

322

Mich Police - Fire Unit

3/76

C.I. ARB

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Hamtramck, City of

STATE OF MICHIGAN
MICHIGAN EMPLOYMENT RELATIONS COMMISSION
PERA No. D75-E1119

CITY OF HAMTRAMCK

and

LOCAL 750 INTERNATIONAL ASSOCIATION
of FIRE FIGHTERS AFL-CIO

HAMTRAMCK POLICE RANKING OFFICERS ASSOCIATION

HAMTRAMCK FRATERNAL ORDER OF POLICE, LODGE 109

LABOR AND INDUSTRIAL
RELATIONS LIBRARY

Michigan State University

LABOR AND INDUSTRIAL
RELATIONS LIBRARY
Michigan State University

AUG 18 1976

Schwimmer, Shirley T.

This matter was submitted to binding arbitration under Act 312 of the Michigan Public Acts of 1969 as amended, herein referred to as the Act, which provides for compulsory arbitration of labor disputes in municipal police and fire departments.

In compliance with the Act, the Arbitration panel selected to hear and decide these disputes is composed of three members. The Hamtramck Police Ranking Officers Association, Hamtramck Fraternal Order of Police, Lodge 109 and Local 750 International Association of Fire Fighters AFL-CIO, herein referred to as the Unions, chose F. Daniel Bohn, the City chose David Krussel. The impartial Arbitrator Chairman, Shirley T. Schwimmer was appointed by Robert G. Howlett, Chairman of the Michigan Employment Relations Commission.

Hearings were held on December 11, 12, 13 and 15, 1975, during which time the parties were given every opportunity to present evidence and arguments. The Unions were represented by Eugene R. Bolanowski, Attorney of Bolanowski and Brennan, P.C. The City was represented by Michael C. Kovaleski, Attorney. The record consists of 452 pages of testimony, twenty-one exhibits by the Unions, thirteen exhibits by the City and six joint exhibits.

LAST OFFER OF SETTLEMENT BY UNIONS:

ECONOMICS

1. Wages - Last offer of settlement

Each employee of the fire department and police department shall receive an \$1100.00 per capita raise and the following salary schedules shall be in effect for the term of this agreement:

Fire Chief	\$21,700.00
Assistant Chief	20,500.00
Master Mechanic	20,500.00
Captain (fire)	19,400.00
Lieutenant (fire)	18,000.00
Motor Engineer	17,200.00
Fire Fighter III	15,700.00
Fire Fighter II	15,300.00
Fire Fighter I	14,900.00
Captain (police)	20,500.00
Lieutenant (police)	19,400.00
Sergeant (police)	18,000.00
Detective	17,700.00
Patrolman III	15,700.00
Patrolman II	15,300.00
Patrolman I	14,900.00

2. Cost of Living Allowance - Last Offer of Settlement

Beginning July 1, 1975 each employee of the Hamtramck police and fire departments shall receive a cost of living allowance which shall be determined as follows:

1. The cost of living allowance shall be determined in accordance with the changes in the official Detroit Consumer Price Index for Urban Wage Earners and Clerical Workers published by the Bureau of Labor Statistics, U. S. Department of Labor (1967=100) and hereinafter referred to as C.P.I.
2. The cost of living allowance will be paid on a quarterly basis for all hours for which he/she receives pay. The payment will be paid by separate check on October 1, January 1, April 1, and July 1 of each year.
3. During the period of this agreement, adjustments in the cost of living allowance, including the establishment of the first allowance, shall be made at the following times according to the Consumer Price Index for the month shown.

DATE OF ADJUSTMENT.

BASED ON C.P.I. FOR MONTH OF

October 1, 1975
January 1, 1976
April 1, 1976
July 1, 1976

August 1, 1975
November 1, 1975
February 1, 1976
May 1, 1976

4. The amount of the cost of living allowance, redetermined on each date of adjustment shall be in accordance with the C.P.I. with a 1¢ per hour adjustment (based upon a 2,080 hour year) for each .3 change in the C.P.I.
5. The cost of living allowance shall be expressed in cents per hour and shall not have a limitation.
6. In the event that the Bureau of Labor Statistics does not issue the appropriate consumer price indices ten days before one of the pay dates, any adjustments in the cost of living allowance required by such appropriate indices shall be effective and paid on the first date ten days after the receipt of said indices.

7. The continuance of the cost of living allowance shall be dependant upon the availability of the monthly Consumer Price Index in its present form and calculated on the same basis as presently calculated. No adjustments, retroactive or otherwise shall be made due to any revision which may later be made in the published figures of the C.P.I. In the event that the Bureau of Labor Statistics fails to publish any pertinent Detroit-Metropolitan area Consumer Price Index, the cost of living allowance for the period affected shall be determined in accordance with the changes in the Consumer Price Index, U. S. City averages as published by the Bureau of Labor Statistics (1967=100) and if the U. S. City Averages Index is not available and alternate index shall be mutually agreed upon by the parties to afford the affected employees the full benefit of a cost of living allowance.

3. Adoption of a Dental Plan - Last Offer of Settlement

Each employee of the Hamtramck police and Fire departments shall be afforded dental insurance coverage under DELTA DENTAL PLAN B, CLASS I AND II BENEFITS, FAMILY COVERAGE.

4. Longevity - Last Offer of Settlement

Additional \$10.00 per year longevity.

Each employee of the police and fire departments shall be paid the sum of \$30.00 per each year of service on an unlimited basis to a maximum of 30 years, \$900.00 (Nine Hundred Dollars) present ordinance to be amended.

5. Holiday Pay - Last Offer of Settlement

Each employee shall be entitled to 11 paid holidays.

Each employee of the Hamtramck police and fire departments shall receive 11 paid holidays which represents an increase of two paid holidays. Holiday pay shall be paid for Martin Luther King Day and Columbus Day.

6. Blue Cross Coverage for New Retirees to include Spouse - Last offer of Settlement

The City shall pay one-half ($\frac{1}{2}$) of the cost of hospitalization for a retiree and his spouse until the retired employee and his spouse attain the age of 65 or become eligible for medicare and/or medicaid. This provision shall be applicable only to those employees retiring after January 1, 1976. These retired employees who attain employment from an employer who provides hospital insurance shall not be covered by the City's hospital insurance for the for the duration of such employment.

NON-ECONOMIC MATTERS

1. Residency Requirement

The City shall not require residency in the City of Hamtramck as a pre-condition of employment or as a condition of continued employment for any employee covered under the terms of this agreement.

2. Layoffs

The following policy shall be adopted and implemented with respect to layoffs:

1. All wages and benefits due to and owing to an employee shall be paid prior to actual layoff.
2. Layoffs shall be accomplished by seniority, that is the last employee in the bargaining unit shall be the first one laid off in that particular bargaining unit..
3. The City shall provide the same hospitalization coverage after layoff for a period of six months.

3. Length of Contract - 1 Year

The following demand is applicable to Hamtramck Fire Fighters only.

1. Seniority points shall be given at the rate of .75 for each year of service with no maximum. These points shall be awarded prior to the time a fire fighter takes a written examination.

THE LAST OFFER OF SETTLEMENT BY THE CITY

ECONOMICS

1. Wages

Each employee of the fire department and police department shall receive a \$1000.00 per capita raise for the term of this agreement

2. Cost of Living Allowance

No Cost of living allowance be granted.

3. Adoption of a Dental Plan

Each employee of the police and fire department shall be covered by a dental insurance plan known as the Delta 50-50 plan. The optical plan coverage be dropped.

4. Longevity

Longevity pay to remain the same as in the present contract.

5. Holiday Pay

Each employee entitled to nine paid holidays, remains the same as in the present contract.

6. Blue Cross

Blue Cross - Blue Shield coverage to remain the same as in the present contract.

NON-ECONOMIC MATTERS

1. Residency

No change in requirement that police and fire fighters be residents of the City of Hamtramck.

2. Telephone

All police officers be required to have a telephone in their homes.

3. Layoffs

1. All wages and benefits due and owing to an employee shall be paid one week after layoff.
2. Layoff shall be accomplished by seniority, last employee hired is first one laid off.
3. Hospitalization insurance - employee remains on the group rolls as long as on layoff. Laid off employee pays premium to the city.

4. Length of Contract

One year for length of contract.

5. Seniority for Fire Fighters only.

Seniority points applied for promotion, after a fire fighter has attained a score of 70% on the combined written and oral examination. Use of seniority points to remain the same as in present contract.

6. Management Rights Clause

The panel fashion a management rights clause or use the following management rights clause:

Management Rights Clause

The City retains the sole right to manage the affairs of the City, including but not limited to the right to plan, direct and control its operations; to determine the location of its facilities; to study or introduce new or improved methods of facilities; to maintain order and efficiency in its operations to hire, lay off, assign, transfer and promote employees (consistent with Civil Service), to determine the starting and quitting time, work schedules and the number of hours to be worked, to determine the qualifications of its employees and standards related thereto; and all other rights and prerogatives including those exercised unilaterally in the past, subject only to such regulations and restrictions governing the exercise of these rights as are expressly provided in this Agreement.

As is customary in tripartite arbitration proceeding, this discussion and opinion of the arbitration panel has been written by the Chairman of the panel.

In reaching its conclusion the panel as provided in Act 312 Section 9 has based its findings, opinions and orders upon the following factors as applicable:

- a. The lawful authority of the employer.
- b. Stipulations of the parties.
- 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 the employees involved in the arbitration proceeding with the wages, hours and conditions of employment of other employees performing similar services and with other employees generally:
 - (i) In public employment in comparable communities.
 - (ii) In private employment in comparable communities.

- e. The average consumer prices for goods and services, commonly known as the cost of living.
- f. The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.
- g. Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings.
- h. Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment through voluntary collective bargaining, mediation, fact-finding, arbitration or otherwise between the parties, in the public service or in private employment.

DISCUSSION

RESIDENCY

The issue that has the most importance to the parties is the question of residency of the police officers and fire fighters. Presently members of the police and fire department are required to be residents of the City of Hamtramck.

The Union's Position.

Hamtramck is approximately two square miles in size, of which approximately 50% is covered by industrial, manufacturing and commercial establishments. Within the remaining one square mile area a large amount of land has been devoted to urban renewal.

27,500 residents live in buildings on 30 foot lots with the residential areas crisscrossed by streets of commercial shops, lined by heavy manufacturing industry and bordered by the Chrysler Freeway to the west.

Housing opportunities do not exist in the City of Hamtramck. Vacant land is unavailable for anything other than low cost housing. A Federal District Court Order by Judge Damon Keith prohibits the destruction of any existing home

without the previously expressed approval of the court and further prohibits the construction of any new housing unless the new housing is low cost housing. Under this court order a policeman or fireman could not buy two older homes, destroy them and put up a new home on the 60 x 90 foot lot. In the residential areas of Hamtramck there is little turnover of real property.

Police officers fear for the well being of their families because anyone they arrest may well be a neighbor or one who can easily determine where the police officer lives.

Hamtramck, on its outskirts, is criss-crossed by modern freeways. A police officer or fire fighter can quickly report from most surrounding suburbs with the freeway system which reaches Hamtramck from almost anywhere.

If Hamtramck can hire a non-resident attorney to present its case before the panel and if the affected Hamtramck police officers and fire fighters are called upon to render aid to surrounding communities as these surrounding communities often assist Hamtramck police officers and fire-fighters, the magic qualities of the residency requirement disappear and its artificiality is exposed.

In opposition to the City's arguments the Unions maintain:

1. There is nothing to show the police officers and fire fighters would leave en mass to other areas.
2. The last time police officers were called in from off duty was 2-1/2 years ago, and before that 5 years ago.
3. Furthermore in case of emergency, Highland Park and Detroit police officers respond. Hamtramck has a formal, mutual aid agreement with the City of Highland Park and the City of Detroit.
4. In case of emergency, the freeway system permits police officers and fire fighters to respond quickly.

City's Position.

All city employees are required to live inside the city and city employees know this when they apply for a job with the city.

When the police are residents of the city, it means there are more police inside the city's boundaries.

When the police and fire fighters are residents they can respond much more quickly to a call in. Hamtramck is small in size, a call to a police officer or fire fighter can bring him to the scene where he is needed within minutes of the call.

The police department and fire department have a policy of equalization of overtime. When all the police and fire fighters reside in Hamtramck this is not a problem. However, if the police and fire fighters are scattered all over the suburbs, then when a call is issued, the call back will be to the police or firefighter who can respond most quickly, the ones who are living in Hamtramck, will be called first.

Hamtramck has an income tax of 1% on residents and 1/2% on non-residents. If city employees are permitted to be non-residents, there is loss of income to the city.

Residents of the city feel more secure when the police officer and the fire fighters are residents of the city, also residents resent it when their tax money goes to pay for city employees who are non-residents.

The bordering cities of Detroit and Highland Park have city resident requirements. All class C employees are required to live within the city. All class A employees are required to live within the city with the exception of the attorney representing the city.

This residency requirement has been in effect for at least 27 years and has been enforced.

In opposition to the Unions arguments the City maintains:

1. There is a variety of liveable housing inside the City of Hamtramck.
2. There is adequate shopping inside the City of Hamtramck.
3. Threats can follow you anywhere and are one of the hazards of being a policeman.

DISCUSSION

It is well settled in Michigan that residency is a bargainable issue; although it is a bargainable issue, it does not mean that a city must remove the residency requirement for the police officer and fire fighter if it considers residency necessary and reasonable for the operation of the police and the fire departments.

The question posed in this arbitration then is whether the Unions have provided competent material, and substantial evidence, that the residency requirement of the City of Hamtramck is unfair, unnecessary and unreasonable.

There can be no doubt that in most cases the welfare of the city is best served by the police officers and fire fighters being residents of the City.

The police officer who lives within the City has a better grasp of the problems, and a better knowledge of the people than one who only works eight hours a day in the City. Living in the city he is exposed to the same problems as the people who are his neighbors, their problems are his problems. As a resident while he is physically present although engaging in his own private business, he is a deterrent to crime. As a resident he sees and hears things he would not see and hear as one working only eight hours in the City. As a resident he can respond quickly to emergency calls.

The Unions have presented evidence that because so many freeways are close to Hamtramck they can respond quickly to any emergency call. While it is true that the expressways make it easy for a police officer or fire fighter to reach Hamtramck, they could respond much faster if they are living in Hamtramck as it is a city that is so small in size. Furthermore, the quick travel time does not apply during rush hours when traffic on the expressway and roads feeding into the expressway is extremely heavy.

The Unions further claim that there rarely are emergency calls, the last being 2-1/2 years ago and before that five years ago. Furthermore, in the event of an emergency situation the Detroit and Highland Park police respond quickly and the Hamtramck fire department has a formal agreement with Detroit and Highland Park for assistance.

The fact that Detroit Police and Highland Park respond with assistance in emergencies does not relieve the City of Hamtramck of the responsibility of providing protection to its residents with its' own police officers and fire fighters.

The Unions point out that because Hamtramck is so small everyone knows or can easily find out where a police officer lives and police officers have been harassed in the past by relatives of people they have arrested. It is well recognized "a policeman's lot is not a happy one" as Gilbert and Sullivan wrote back in the eighteen hundreds. Although it might be easier to be a police officer living in the suburbs than one living in Hamtramck, one does not necessarily escape unpleasantness by moving. This is not a reason to permit police officers to live outside the boundaries of the City of Hamtramck.

The Unions assert the number of its' member who would leave the city would be small in number. If only a few members of the Union were interested in leaving the City, the Unions would not be putting forth all this effort in order to lift the residency requirement.

There is no doubt that the movement of a large number of police officers and fire fighters from the city would adversely affect the City's economy.

The issue of whether there is an adequate variety of shopping and entertainment within the boundaries of Hamtramck has no relevancies in this case. The shopping and entertainment needs and desires of a resident of any area are not usually completely fulfilled by the neighborhood in which he resides. Most people travel outside their immediate neighborhood for some or all of their shopping and entertainment needs. There are few suburban areas where the residents have all their shopping and entertainment located within a two or three square mile area.

As the discussion above indicates, Hamtramck resembles most cities in that it could reasonably justify the necessity of its police officers and fire fighters living within the boundaries of the City of Hamtramck.

There is one area in which the City of Hamtramck is unique and in this area the unions have provided compelling testimony that the City is unfair in requiring residency in Hamtramck and that area is housing.

The City of Hamtramck is between two and three square miles in size. Of this area about 1/2 is occupied by heavy industry - Chrysler, Hamtramck plant, General Motors Chevrolet Gear and Axle plant, Olsenite plant and many smaller plants and commercial establishments. In addition to the industrial area, Hamtramck has an area that has been cleared for urban renewal.

Hamtramck housing consists mainly of older, mostly well kept two family homes on 30 foot lots. Most of these homes are of approximately the same age and layout. There are some newer and larger homes, but these homes rarely go up for sale.

Hamtramck is under a Federal Court Order by Judge Damon Keith, this order prevents the destruction or construction

of any housing in Hamtramck without court approval. Under Judge Keith's order the urban renewal land and any other land that becomes vacant is reserved for low income housing for minorities.

If a police officer or fire fighter wanted to buy two older homes in order to demolish them and then build a house on a 60 foot lot, Judge Keith's order would prevent him from so doing.

The only housing available with Hamtramck therefore for police officers and fire fighters is housing already in existence and as stated above almost all are two family houses on 30 x 60 foot lots without garages.

It is unreasonable for the City to expect that all of its police officers would want to live in this type of housing. It is one thing for a City to restrict employment to people who reside in the City, it is not reasonable to restrict them to only one kind of housing. Police officers and fire fighters are entitled to have a choice as to the kinds of housing they wish to live in within a price they can afford. Some younger or older families might not want to live in a two family house or own their own home. They might want to live in an apartment or an apartment complex, others might want a ranch home, still others might want a home with multiple bedrooms and bathrooms. The housing needs and desires of police officers and fire fighters cannot be met within the boundaries of the City of Hamtramck. Judge Keith's order has frozen the housing supply available to police officers and fire fighters within Hamtramck. The restriction to City limits is reasonable when there is a reasonable variety of housing available within the city boundaries. In this case there is not a reasonable variety of housing available.

I, therefore, find that the Unions have proved the city's restriction on residency is unfair because of the unavailability of a variety of housing within the City.

LAYOFFS

Unions Position.

1. All wages and benefits due to and owing to an employee shall be paid prior to actual layoff.
2. Layoff shall be accomplished by seniority, last employee in the bargaining unit shall be the first one laid off in the bargaining unit.
3. The city shall provide the same hospitalization coverage after layoff for a period of six months.

In time of financial need an employee's accrued vacation, overtime or any other pay due him be paid prior to time he is laid off.

Seniority policy has been the practice.

Hospitalization continuation for a short period of time will prevent financial disaster in most cases.

City Position.

1. All wage and benefits due and owing to an employee shall be paid within one week of layoff.
2. Layoff shall be accomplished by seniority, the last employee in the bargaining unit shall be the first one laid off in the bargaining unit.
3. Hospitalization shall be paid for until next premium is due. City will carry laid off employee in the group and employee will pay the City the group hospitalization rate as long as employee is on layoff.

The City requires one week after layoff to complete bookkeeping so it can determine amount due laid off employee.

OPINION

The cost of hospitalization is increasing and the city should not be responsible for a laid off employee's hospitalization beyond the next premium date. The City agrees to keep the laid off employee within the group and have employee pay his premium thru the City, although this involves extra bookkeeping.

All wages and benefits due and owing to a laid off employee should be paid within one week of layoff. It is reasonable to allow the City one week to complete its bookkeeping.

Both parties agree that last one hired, first one laid off in the bargaining unit.

As to hospitalization for six months beyond layoff, the evidence suggests that the City's offer to keep the hospitalization in force till the next premium is due and thereafter to carry the laid off employee as a member of the group as long as he is laid off is fair. The employee receives hospitalization till next premium is due and then pays the group rate which is lower than individual rate.

LENGTH OF CONTRACT

Unions and City Positions.

One year.

TELEPHONE

Unions and City Positions.

Police and fire fighters be required to have a telephone in their home.

SENIORITY FOR FIRE FIGHTERS ONLY

Union Position.

Seniority points shall be given at the rate of .75 for each year of service with no maximum. These points shall be awarded prior to the time a fire fighter takes a written examination.

City Position.

No change in the present contract language: "Seniority points shall be given at the rate of .75 per each year of service with a maximum of 15 points. These points shall be added only to a man's qualify score which shall be a minimum of 70, written and oral combined."

OPINION

The firefighters claim that applying seniority points after the applicants has obtained a combined score on the written and oral tests of 70% does not provide enough credit for on the job experience.

The tests for promotion are supplied state wide to all fire departments as are the correct answers. A combined score of 70% on the written and oral tests is an equitable score which an applicant for promotion must attain before his seniority points are applied to his score. A fire fighter who has had many years in the department but cannot achieve a 70% score should not be promoted before a fire fighter who has less seniority but is able to score 70% or better in the promotion examination.

No change to be made in present contract language.

MANAGEMENT RIGHTS CLAUSE

Union Position.

No clause presented for discussion to the unions. A management rights clause, the drafting of which has not been subject to collective bargaining would undoubtedly present many problems. The management rights clause as presented has had no input from the unions before it was presented to the arbitration panel. A management rights clause fashioned by the Arbitration Panel would suffer from the same defect.

City Position.

There is no management rights clause in the present contract.

The management rights clause as proposed by the City is as follows:

"The City retains the sole right to manage the affairs of the City, including but not limited to the right to plan, direct and control its operations; to determine the location of its facilities; to study or introduce new or improved method of facilities; to maintain order and efficiency in its operations; to hire, lay off, assign, transfer and promote employees, (consistent with

Civil Service), to determine the starting and quitting time, work schedules and the number of hours to be worked, to determine the qualifications of its employees and standards related thereto; and all other rights and prerogatives including those exercised unilaterally in the past, subject only to such regulations and restrictions governing the exercise of these rights as are expressly provided in this agreement."

The language of this management rights clause was agreed to by the ranking officers of the police department before the parties went to arbitration. When the parties went to arbitration all previous agreements were put into issue.

OPINION

Sufficient evidence was not presented for the panel to accept the Management Rights Clause as presented, or to fashion one for the parties. Nor is there an obligation on the part of the panel to fashion a Management Rights Clause for the parties.

OFF DUTY NOTIFICATION

The unions have withdrawn the issue "No city rules or regulations shall preclude police and fire employees from off duty employment and no employee will be required to sign any affidavit with respect to his off duty employment".

The parties have come to a meeting of the minds and will work out the details.

ECONOMICS

WAGES

Union Position.

Each employee of the fire department and police department shall receive a \$1100.00 raise. Hamtramck fire fighters and police officers rank the lowest for 24 comparable communities in Wayne County. The actual percentage raise sought is 7.9% for Patrolman I and Fire Fighter I to a 5.3% increase for Fire Chief and 5.6% for Police Captain.

Hamtramck police officers and fire fighters make less than police officers and fire fighters in the sister cities of Detroit and Highland Park.

Hamtramck police officers make more arrests per officer than Detroit police officers. Hamtramck fire fighters fight fires in Highland Park and by mutual aid pact in Detroit if necessary. Hamtramck police officers assist in Highland Park and in Detroit if necessary as do Detroit and Highland Park. Hamtramck police officers and fire fighters should enjoy similar pay for similar work

Hamtramck has the ability to pay the increase. There has been an increase in employment at the Hamtramck Chrysler plant which means an increase in revenue from the non-resident tax. The city also has a backlog of \$214,352.64 in delinquent taxes, which it has made no great effort to collect.

City Position.

Each employee of the fire department and police department shall receive a \$1000.00 raise.

A comparison of wages including base pay, gun allowance, clothing allowance, holidays, Blue Cross insurance, C.O.L.A., shift differential, of the cities listed below, indicates that an increase of \$1000.00 for each employee of the police department and fire department is comparable with the wages of other communities.

<u>Grosse Pointe Park 7-75</u>		<u>Garden City 6-76</u>
Base:	\$14,500.	\$15,000.
Gun:	0	\$ 365.
Clothing:	\$ 175.	\$ 300.
Holidays:	Seven	Thirteen
Blue Cross: Employee & Dependent		none
C.O.L.A.:	none	none
Shift Differential:	\$125 - \$125	2.5% - 5%
Dental:	none	non@

Gibraltar 1-76

Base: \$14,908
 Gun: \$200
 Clothing: \$400
 Holidays: Eleven
 Blue Cross: Employee & Spouse
 C.O.L.A.: none
 Shift Differential: 10-15 cents
 Dental: none

Harper Woods 1-76

Base: \$15,500
 Gun: 0
 Clothing: \$275
 Holidays: Twelve
 Blue Cross: Employee & Spouse
 C.O.L.A. 1 cent - .4
 Shift Differential: 5%-10%
 Dental: none

Warren

Base: \$15,969
 Gun: none
 Clothing: \$250
 Holidays: Twelve
 Blue Cross:
 C.O.L.A.: yes
 Shift Differential: 20¢-30¢
 Dental: none
 Longevity: 2%-5 years
 4%-10 "
 6%-15 "
 8%-20 "
 10%-25"

Roseville

Base: \$15,304
 Gun: none
 Clothing: \$300
 Holidays: Ten
 Blue Cross:
 C.O.L.A.: yes
 Shift Differential: 5%-10%
 Dental: none, nor op
 Longevity 2% 6 years
 4% 11 years
 6% 16 "
 8% 21 "
 10% 26 "

Berkley

Base: \$16,200
 Gun: none
 Clothing: \$300
 Holidays: Ten
 Blue Cross: no
 C.O.L.A. no
 Shift Differential:
 Dental: no
 Longevity: 1% 3 years
 2% 5 "
 4% 10 "
 6% 15 "
 8% 20 "

Grosse Pointe Shores

\$15,215
 0
 \$300
 Six
 Employee & spouse
 none
 ?
 none

Woodhaven 7-76

\$15,536
 0
 \$350
 Eleven
 none
 none
 10¢ - 20¢
 Dental & Op.

St. Clair Shores

\$14,988
 none
 \$275
 Eleven
 none
 yes
 2-1/2 0 5%
 none
 5-2%
 10-4%
 15-6%
 20-8%
 25-10%

Madison Hgts. 7-76

\$15,573 - \$15,750
 \$200 Police; \$250
 none
 Nine
 Life Ins., \$2,500
 yes - 1¢ - .4
 \$11 per mo. dental plus op.
 5 - 2%
 10 - 4%
 15 - 6%
 20 - 8%

Birmingham

\$16,013
 none
 \$150
 Twelve
 no
 yes - 12 cents cap
 none
 Dental - no optical
 5 - none
 5-10 2%
 10-14 4%
 15-19 6%
 20-24 8% 25 over - 10%

Wayne 7-76

Base: \$15,700
 Gun: \$350
 Clothing: \$50
 Holidays: Eleven
 Blue Cross: Employee & Spouse
 C.O.L.A. none
 Shift Differential: ?
 Dental none
 Longevity:

Southgate

\$15,800
 \$350
 \$375
 Ten
 Employee only
 none
 10¢ only
 none

Riverview 6-76

Base: \$15,850
 Gun: none
 Clothing: \$250
 Holidays: Twelve
 Blue Cross: Employee & Spouse
 C.O.L.A. none
 Shift Differential: \$200-\$200
 Dental none
 Longevity:

River Rouge 6-76

\$15,900
 \$365
 \$450
 Thirteen
 Employee & Spouse
 none
 20 - 25 cents
 yes

Highland Park 7-76

Base: 7% - \$16,055
 (Patrolman \$14,931.15)
 Gun: n none
 Clothing: \$150
 Holidays: nine
 Blue Cross: Retired Employee only
 C.O.L.A. none
 Shift Differential: 10-15 cents
 Dental: Employees only
 Longevity: 5 years - 100
 15 years - 350
 10 years - 175
 20 years - 375

Hazel Park

\$14,593
 none
 \$200
 nine and 1/2
 Employee only
 yes
 \$100-\$100
 yes - employees only

OPINION

The difference in the Last Offer of Settlement between the Unions and the City is \$100.00. The Unions asking \$1100.00, the City offering \$1000.00.

Taking into consideration the wages, hours, holidays, insurance, gun allowance, clothing allowance, longevity, shift differential of the police department and fire department as compared with those of the police department and fire department of similar communities and the employers ability to pay, I find that an increase of \$1000.00 as offered by the City should be granted.

COST OF LIVING ALLOWANCE

Unions Position.

The police department and fire department receive a C.O.L.A. of 16 per hour for each .3 change in the Consumer Price Index based on a 2080 hour year with no cap. Hamtramck pays the majority of its employees a cost of living increase. The auto industry has a C.O.L.A. The majority of people who earn a living in the City of Hamtramck are paid a C.O.L.A., those who protect the City should be paid the same. Many comparable communities provide a C.O.L.A. A C.O.L.A. is the only reasonable means to keep pace with inflation.

City Position.

No Cost of Living be granted. Although Class C employees have a C.O.L.A. this was given in lieu of the much greater increase the police officers and fire fighters got in their last contract.

A comparison of similar communities as indicated by City Exhibit XIII indicates no C.O.L.A. should be granted.

OPINION

A comparison of similar communities as to the wages and other benefits plus the fact of the length of the contract which both parties agree should be one year indicates no C.O.L.A. should be granted.

DENTAL PLAN

Unions Position.

Police Officers and fire fighters should be covered by Delta Dental Plan B, Class I and II Benefits, Family Coverage.

Several Communities in the area provide this plan.

City Position.

Police officers and fire fighters receive coverage of the Delta Dental 50-50 Plan and optical coverage be dropped.

OPINION

Although the Unions had submitted their Final Offer of Settlement for Delta Plan B, Class I and II Benefits, Family Coverage, they indicated they are willing to accept the City's proposal of Delta Dental 50-50 and dropping of the optical coverage.

LONGEVITY

Unions Position.

Additional \$10.00 per year. Each employee of the police and fire department shall be paid the sum of \$30.00 per each year of service on an unlimited basis to a maximum of 30 years, \$900.00. Present ordinance to be amended.

The primary purpose of longevity is to retain a stable police force by retaining those employees who may be eligible for promotion but because of the lack of promotional opportunity must remain in the position they are currently in. Longevity pay helps retain highly skilled and trained personnel.

City Position.

Each employee of the police department and fire department continue to be paid the sum of \$20.00 for each year of service on an unlimited basis to the maximum of 30 years, \$600.00 as presently stated in the contract.

Highland Park which is really the sister city of Hamtramck has the following:

5 years	- \$100.00
10 years	- \$175.00
15 years	- \$350.00
20 years	- \$375.00

A comparison of all the Highland Park and Hamtramck indicates Hamtramck police officers and fire fighters are better paid than are Highland Park police officers and fire fighters.

OPINION

Taking into consideration all the economic factors and comparing them with similar communities in the area, I find no justification for a 1/3 increase in the longevity pay for police officers and fire fighters. No increase in longevity pay should be granted

HOLIDAY PAY

Unions Position.

Each employee of the police department and fire department shall in addition to the present nine holidays be paid for two additional holidays, Martin Luther King Day and Columbus Day.

City Position.

Police department and fire department employees be paid for nine holidays, no increase in paid holidays.

OPINION

A comparison of the economic package of surrounding communities indicates that the police department and fire department should continue to be paid for nine holidays.

BLUE CROSS COVERAGE FOR NEW RETIREES TO INCLUDE SPOUSE

Unions Position.

The City shall pay one-half of the cost of hospitalization for a retiree and his spouse until the retired employee and his spouse attain the age of 65 or become eligible for Medicare and/or Medicaid. Applicable to employees retiring after January 1, 1976, retirees who are employed and whose employer provides hospital insurance shall not be covered by the City's hospital insurance while so employed. In most cases this coverage would be needed for only a few short years and the cost is minimal.

City Position.

No change in present contract language which provides: "The City shall pay one-half of the cost of hospitalization for retired employees until the retired employee attains the age of 65 or is eligible for Medicare and/or Medicaid. A retired employee who obtains employment from an employer who provides hospital insurance shall not be covered by the City's hospital insurance for the duration of such employment".

OPINION

A comparison of the economic package of surrounding communities indicates the coverage should remain the same as in the present contract.

AWARD

ECONOMIC

Wages

City - \$1000.00 increase per year for each employee.

Cost of Living Allowance

City - No C.O.L.A. be granted.

Dental Plan

Both parties - Delta Dental 50-50, withdrawal of optical coverage.

Longevity

City - no increase in longevity.

Holiday Pay

City - present 9 paid holidays.

Blue Cross for Retirees to include Spouse

City - no change in Blue Cross coverage for retiree only.

NON-ECONOMIC

Residency

The City shall not require residency in the City of Hamtramck as a condition of employment for any employee covered under the terms of this agreement.

Layoffs

All wages and benefits due and owing to an employee shall be paid within one week after layoff.

Layoff shall be accomplished by seniority - last hired in the bargaining unit shall be the first laid off in the bargaining unit.

The City shall provide hospitalization for the laid-off employee till the next premium is due; thereafter the laid off employee shall be carried as a group member as long as he is on layoff and shall pay to the City the group membership premium for the hospitalization.

Length of Contract

One year.

Telephone

Police officers and fire fighters be required to have a telephone in their home.

Management Rights Clause

No management rights clause.

Seniority Points for Fire Fighters

Seniority points of .75 per year of service shall be applied after the fire fighter has attained 70% on the combined written and oral examination.

STATE OF MICHIGAN
MICHIGAN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Arbitration Between:

HAMTRAMCK FRATERNAL ORDER OF POLICE LODGE 109,
HAMTRAMCK FIRE FIGHTERS ASSOCIATION, LOCAL 750,
and HAMTRAMCK POLICE RANKING OFFICERS ASSOCIATION,

Petitioners,

and

CITY OF HAMTRAMCK,
a Michigan Municipal Corporation,

Respondent.

DISSENT OF F. DANIEL BOHN AS
TO THE RESIDENCY ISSUE

I cannot agree with the decision to retain the residency requirement for Hamtramck policemen and firemen. The record on this subject is overwhelmingly in favor of eliminating the requirement, and the decision sets forth no reasons for the result reached by my colleagues on the Panel. A very brief summary of the positions of the parties is followed by a rejection of the Associations' bid to free their members of this unreasonable stricture, with no explanation.

The record reveals that Hamtramck covers a mere 2.19 square miles. In that, it probably is not unique, although it becomes unique when one considers that of the small plot of earth encompassed by its bounds, the City is home to a very large portion of the Chevrolet Gear and Axle Plant (with its enormous parking lots), the Chrysler Corp. Hamtramck Assembly Plant, the Olsonite Corporation, and other major industrial sites. Aside from major industry, the hundreds of shops lining Jos. Campau, Hamtramck's main artery, and a portion of the Chrysler freeway on the City's western side, take more real estate, proportionately, than one might realize on first reflection. Testimony in the record indicates that sizeable areas are vacant or spoken for by reason of urban renewal programs.

Hamtramck, City of

Thus, the estimated 27,500 citizens are packed in tightly on average 30 foot lots, with surely not more than one and one-half square miles, probably less, to accommodate them all. The proximity of convicted felons and misdemeanants to the very officers who arrested them is appalling. The discomfort felt by police officers for themselves and for their families is, to me, understandable and not at all unfounded.

The issue, as properly determined by the Panel, is not an economic one. I believe that the insistence upon these police officers and fire fighters continuing to reside in the City is entirely emotional, with not one objective reason in support. Would the citizens of Hamtramck be upset if we eliminated the requirement? Quite possibly - maybe even probably. But none of them are constrained by law to live there. Their taxes pay the wages of present City employees for whom the requirement has been waived. Their police officers and fire fighters are called upon to render aid to surrounding communities, as are those of surrounding communities called upon to assist in Hamtramck. And Hamtramck is surrounded. The boundaries separating the City from Highland Park and/or Detroit are legal only - the passage from Detroit to Hamtramck, or Highland Park to Hamtramck, or vice-versa, is not readily observed by the party passing through. The spread of homes from the edge of the Detroit River northward through Detroit, Hamtramck, Detroit, Hazel Park, Madison Heights, Troy, Warren, Sterling Heights, and on, or eastward to Lake St. Clair or westward virtually to Ann Arbor and beyond, has been steady and has made the Detroit metropolitan area one of the largest single-family residential areas in the country. A great many of the people who work in Hamtramck's industrial complex live in those areas beyond the bounds of Hamtramck. Yet all of these housing opportunities are denied to the Hamtramck police officer and fire fighter.

The City argues that the proximity of these employees' homes to their respective stations is necessary to better service in an emergency.

How, then does Detroit manage when a police officer or fire fighter living near Eight Mile Road and Evergreen, or Lahser, in the City of Detroit's far northwest corner, is stationed on East Jefferson in the southeast sector? Does the City presume that when its police or fire personnel are off duty, they are nonetheless in Hamtramck waiting at home in case of an emergency? Or does it presume that because they live ten or twenty miles away they will be late for work? The City is easily reached in minutes from most areas because of its proximity to the Lodge, Chrysler and Davison freeways. There is no reason why a police officer or fire fighter cannot quickly report from most surrounding suburbs with the freeway system reaching to Hamtramck from almost anywhere. The majority opinion alludes to the City's contention that better police service is obtained by the citizens' contact with their police officers, particularly by reason of the large number of Polish citizens and Polish police officers.

Without question, Hamtramck is rich in its Polish heritage and culture, and Polish police officers and fire fighters are able to establish a rapport with the citizens they serve by reason of their shared culture and, in some cases, language. But living in a suburb will not make a police officer or fire fighter any less Polish. These people are professionals, many of them having pursued higher educational studies to better equip them for their tasks. Their dedication to their work, their pride in their performance, their willingness to risk their safety, even their lives, is attributable to their belief in what they are doing - their own character and conviction - not to where they live. Professionalism is more likely to win public confidence and support than an officer's place of residence.


The loss of tax dollars to the City by reason of elimination of the residency requirement would likely be so infinitesimal as to go virtually unnoticed. There is nothing to support any supposition that the right to move elsewhere would bring with it a herd-like stampede of police officers

and fire fighters from Hamtramck to other areas. Many of them are Hamtramck natives, having been born and raised there and, in some cases, having raised their own children there. Many of them may have no intention or desire to move. They do, however, want the right to choose their place of residence. The City wants them to be economic captives on the one hand, and professional police officers and fire fighters on the other hand. The disregard of the City for the rights or wishes of the families of these protectors is inherent in its insistence on the residency requirement. The police officers contend that they fear for the well-being of their families because anyone they arrest may very well be a neighbor, or one who can easily determine where the officer lives - there is only one and one-half square miles within which to look. Yet the City pays no heed to this concern. But it wants dedicated professionals at bargain basement prices. It demands that its young officers and fire personnel buy older homes in older neighborhoods with older plumbing, older wiring, older plaster, older architecture, on small lots with virtually no yards, no privacy and no chance to plan for something better in spite of the natural desire for each of us to improve the standard of living for our family.

The witnesses for the Associations stated that they merely wanted freedom of choice. They stated that they wanted the right to live where they felt shopping opportunities are better, where the public schools are better, where recreational opportunities for themselves and their families are more abundant, where a choice of housing is available, where privacy and freedom from harrassment is available. The City countered none of the evidence submitted by the Associations.

But it wants dedicated professional police officers and fire fighters. The residency requirement must be removed.

Respectfully submitted,


F. DANIEL BOHN

Truck Police - Fire Art

STATE OF MICHIGAN
MICHIGAN EMPLOYMENT RELATIONS COMMISSION
PERA No. D75-E1119

CITY OF HAMTRAMCK
and
LOCAL 750 INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS AFL-CIO
HAMTRAMCK POLICE RANKING OFFICERS ASSOCIATION
HAMTRAMCK FRATERNAL ORDER OF POLICE, LODGE 109

LABOR AND INDUSTRIAL
RELATIONS LIBRARY
Michigan State University

CONCURRING OPINION ON BEHALF OF THE UNIONS

F. Daniel Bohn
26200 Lahser Rd., Ste. 210
Southfield, Michigan 48076
356-5670

On behalf of the Unions, I am compelled to write this concurring opinion, addressing the issue of residency. I concur in the entire award and in the reasons set forth by the Chairperson which support the elimination of the residency requirement, but must advance additional reasons why such a requirement should be abrogated.

First, we all know that our cities are no longer the enclaves they once were. Just as the Chairperson recognizes that shopping and entertainment needs are not customarily satisfied within one's own neighborhood (and Hamtramck itself is not much larger, if at all, than a neighborhood), so too are a great many other needs unsatisfied there. The massive urban-suburban sprawl, the expressways, widened roads and two-car families are all testimony to the mobility of people today. Regional forms of government in their early stages, such as SEMCOG, regional forms of transportation such as SEMTA, the expansion of the Detroit Water System to Port Huron and beyond, all take away from the old notion of the city unit almost as a family unit.

In the case of Hamtramck, the picture is magnified. To look at a metropolitan area map, the City resembles a neighborhood. It is completely surrounded by Detroit and Highland Park, traversed by streets running through Detroit, Highland Park and Hamtramck, and really appearing to be unidentifiable as a separate community, just as is the case with so many other communities.

We as a society have de-emphasized local chauvinism in favor of regional mobility in so many areas of our existence, and yet here and there we try to make some small group, such as police officers and/or firefighters, maintain a semblance of "city-ness" for us by making them live there. Why do we let go of the corner store in favor of large department stores, or supermarkets, or shopping malls, and why do we forego our neighborhood parks in favor of regional parks, and why does Hamtramck suffer some of its internal affairs, such as collection of delinquent property taxes, to be handled by Wayne County? Because it is convenient for us, economical for us, because we are mobile,

and because we are all but parts of a larger social, political, economic body.

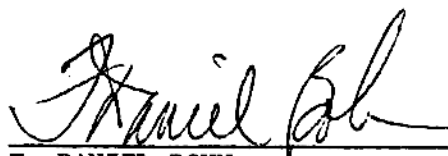
We are constrained to recognize what is happening to the fabric of our society and to adapt to the evolution we are witnessing and for which we are all responsible. In terms of police and fire protection, we must look to the professionalism of the members of these departments in order to meet the growing demands of our society. The growth of law in the criminal area, the continuing infusion of psychology and sociology, not to mention technology, in the area of law enforcement, demands that we get the best candidates available for our police departments. Similarly, when a house or commercial establishment burns, there is more than wood and paper burning. Noxious gases, dangers of explosion, different approaches to extinguishing a blaze, are all results of the many new plastics, fibers, vinyls and other materials now being used in our appliances, furniture, clothes, household cleaners and household miscellany. Again, we need the best candidates we can find for our fire departments.

In view of our willingness to go elsewhere for our other needs, does it make sense to look only within our bounds for the professionalism we require of our police officers and firefighters? And once we get them, must we trap them within our bounds when our prime concern is how well they do their jobs? And what makes us think that they will be any less professional than a lawyer, doctor, arbitrator, C.P.A., construction superintendent or tax collector?

Clearly, the residence of the police officer or firefighter is incidental to the manner in which he performs his function. The insistence on residency in the city in which he works is emotional, in the view of the Unions. Confining officers within the bounds of Hamtramck, however, becomes more than emotional for them as their testimony concerning the harrassment to which they

have been subjected amply shows. I do not agree with the Chairperson's rather summary dismissal of the Union's evidence on this point. In any case, recognition of police officers and firefighters (and their families) as people like the rest of us who live, shop, raise and educate families and try to make the best of this life in this expanding society of ours, dictates that we let go of the anachronism, which is the residency requirement.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "F. Daniel Bohn", written over a horizontal line.

F. DANIEL BOHN,
Panel Delegate of the Unions
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Southfield, Michigan 48076
356-5670