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ARBITRATOR'S DECISION

Act 312 Arbitration between Niles Township
and Niles Township Police Officers Labor Council

MERC CASE NO. G93 A-3012

The arbitrator finds that the last offer of settlement of the Niles Township Police Officers Labor Council more nearly conforms with the factors stated in Section 9 of Act 312, than does the last offer of settlement of Niles Township, the employer.

The economic issue is that of reopening of wages from April, 1993 to March of 1994. The Union's last offer seeks a 4% increase. The Township-Employer's last offer is a 3 1/2% increase.

Section 9 has 8 subsections, all of which have important significance. From the practical point of view of an arbitrator, perhaps the most important criteria are those of sub-section (c) and (d).

"(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 [those] involved in the arbitration proceeding with [those... of others] ... performing similar services and with other employees generally:"

"(i) In public employment in comparable communities [underlining added]"

"(ii) In private employment in comparable communities."

All of Section 9 and its subsections have been taken into account by the arbitrator.

Comparability is of substantial importance. The facts in this matter show, as pointed out by the Union, that Bedford, Charlotte, and DeWitt Townships, and the cities of Hastings, Marshall and St. Johns, are closely comparable to Niles Township, respecting the wages of police officers.

The communities named by Niles Township are not as nearly comparable. The statutes and appellate court decisions of Michigan permit collective bargaining by police officers and fire fighters through representation by agents of their own choice. Police officers and fire fighters are prohibited by law from concerted work stoppages. This has been done by a statute designed to protect public safety.

Act 312 and Michigan case law provide for the extension of collective bargaining by police officers and fire fighters through compulsory arbitration.

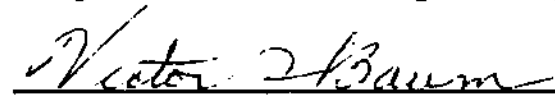
The Township of Niles has named nine communities as being comparable: The cities of Broadlake and Berrien Springs, and the Townships of Oronoko, Chikaming, Coloma, Covert, Howard, Edwardsburg/Ontwa, and Three Oaks. Of the nine, only two engage in collective bargaining. The arbitrator takes notice that only Berrien Springs and Coloma Townships have union contracts; the remaining seven, so-called comparables, named by Niles Township do not.

Respecting the criterion of ability to pay, the arbitrator finds that the Township clearly has the ability to meet the last offer of the Union.

The last offer of the Union for patrol officers' wages is less than the average wages of patrol officers in comparable communities.

Taking into account all of the criteria of Act 312, Section 9, the arbitrator believes the last offer of the Union more nearly complies with Section⁹, than the last offer of the Township of Niles.

Singed this Fourth Day of August, 1994


VICTOR J. BAUM, Arbitrator & Panel Chairman

CONCURRENCE WITH OR DISSENT TO ARBITRATOR'S DECISION

Please Initial

JAMES QUINN, UNION'S ARBITRATION PANEL REPRESENTATIVE

Agree

Disagree

JOHN DE WAYNE, EMPLOYER'S ARBITRATION PANEL REPRESENTATIVE

Agree



Disagree



POLICE OFFICERS LABOR COUNCIL

August 16, 1994

Arbitrator, Victor J. Baum
1898 Wingate
Bloomfield Hills, MI 48302

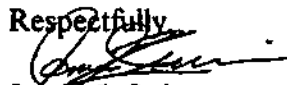
RE: Act 312 Arbitration between Niles Township and the Police Officers Labor Council

Dear Mr. Baum:

I was forwarded a copy of your recently issued award in the above captioned matter and upon review I noticed that the last page contained a space for signatures regarding concurrence or non-concurrence with your findings. I presumed that you wished the individual Panel Delegates to initial said page indicating our position in relation to your ruling. I have done so and am returning same to you.

If there is any other duty that you wish me to perform as a panel delegate please advise.

Respectfully,


James J. Quinn
Union Panel Delegate

cc: John DeWayne, Attorney at Law

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Victor J. Baum
VICTOR J. BAUM, Arbitrator & Panel Chairman

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Please Initial

JAMES QUINN, UNION'S ARBITRATION PANEL REPRESENTATIVE

Agree

Disagree

JOHN DE WAYNE, EMPLOYER'S ARBITRATION PANEL REPRESENTATIVE

Agree

Disagree