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STATE OF MICHIGAN
DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES
EMPLOYMENT RELATIONS COMMISSION

In the Matter of Arbitration
Under Act 312 (Public Acts of 1969):

CITY OF HARPER WOODS

Employer,

and

MERC Case No. D96 G-0971

POLICE OFFICERS LABOR COUNCIL

Union.

OPINION AND AWARD

Chairman of the Arbitration Panel:	Kenneth P. Frankland
City Delegate:	James Leidlein
Union Delegate:	Michael Somero
Representing City:	Patrick Aseltyne
Representing Union:	John Lyons
Pre-Hearing Conference	October 21, 1997
Comparability Hearing	March 11, 1998
Hearing Held	April 17, 1998
Opinion and Award Issued:	April 30, 1998

STATEMENT OF THE CASE

The Police Officers Labor Council filed a petition for arbitration pursuant to Act 312 of the Public Acts of 1969 on August 15, 1997. On September 18, 1997, MERC appointed Kenneth P. Frankland as the impartial arbitrator and chairperson of the panel to this matter. A prehearing conference was held on October 21, 1997, and a report was generated by the chair on October 22, 1997. In the absence of mutually agreeable comparable communities, the parties agreed to submit the issue of comparability to the panel and a hearing was held on March 11, 1998. Prior to the panel's issuance of an opinion on comparability, the parties advised the panel that they had stipulated to five comparable communities for purposes of this proceeding; namely, Clawson, Eastpointe, Ferndale, Hazel Park and Mt. Clemens. The hearing was held on April 17, 1998, at which time the parties presented exhibits in support of their positions, advised the panel with respect to issues that have been resolved and were withdrawn, and advised the panel with respect to unresolved issues that they would orally submit identical last best offers.

ISSUES IDENTIFIED FOR ARBITRATION

The parties stipulated prior to the hearing the following were the issues for the panel's consideration:

Union Issues:

1. Dental insurance, active employees
2. Dental insurance, retirees
3. Pension
4. Residency
5. Shift selection

6. Wages and retroactivity

City Issues:

1. Health insurance, active employees
2. Health insurance, retirees
3. Holidays
4. Promotions
5. Classifications
6. Employee height and weight
7. Pension

By agreement of the parties, the following issues were withdrawn: dental insurance for retirees, residency, and shift selections from the Union's list; and health insurance for retirees, holidays, promotions, classifications and height and weight requirements from the City's list.

Of the remaining issues, each party orally offered the same last best offer.

The panel is required to adopt the final offer of settlement of one of the parties for each economic issue. The panel selects the offers that more closely comply with the criteria set forth in Section 9(a) of the Act. Based upon the exhibits that were submitted by both parties, and upon finding that the mutual last offers fully comply with the criteria set forth in Section 9(a) of the Act, the panel makes the following award.

1. Pensions - Multiplier. The existing section 42 has an annuity factor of 2.50 percent times years of service. Effective with the date of this award, the annuity factor shall be increased to 2.75 percent, with the maximum benefit being 80 percent of final average compensation.

Dated: 5-8-98

James Leidlein
James Leidlein
Delegate for the City
☐ Concur
☐ Dissent

Dated: 5-19-98

Michael Somero
Michael Somero
Delegate for the Union
☒ Concur
☐ Dissent

Dated: May 5, 1998

Kenneth P. Frankland
Kenneth P. Frankland, Chairperson

2. Pension - Employee Contribution. Article 42 of the contract currently requires an employee contribution of 6.35 percent to the annuity portion of the pension. Effective January 1, 1999, the employee contribution shall increase from 6.35 percent to 7.25 percent.

Dated: 5-8-98

James Leidlein
James Leidlein
Delegate for the City
☐ Concur
☐ Dissent

Dated: 5-19-98

Michael Somero
Michael Somero
Delegate for the Union
☒ Concur
☐ Dissent

Dated: May 5, 1998

Kenneth P. Frankland
Kenneth P. Frankland, Chairperson

3. Wages and Retroactivity. For calendar year 1997, all members of the bargaining unit will receive a lump sum payment of \$2,100, which sum shall be paid as a pre-tax gross amount within 30 days of execution of this award.

Dated: 5-8-98

James Leidlein
James Leidlein
Delegate for the City
☒ Concur
☐ Dissent

Dated: 5-19-98

Michael Somero
Michael Somero
Delegate for the Union
☒ Concur
☐ Dissent

Dated: May 5, 1998

Kenneth P. Frankland
Kenneth P. Frankland, Chairperson

4. Wages. Article 49 establishes a wage differential between sergeants, detective sergeants, lieutenants and detective lieutenants. Effective January 1, 1998, the rate differentials reflected in existing Article 49 shall each be increased by 1 percent. This provision shall be effective on the date of the award, retroactive to the first pay period in 1998.

Dated: 5-8-98

James Leidlein
James Leidlein
Delegate for the City
☒ Concur
☐ Dissent

Dated: 5-19-98

Michael Somero

Michael Somero

Delegate for the Union

☒ Concur

☐ Dissent

Dated: May 5, 1998

Kenneth P. Frankland

Kenneth P. Frankland, Chairperson

5. Health Insurance - Active Employees. Under Article 30, the existing prescription drug rider requires an employee \$5 co-pay. Effective upon the date of this award, the prescription drug rider shall be a \$10 co-pay.

Dated: 5-8-98

James Leidlein

James Leidlein

Delegate for the City

☐ Concur

☐ Dissent

Dated: 5-19-98

Michael Somero

Michael Somero

Delegate for the Union

☒ Concur

☐ Dissent

Dated: May 5, 1998

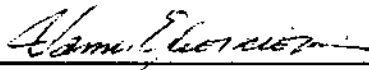
Kenneth P. Frankland

Kenneth P. Frankland, Chairperson

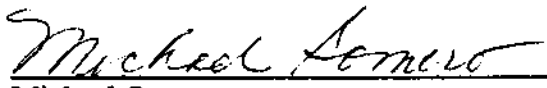
6. Article 30, Section B regarding Dental Insurance for active employees requires the City to provide each employee and dependents with a Delta Dental Plan class II 70/30 with

a \$1,000 cap and a 60/40 co-pay, orthodontic coverage for minor dependents only with a \$1,500 lifetime cap, full cost of the premium paid by the City. Upon issuance of the award, the Class II co-pay shall be 80/20 and be effective as soon as the same can be implemented by the Delta Dental Plan.

Dated: 5-8-98


James Leidlein
Delegate for the City
☒ Concur
☐ Dissent

Dated: 5-19-98


Michael Somero
Delegate for the Union
☒ Concur
☐ Dissent

Dated: May 5, 1998


Kenneth P. Frankland, Chairperson