

1875

STATE OF MICHIGAN
MICHIGAN EMPLOYMENT RELATIONS COMMISSION
PUBLIC ACT 312 ARBITRATION

IN RE THE ARBITRATION OF:

CITY OF HIGHLAND PARK,

Employer,

and

Case No. D-82-C1398

HIGHLAND PARK POLICE PATROL UNIT,
TEAMSTERS LOCAL 129, MICHIGAN LAW
ENFORCEMENT UNION, succeeded by
HIGHLAND PARK PUBLIC SAFETY OFFICERS
ASSOCIATION, as represented by the
LABOR COUNCIL, MICHIGAN FRATERNAL
ORDER OF POLICE,

Union.

CITY OF HIGHLAND PARK,

Employer,

and

Case No. D 82-C1359

HIGHLAND PARK POLICE COMMAND OFFICERS
ASSOCIATION, TEAMSTERS LOCAL 129, MICHIGAN
LAW ENFORCEMENT UNION, succeeded by
HIGHLAND PARK PUBLIC SAFETY OFFICERS
ASSOCIATION, as represented by the
LABOR COUNCIL, MICHIGAN FRATERNAL
ORDER OF POLICE,

Union.

CORRECTED SUPPLEMENTAL OPINION AND AWARD

The parties met in pre-hearing conferences February 17, 1987 and March 13, 1987. The hearing was held March 30, 1987. At the commencement of the hearing, the parties entered into the following stipulations:

1. The Highland Park Public Safety Officers Association, as represented by the Labor Council, Michigan Fraternal Order of Police, is the successor bargaining agent for all employees previously represented by the Highland Park Police Patrol Unit or the Highland Park Police Command Officers Association.

2. The Act 312 Award between the City and the predecessor Unions, in Cases Nos. D-82-C1358 and D-82-C1359, was issued on October 21, 1985 and it is binding on the successor Union.

3. The parties agree that the two cases herein shall continued to be consolidated for hearing, disposition, and supplemental award; and that this supplemental award is binding on all parties.

4. The parties waive any time limits required by statute.

5. The panel, composed of Elaine Frost, Chair, Sam Merigian, as City Delegate, and Richard Weiler, as Union Delegate, is properly impaneled.

6. The parties agree that the panel has jurisdiction to resolve all issues placed before it.

7. As part of the Award issued October 21, 1985, the parties reserved for possible, future presentation to the Act 312 panel, the issues of Health Insurance, Benefits for New Hires and Promotions. (Exhibit 1 to Appendix A).

8. The parties have resolved the issues of Health Insurance and Benefits for New Hires and now submit to the Act 312 panel the issue of Promotions.

9. The parties stipulate to the following provisions in settlement of outstanding contractual issues on promotions:

1. All acting promotions made between 1982 and the present are hereby made permanent with the effective date of this Award, and seniority in rank for these promotions shall be effective upon the date of this Award; provided, however, that any person not having served in an active rank for at least one year, shall be on probation for the remainder of that year. The acting promotions made permanent pursuant to Paragraph 1 are as follows:

PSO IV:

James Francisco
Virgil Hannifin
John McMeekins
John Mattox
Jack Killala
Phil Ginotti

PSO III:

Titus McClary
Lester Love
Karen Barden
John Solomon
Arnold Czarnecki
Donald Roberts

PSO II:

Larry Robinson
Mark Storen
Charles Brookman
Walter Chapman
Larry Beller
Herbert Bell
Hubert Yopp
Theophilus Mixon
Douglas Schneider
Michael Gardenhire
James Cooney
Phil Osman

2. These named Public Safety Officer III's, II's and I's are to be promoted in the following order:

From PSO III to PSO IV

1. John Solomon
2. Arnold Czarnecki
3. Donald Roberts

From PSO II to PSO III

1. William Dudley
2. Thomas Heffernan
3. Armen Hagopian

From PSO I to PSO II

1. William McLean
2. Robert Amadori
3. James Dobson

The above cited promotions are to be made as soon as practicable and prior to the end of the year 1987 and prior to the examinations. All of the above employees are to be on probation for one (1) year from the effective date of the promotions in accordance with the Promotional Procedure.

The Union recognizes that a reduction in the number of persons in the ranks of PSO II and IV may have to be made, according to seniority in rank, in the event the number of officers promoted exceed the number of budgeted positions.

3. Notwithstanding any agreements entered into concerning the Promotional Procedure, the following employees are eligible to take the following promotional examinations:

For PSO IV: Duran Hill, Charles Roberts, George Farrar, Dale Brelsford, Titus McClary, Lester Love, Karen Barden, and William Dudley.

For PSO III: Mark Storen, Larry Robinson, Charles Brookman, Walter Chapman, Larry Beller, Herbert Bell, Hubert Yopp, Theophilus Mixon, Douglas Schneider,

Michael Gardenhire, James Cooney, John Thomas, Gerald Thompson, William McLean, Robert Amadori and James Dobson.

4. In addition to those individual employees cited above in item 3, the following employees, all with sixteen (16) years or more of service, shall be allowed to test for both PSO II and PSO III:

Victor Howe, Ronald Parham, Richard Hartman, Nabil Hazemy, Charles Randles, Franklin McMackin, Hassan Restum, Robert MacDonald, John Rasom, Wayne Hill, Alex Gassam, Michael Derrick and Richard Veldman.

10. The parties also stipulate to the following contract language on promotions:

MEMORANDUM OF AGREEMENT

The City of Highland Park and the Labor Council, Michigan Fraternal Order of Police are desirous of having for the sworn officer in the Public Safety Department, an objective promotional procedure that will provide for a fair and equitable process for the selection of public safety officer candidates for filling the present and future needs of the Department of Public Safety for ranking officers.

After considerable negotiation between the parties it has been agreed that the following will be the method by which Public Safety Officers will be selected as candidates for promotion and rank.

PROMOTIONAL PROCEDURES

- I. All qualified employees of the Highland Park Public Safety Officers Bargaining Unit are eligible to take a promotional examination for Public Safety Officer II, III, and IV under the following conditions:
 - A. For the rank of PSO II. Employee must have completed at least six (6) years of active service in public safety in the City of Highland Park at the time the promotional examination is to be given.
 - B. For the rank of PSO III. Employee must have completed at least ten (10) years of service at the time the promotional examination is to be given and further completed two (2) years of active service in grade as a PSO II.
 - C. For the rank of PSO IV. Employee must have completed at least twelve (12) years of service at the time the promotional examination is to be given and further completed at least two (2) years in grade as a PSO III.
- II. Evaluation and weights. Following is a breakdown of the categories to be evaluated and the amount of weight each is to receive in making up the total score for the promotional examination.

(A) Written Examination	70%
(B) Oral Examination	8%
(C) Education (College)	9%
(D) Seniority	7%
(E) Performance Evaluation Rating	6%

III. Definition of Categories to be Evaluated.

- A. Written examination is to be provided by the Michigan Municipal League and will be administered and scored by the League staff. Bibliography for the written examination will be posted and/or provided at least ninety (90) days prior to the date of the examination.

A candidate must attain a score in the 70th percentile or better on the written examination that is taken in order to proceed in the promotional selection process. Those candidates not scoring the minimum required shall be dropped from any further promotional consideration/evaluation.

- B. Oral Examination. An oral board comprised of three (3) individuals will administer an oral examination of each qualified candidate. The members of such board shall be selected from outside (City of Highland Park) departments and shall hold at least one (1) rank above that of the candidate being interviewed. Further, at least one (1) member shall be a Public Safety Officer from a local area Public Safety Department holding one (1) rank above that of the candidate being interviewed and shall be the chair of the oral board.

- C. Education (College). For each completed year of college two per cent (2%) will be granted up to a maximum of eight per cent (8%) toward the overall score. An additional one per cent (1%) will be granted to a candidate who has attained a Masters or higher graduate degree.

One year of college is defined as the successful completion of 30 semester credit hours or 45 quarter credit hours in a college or university accredited by the Federation of Regional Accrediting Commissions of Higher Education.

No credit will be given for fractions of a year of college. Only exact multiples of thirty (30) semester or forty-five (45) quarter credit hours will be accepted.

Candidates who wish to receive additional percentage points for college/university credits must present to the department, a formal college/university transcript validated by the college/university, prior to examination date. Only those semesters or quarters that have been completed prior to the examination date and have been validated by the college/university will be accepted for additional percentage points.

- D. Seniority. Will be computed on the basis of seven tenths percent (.7%) for each full year of active service commencing

from the sixth year, starting from the date of appointment, up to a maximum of seven (7) percentage points.

E. Performance Evaluation Rating. The last two performance evaluation ratings from the examination date will be the performance evaluation ratings that will be utilized in the overall performance evaluation rating.

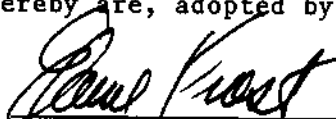
IV. Attainment of eligibility. Position on the eligible roster shall be attained as a result of the combined scores on the written examination, oral examination, college credit, seniority and performance evaluation rating. Candidates will be placed on the eligibility list in rank order from the highest to the lowest score after attaining a cumulative score of 75%. In the event of identical cumulative score, candidates will be listed in order of departmental seniority; in the event of equal seniority, candidates will be listed in order of previous two performance evaluation ratings; in the event of equal ratings candidates will be listed in order of their service record history over the previous two (2) years.

The eligible roster shall be for a two (2) year period starting from the date the eligible roster is posted. The Michigan Municipal League shall give the written examination and compile the eligibility rosters.

V. Promotion. Once a candidate has been promoted, that individual will be placed on a one (1) year probationary period, and given the salary for the newly acquired position attained. During the probationary period candidates may attend Officer Supervisory School conducted by a MLOT certified training instructor. Successful completion (passing 70%) of the Officer Supervisory School is a prerequisite for completion of the probationary period. At the end of one (1) year, each candidate's performance will be evaluated to determine whether the officer is entitled for confirmation of promotion.

Candidates will be required to pass a medical examination to reasonably insure their ability to perform the duties related to the new rank.

The Act 312 panel met in executive session, immediately after the close of proofs, and concluded that the stipulated provisions on promotions and promotional procedures should be, and hereby are, adopted by the panel as its Supplemental Award.



Blaine Frost, Chair



Sam Merigian, City Delegate



Richard R. Weiler, Union Delegate
(Concur-Dissent)

April 2, 1987