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In the Matter of Arbitration
-between the-
City of Kalamazoo
-and the-
Kalamazoo Firefighters' Association
Case No. (MERC) L97 J-7006

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STATE OF MICHIGAN
DEPARTMENT OF TREASURY
OFFICE OF THE COMPTROLLER

*In the Matter of Arbitration
between the
City of Kalamazoo
and the
Kalamazoo Firefighters' Association, IAFF*

MERC Case No. L97 J-7006

Appearances

Employer

Kent Sherwood, Attorney
Robert Dievendorf, Assistant Chief
Richard Daly, LRO

Union

Alison Paton, Attorney
Richard Schipper, Pres.
Gay Mitchell, V. P.
Walter Culver, IAFF
Peter Bourgeois, IAFF

Comparability Issues:

The City of Kalamazoo has generally used eight municipal jurisdictions for the purpose of establishing comparability in fact finding and 312 arbitration. The IAFF proposes using Ann Arbor and Ypsilanti Township as well as Battle Creek and East Lansing. The latter two are included in the City's list of comparables. Ann Arbor and Ypsilanti Township are not. The respective comparability lists read:

Employer

Grand Rapids
Lansing
Saginaw
Wyoming
Battle Creek*
East Lansing*
Portage
Jackson

Union

Ann Arbor
Battle Creek
East Lansing
Ypsilanti Township

Arguments by the Employer

The City of Kalamazoo argues that its use of the proposed eight comparables is longstanding. The choices consist of jurisdictions that are comprehensive and, in its opinion, representative. Some municipalities are larger than Kalamazoo and some are smaller, it notes. What they have in common, the City argues, is that they are all subject to similar social and economic influences. The City further notes that its proposed

comparables are appropriate. Rick Daly, in testifying for the City, noted that he surveyed the City's traditional and historic comparable communities in anticipation of possible Act 312 proceedings. He collected data on all three Department of Public Safety bargaining units: the Kalamazoo Police Supervisor's Association, the Kalamazoo Police Officers Association, and the International Association of Fire Fighters. He used what the City regards as its traditional and historic comparables, notably: Grand Rapids, Lansing, Saginaw, Wyoming, Battle Creek, East Lansing, Portage, Jackson, and Kalamazoo County. In addition he contacted the City's recently retired Human Resources Director, Agnes Hughes who served for 10 years as Human Resources Director. Hughes confirmed the listed jurisdictions as those, which the City traditionally uses not only for Act 312 purposes, but for all negotiating and comparison purposes.

The City acknowledges the difficulty in comparing public safety budgets with public safety departments that employ separate police and fire fighting units under separate and distinct budgets. The City concedes that it has in the past surveyed Ann Arbor relative to its KMEA and AFSCME bargaining units but notes that it does not consider every municipality which it surveys, or from which it collects data, to be a comparable municipality. For Act 312 purposes, the City continues, Daly surveyed only traditional and historic comparables.

The City notes that Union Exhibit 12 shows fire runs as reported to the State Fire Marshall. The numbers differ, the City argues, from those reported in response to a private City survey (See, City 7). The City's numbers reflect every time a piece of fire apparatus was dispatched from a fire station. The Fire Marshall's numbers, the City points out, may include only actual fires in some instances while combining false alarms and actual fires in another instance. The important point in the City's argument is that sometimes the numbers mean different things even when comparables are most similar.

The City makes arguments in support of median housing values as a comparison standard, arguing that Metropolitan Detroit and its environs differ significantly from the City and its traditional and historic comparables. Likewise, argues the City, the SEV for Kalamazoo and Metropolitan Detroit are too dissimilar to be considered as comparable. Most of the communities listed in Union's 6, 7, 8, and 10, the City argues are predominantly residential communities with relatively high 1990 SEV's though they may lack core cities and though they may lack a history of industrialization. The City then goes on to show how Kalamazoo compares with the eight or nine jurisdictions which it regards as appropriate for the upcoming arbitration process.

The City concludes by noting that it has not traditionally or historically considered those cities or communities within the Metropolitan Detroit area to be comparable, and no City bargaining unit has ever before argued that greater Metropolitan Detroit area cities or communities are comparable. It points out that Ann Arbor and Ypsilanti Township are part of the greater Metropolitan Detroit area, a position supported by the Bureau of Labor Statistics. The City therefore believes that neither Ann Arbor nor Ypsilanti Township is appropriate comparables.

Arguments by the Union

The Union notes that there has never been any prior Act 312 proceeding involving the City and the IAFF bargaining unit. In fact, the Union continues, this IAFF bargaining unit has never previously filed for Act 312 arbitration. Subsequently, notes the Union, there are no prior Act 312 arbitration awards between these parties making any determination as to the appropriate comparables. These facts, the Union contends, more or less void any claims that there is a historical determination of the appropriate comparables to be utilized between these parties by way of a prior Act 312 award barring the absence of some prior agreement having been reached by the parties at the bargaining table.

The Arbitrator, the Union continues, must determine the appropriate comparable jurisdictions for arriving at the standards to be applied in this contractual settlement. The Union urges the Arbitrator to do so based on an objectively based, consistent methodology, in accordance with long-standing Act 312 precedent. In this case, the Union argues, it has presented comparables based on an objective, consistent methodology that is both reasonable and fair.

Daly, in testifying for the City, acknowledged that the City has never discussed proposed comparables, the Union notes. Nor have any such comparables been awarded by a prior Act 312 arbitration award, the Union continues.

The Union then goes on to cite several awards in which arbitrators have accepted the previous comparables used by parties in past negotiations. In such cases, the Union notes, arbitrators have always considered the constancy of the circumstances and permitted some room for altering comparable jurisdictions if the circumstances have changed. The Union objects to the unilateral establishment of comparable jurisdictions based upon the practices entered into between the Employer and other bargaining units in the City of Kalamazoo.

Discussion

Comparables are always useful in suggesting trends. Although they sometimes constitute a basis for setting a wage or salary based upon an average, rarely is this done at the expense of excluding variables such as the BLS Index or the fiscal situation controlling the Employer's overall ability to be competitive with comparable communities. Comparables do not mandate the following of a trend or the matching of the highest or lowest standard among the jurisdictions being compared. They merely narrow the universe of jurisdictions that the parties must become knowledgeable about in presenting their case.

Although the Arbitrator does not endorse any specific methodology, he is persuaded that distinctive units may use distinctive comparables and notes that the advantages of any

specific comparable jurisdiction is, at best, inconstant. Whether Ann Arbor and Ypsilanti Township will be inappropriate additions to the mix of comparables already used by the Employer is open to questions that will be best resolved by presentations on the facts. If the facts show them to be well out of line, they will be rejected on the merits. But they are not subject to denial based on the practices established for other units.

Both parties have presented the case for comparability cogently and satisfactorily. The issue of adding the Union's proposed jurisdictions to those proposed by the City is of minor challenge to the arbitration process. Hence, the following means and medians may be altered as a consequence of the Arbitrator's determination that the Union's jurisdictions should be added to those comparables already used by the Employer.

Table 1

**DEMOGRAPHICS OF
COMPARABLE COMMUNITIES**

	Population	Square Miles	S.E.V.
Kalamazoo	80,277	26	1,325,997
Grand Rapids	189,126	44	3,113,318,850
Lansing	127,321	34	1,404,362,726
Saginaw	69,000	17	651,108,568
Wyoming	68,723	25	1,567,304,000
Battle Creek	53,540	43	1,086,196,728
East Lansing	51,000	12	597,459,150
Portage	43,000	35	1,370,558,300
Jackson	37,446	11	449,853,970
<i>Average of Comparables</i>	79,895	28	1,280,020,287
 Median of Comparables	 61,132	 30	 1,228,377,514
 Kalamazoo	 80,277	 26	 1,325,997,320
 Ann Arbor			
Ypsilanti Township			

Table 2

CITY EXHIBIT 3 - MEDIAN VALUE OF HOUSING UNITS

	Median Value
Kalamazoo	\$ 54,627.00
Grand Rapids	\$ 58,270.00
Lansing	\$ 55,552.00
Saginaw	\$ 17,426.00
Wyoming	\$ 79,800.00

Battle Creek	\$ 82,000.00
East Lansing	\$ 155,000.00
Portage	\$ 51,900.00
Jackson	\$ 32,100.00
<i>Average of Comparables</i>	\$ 66,506.00
<i>Median of Comparables</i>	\$ 56,911.00
Kalamazoo	\$ 54,627.00
Ann Arbor	
Ypsilanti Township	

Table 3

Average Annual Pay for All
Covered Workers

290 Largest Counties (1996)

City	County	Average Annual Pay
Kalamazoo	Kalamazoo	\$ 29,517.00
Grand Rapids	Kent	\$ 29,230.00
Lansing	Ingham	\$ 30,083.00
Saginaw	Saginaw	\$ 30,545.00
Wyoming	Kent/Ottawa	\$ 29,230.00
	Ottawa	\$ 27,877.00
Battle Creek	Calhoun	
E. Lansing	Ingham	\$ 30,083.00
Portage	Kalamazoo	\$ 29,517.00
Jackson	Jackson	
<i>Average of Comparables</i>		\$ 29,508.00
<i>Median of Comparables</i>		\$ 29,656.50
Kalamazoo		\$ 29,517.00

Union objects to relevancy

Ann Arbor
Ypsilanti Township

Table 4

Department Budgets - City
Exhibit 5

	Fire Budget	Police Budget	Total
Kalamazoo			
Grand Rapids	\$ 17,830,022.00	\$ 33,612,373.00	\$ 51,442,395.00
Lansing	\$ 13,082,453.00	\$ 17,951,406.00	\$ 31,033,859.00

Saginaw	\$ 8,127,861.00	\$ 12,110,234.00	\$ 20,238,095.00
Wyoming	\$ 3,542,870.00	\$ 11,007,520.00	\$ 14,550,390.00
Battle Creek	\$ 7,561,009.00	\$ 11,703,868.00	\$ 19,264,877.00
East Lansing	\$ 4,141,830.00	\$ 6,298,165.00	\$ 10,439,995.00
Portage	\$ 2,852,260.00	\$ 5,531,879.00	\$ 8,384,139.00
Jackson	\$ 4,539,144.00	\$ 7,528,814.00	\$ 12,067,958.00

Average of Comparables	\$ 7,709,681.13	\$ 13,218,032.38	\$ 20,927,713.50
Median of Comparables	\$ 6,050,076.50	\$ 11,355,694.00	\$ 16,907,633.50

Kalamazoo			\$ 24,820,600.00
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Ann Arbor
Ypsilanti Township

Table 5

NUMBER OF PUBLIC SAFETY PERSONNEL, 1998 - Employer Exhibit 6

	Total Public Safety Employees	Firefighters
Kalamazoo	246	9
Grand Rapids	596	135
Lansing	598	99
Saginaw	241	64
Wyoming	179	23
Battle Creek		
East Lansing	113	36
Portage	85	17
Jackson	99	24
Average of Comparables	273	57
Median of Comparables	179	36
Kalamazoo	246	9

Ann Arbor
Ypsilanti Township

Table 6

WORK LOAD COMPARISON, 1997 - Employer Exhibit 7

	Fire Calls
Kalamazoo	5,051
Grand Rapids	24,823

Lansing	6,268
Saginaw	1,769
Wyoming	3993
Battle Creek	11,562
East Lansing	3607
Portage	684
Jackson	3777

<i>Average of Comparables</i>	7,060
<i>Median of Comparables</i>	3,885

Kalamazoo	5051
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Ann Arbor
Ypsilanti Township

The above additions are to be added to the Employer's Exhibits and new averages and medians computed. Union Exhibits are to be altered accordingly. This is not intended to limit the parties' cases to exhibits already submitted.

Date

J. Edward Simpkins, Arbitrator