qualifications in order to operate. The department is a small department. The *Fact Finder recommends that the Employer's position be adopted that*

*the Union members be given pagers, at the Employer's expense, and carry them for the purpose of responding to emergency calls.*

**Issue 7: Residency:** This issue has been withdrawn as it has been settled.

**CONCLUSION**

The Fact Finder has reviewed all of the information and exhibits provided by the Employer and the Union. These fact finding recommendations are based upon those materials and information. The Fact Finder believes that the recommendation represents a fair and equitable resolution of the issues presented to the Fact Finder by the parties.

**FACT FINDER:**

  
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**EUGENE LUMBERG**

Dated: June 5, 2000

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