

STATE OF MICHIGAN
DEPARTMENT OF LABOR
EMPLOYMENT RELATIONS COMMISSION

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OPINION AND ORDER

7/24/73

STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION
LANSING OFFICE

IN THE MATTER OF THE ARBITRATION BETWEEN:

LOCAL NO. 1188, INTERNATIONAL
ASSOCIATION OF FIRE FIGHTERS, AFL-CIO
(HARPER WOODS FIRE FIGHTERS' ASSOCIATION)

-AND-

CITY OF HARPER WOODS
A MICHIGAN MUNICIPAL CORPORATION

CONDUCTED PURSUANT TO
POLICE-FIRE FIGHTERS ARBITRATION ACT

(ACT NO. 312, PUBLIC ACTS OF 1969, AS
AMENDED BY ACT NO. 127, PUBLIC ACTS OF 1972)

ARBITRATION PANEL:

DANIEL WUCETICH
PRESIDENT, LOCAL NO. 1188, IAFF
ARBITRATOR APPOINTED BY THE ASSOCIATION

JOSEPH C. DORSKY
CITY MANAGER
ARBITRATOR APPOINTED BY THE CITY

CHARLES A. ROGERS
ARBITRATOR APPOINTED BY
EMPLOYMENT RELATIONS COMMISSION
CHAIRMAN

APPEARANCES:

FOR THE ASSOCIATION:

	<u>MARCH 5</u>		<u>MARCH 6</u>		<u>MARCH 9</u>		<u>MARCH 13</u>		<u>MARCH 14</u>	
	<u>A.M.</u>	<u>P.M.</u>	<u>A.M.</u>	<u>P.M.</u>	<u>A.M.</u>	<u>P.M.</u>	<u>A.M.</u>	<u>P.M.</u>	<u>A.M.</u>	<u>P.M.</u>
STEVEN D'ANTONI, NEGOTIATOR, IAFF	x		x	x	x	x	x	x	x	x
ROBERT DELOR, SECY.-TREASR., HARPER WOODS FFA	x	x	x	x	x	x	x	x	x	x
DENNIS R. NETTLE, ATTORNEY	x	x	x	x	x	x	x	x	x	x
RAY LAMBERT, PRESIDENT, ST. CLAIR SHORES FFA	x									
JOHN MIRACLE, PRESIDENT, WARREN FFA		x								
DOUGLAS CASHMAN, PRESIDENT, STERLING HEIGHTS FFA		x								
FRED SCHAEFER, TREASURER, ROSEVILLE FFA				x						
WILBERT JUNG, PRESIDENT, CLINTON TOWNSHIP FFA				x	x					
JAMES CABADAS, PRESIDENT, ALLEN PARK FFA				x	x					
LARY C. LYNN, SECY.-TREASR., SOUTHGATE FFA						x	x			
JON L'PRAIRIE, OBSERVER,										

LABOR AND INDUSTRIAL
RELATIONS LIBRARY
Michigan State University
JUL 31 1976

APPEARANCES:
(CONTINUED)

<u>FOR THE CITY:</u>	<u>MARCH 5</u>		<u>MARCH 6</u>		<u>MARCH 9</u>		<u>MARCH 13</u>		<u>MARCH 14</u>	
	<u>A.M.</u>	<u>P.M.</u>	<u>A.M.</u>	<u>P.M.</u>	<u>A.M.</u>	<u>P.M.</u>	<u>A.M.</u>	<u>P.M.</u>	<u>A.M.</u>	<u>P.M.</u>
HELEN PAGE, COUNCIL MEMBER							x	x	x	x
KENNETH R. WOODWORTH, CONTROLLER						x	x	x		
THOMAS C. MAYER, ATTORNEY	x	x	x	x	x	x	x	x	x	x

THIS MATTER WAS INITIATED BY THE ASSOCIATION'S LETTER OF NOVEMBER 28, 1972, TO THE CITY, A COPY OF WHICH, IT IS NOTED THEREON, WAS SENT TO THE EMPLOYMENT RELATIONS COMMISSION. THE PARTIES THEREAFTER APPOINTED THEIR RESPECTIVE REPRESENTATIVES TO THE ARBITRATION PANEL, ON DATE(S) NOT APPEARING IN THE RECORD, AND, ON FEBRUARY 8, 1973, THE PANEL CHAIRMAN RECEIVED FROM THE EMPLOYMENT RELATIONS COMMISSION ITS LETTER DATED FEBRUARY 1, 1973, POSTMARKED FEBRUARY 5, 1973, NOTIFYING HIM OF THE COMMISSION'S APPOINTMENT OF HIM TO SERVE AS CHAIRMAN OF THE PANEL OF ARBITRATORS.

BEGINNING AT THE EARLIEST DATE CONVENIENT TO REPRESENTATIVES OF THE PARTIES, HEARINGS WERE HELD:

AT THE PARKCREST MOTEL, HARPER WOODS, MICHIGAN, MONDAY, MARCH 5, 1973, BEGINNING AT 10:00 o'clock, A.M.;

AT THE SHORIAN MOTOR INN, ST. CLAIR SHORES, MICHIGAN, TUESDAY, MARCH 6, 1973, BEGINNING AT 10:00 o'clock, A.M.;

AT THE SHORIAN MOTOR INN, ST. CLAIR SHORES, MICHIGAN, FRIDAY, MARCH 9, TUESDAY, MARCH 13, AND WEDNESDAY, MARCH 14, BEGINNING AT 9:30 o'clock, A.M.

AT THE HEARINGS THE PARTIES PRESENTED EVIDENCE, TESTIMONIAL AND DOCUMENTARY, AND ARGUMENTS. A RECORD OF THE PROCEEDINGS AT THE HEARINGS WAS MADE BY REPORTERS WHOSE ATTENDANCE WAS ARRANGED FOR BY THE EMPLOYMENT RELATIONS COMMISSION AT THE REQUEST OF THE PANEL CHAIRMAN. AT THE CONVENING OF THE HEARINGS, AND AGAIN AT THEIR CLOSE, THE CHAIRMAN DIRECTED THE PARTIES' ATTENTION TO THE PROVISIONS OF SECTION 6 OF THE APPLICABLE ACT, AS TO RECORDING OF THE PROCEEDINGS AND TRANSCRIPTION OF SUCH RECORDING. EACH OF THE PARTIES WAIVING ITS RIGHT TO ORDER A TRANSCRIPT OF THE RECORD, AND THE CHAIRMAN DECLINING A TRANSCRIPT, THE RECORD WAS NOT TRANSCRIBED.

AT THE CONCLUSION OF THE HEARINGS, ON WEDNESDAY, MARCH 14, 1973, EACH OF THE PARTIES WAIVED ITS RIGHT TO SUBMIT FURTHER EVIDENCE, AND TO FILE A POST-HEARING STATEMENT, AND THE HEARINGS WERE CLOSED.

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DISCUSSION AND OPINIONS

THIS OPINION AND ORDER DOES NOT, AND CANNOT, BEGIN WITH THE SOMEWHAT-CUSTOMARY STATEMENT OF THE ISSUE, OR FEW ISSUES, WHICH THE ARBITRATION PANEL WAS CALLED UPON TO RESOLVE BY THE INITIATION OF THESE PROCEEDINGS. FOR, THE LETTER INITIATING THESE PROCEEDINGS MADE THE BROAD-RANGING REQUEST THAT:

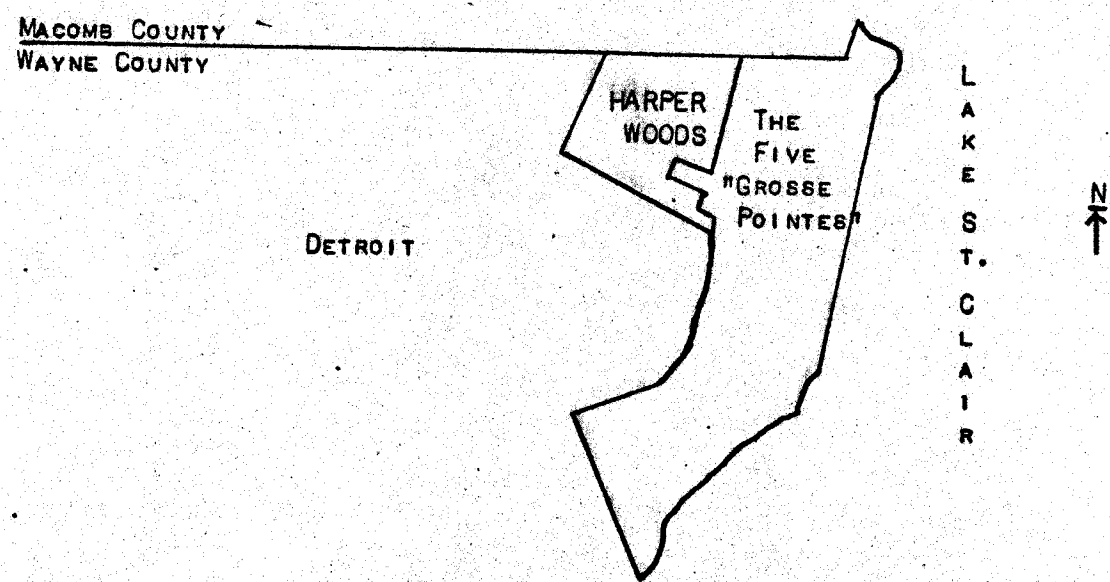
"...THE FOLLOWING GRIEVANCES BE SUBMITTED TO ARBITRATION AND FACT-FINDING FORTHWITH:

- A. WAGES AND INCOME,
- B. HOURS,
- C. WORKING CONDITIONS".

IT WAS CLEAR FROM THE HEARINGS, PARTICULARLY THE LAST HEARING HELD, THAT THE PARTIES HAVING HAD A SERIES OF AGREEMENTS LIMITED IN SCOPE AND CONTENT SINCE ONE WHICH BECAME EFFECTIVE JANUARY 1, 1967, THEY NOW DESIRED AN ARBITRATION PANEL TO DEVELOP THE FIRST AGREEMENT BETWEEN THEM WHICH WOULD BE QUITE COMPLETE AS TO SUBJECTS INCLUDED, AND AS TO THE TREATMENT OF EACH SUBJECT.

THE DEVELOPMENT OF THE ABOVE, SOMEWHAT-UNUSUAL, PURPOSE OF THE ARBITRATION PANEL IS NEXT REVIEWED, AS IS THE MANNER IN WHICH THE PANEL FULFILLED SUCH PURPOSE.

THE CITY OF HARPER WOODS IS A MICHIGAN MUNICIPAL CORPORATION. IT IS LOCATED AT THE NORTHEAST CORNER OF WAYNE COUNTY, ADJACENT TO THE CITY OF DETROIT:



THE CITY HAS A POPULATION OF ABOUT 20,000, ITS AREA IS ABOUT 2.6 SQUARE MILES, AND THE STATE EQUALIZED VALUATION OF THE PROPERTY WITHIN ITS BORDERS IS ABOUT ONE HUNDRED AND FOURTEEN MILLION DOLLARS (\$114,000,000.00). IT IS DIVIDED BY THE I-94 EXPRESSWAY WHICH APPROXIMATELY PARALLELS ITS WESTERN BOUNDARY; ABOUT TWO-THIRDS OF THE CITY IS WEST OF THE EXPRESSWAY, AND ONE-THIRD EAST THEREOF.

SEVENTEEN (17) EMPLOYEES OF THE FIRE DEPARTMENT FORM ONE OF FOUR BARGAINING UNITS WITHIN WHICH ARE INCLUDED MANY, IF NOT MOST, OF THE CITY'S EMPLOYEES¹ WHOSE TOTAL NUMBER WAS ONE HUNDRED AND FOUR (104) AT THE END OF 1972.

THE CITY AND LOCAL No. 1188, I.A.F.F. (HARPER WOODS FIRE FIGHTERS' ASSOCIATION) HAVE HAD THE FOLLOWING COLLECTIVE BARGAINING AGREEMENTS COVERING EMPLOYEES IN THE FIRE DEPARTMENT BARGAINING UNIT:

FOOTNOTE 1: THE CITY'S FOUR COLLECTIVE BARGAINING RELATIONSHIPS AND AGREEMENTS ARE WITH AND FOR UNITS OF CLERICAL EMPLOYEES, PUBLIC WORKS AND RECREATION DEPARTMENT EMPLOYEES, POLICE OFFICERS, AND FIRE FIGHTERS.

JANUARY 1, 1967, THROUGH DECEMBER 31, 1967;
 JANUARY 1, 1968, THROUGH DECEMBER 31, 1968;
 JANUARY 1, 1969, THROUGH DECEMBER 31, 1970;
 JANUARY 1, 1971, THROUGH DECEMBER 31, 1972.

A COPY OF THE MOST RECENT AGREEMENT, FOR CALENDAR YEARS 1971 AND 1972, IS "ATTACHMENT 1" HERETO.

IN THE FALL OF 1972 THE PARTIES HELD NINE (9) OR TEN (10) MEETINGS FOR THE NEGOTIATION OF A NEW AGREEMENT.² THESE MEETINGS WERE FOLLOWED BY MEDIATION CONDUCTED BY THE EMPLOYMENT RELATIONS COMMISSION AND, THEREAFTER, BY THE UNION'S INITIATION OF THESE ARBITRATION PROCEEDINGS BY ITS LETTER OF NOVEMBER 28, 1972, WHICH IS SET FORTH AT THE BOTTOM OF PAGE 2 HEREOF IN ITS PERTINENT PART.

FOLLOWING THE PARTIES' APPOINTMENT OF THEIR MEMBERS OF AN ARBITRATION PANEL, AND THE APPOINTMENT OF THE PANEL CHAIRMAN BY THE EMPLOYMENT RELATIONS COMMISSION ON FEBRUARY 8, 1973, HEARINGS WERE HELD, AT THE EARLIEST CONVENIENCE OF THE PARTIES, ON MARCH 5, 6, 9, 13, AND 14, 1973.

AT THE HEARINGS HELD ON MARCH 5TH, 6TH, AND DURING THE MORNING OF MARCH 9TH, THE UNION PRESENTED ITS CASE-IN-CHIEF. IT ENTERED IN EVIDENCE THE SEVEN (7) COLLECTIVE BARGAINING AGREEMENTS BETWEEN CITIES AND FIRE FIGHTERS' ASSOCIATIONS WHICH ARE LISTED AS ITS EXHIBITS 1 THROUGH 7 IN THE "TABLE OF EXHIBITS" WHICH IS "APPENDIX A" HERETO. WITH ONE EXCEPTION (STERLING HEIGHTS),³ IT DEVELOPED THROUGH THE TESTIMONY OF AN OFFICER OF EACH SUCH FIRE FIGHTERS' ASSOCIATION THE FOLLOWING TWO THINGS, PRINCIPALLY:

THE GENERAL TYPE AND SCOPE OF FIRE FIGHTING RESPONSIBILITY, AND ARRANGEMENTS TO FULFILL THAT RESPONSIBILITY SUCH AS THE EXISTENCE, LOCATION, AND AMOUNT, OF RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL PROPERTY TO BE PROTECTED, THE "MUTUAL AID PACTS" CALLING FOR ASSISTANCE IN FIRE FIGHTING IN OTHER COMMUNITIES, THE SIZE OF THE FIRE FIGHTING FORCE AND ITS ORGANIZATION, THE NUMBER OF STATION HOUSES, THE TYPES OF FIRE FIGHTING EQUIPMENT AND THE NUMBER OF PIECES OF EACH TYPE, AND THE EXISTENCE OR NON-EXISTENCE OF AUXILIARY FIRE PROTECTION AS IN THE PRIVATE FIRE FIGHTING

FOOTNOTES: 2. AT THE HEARINGS THE CITY SAID THAT NINE (9) NEGOTIATING SESSIONS WERE HELD IN THE FALL OF 1972; THE UNION RECALLED THE NUMBER OF MEETINGS AS TEN (10). THEY AGREED THAT THE UNION WAS REPRESENTED BY COUNSEL AT TWO (2) OF THE MEETINGS, AND THAT THE CITY WAS NOT SO REPRESENTED AT ANY MEETING. SUCH WAS THE EXTENT OF THE INFORMATION GIVEN THE PANEL AS TO THE PARTIES' EFFORTS TO DEVELOP AN AGREEMENT--AND NO INFORMATION WAS PROVIDED TO IT AS TO THE MEDIATION MEETING(S) CONDUCTED BY EMPLOYMENT RELATIONS COMMISSION.

3. ON THE DAY THAT THE PRESIDENT OF STERLING HEIGHTS FIRE FIGHTERS' ASSOCIATION WAS PRESENT, HE COULD NOT BE BROUGHT ON TO TESTIFY DUE TO THE EXTENT OF THE TESTIMONY OF WITNESSES PRECEDING HIM. ON THE NEXT DAY HE WAS UNABLE TO APPEAR, AND IT WAS AGREED TO WAIVE TESTIMONY FROM HIM, BECAUSE HE WAS REPRESENTING HIS ASSOCIATION AT THE FUNERAL, IN ANOTHER CITY, OF A FIRE FIGHTER WHO HAD DIED IN LINE OF DUTY.

FORCE AT A MAJOR FACTORY FOR PROTECTION OF THAT INSTALLATION; AND,

SELECTED PROVISIONS, USUALLY ECONOMIC PROVISIONS, APPEARING IN THE COLLECTIVE BARGAINING AGREEMENT.

SUCH UNION WITNESSES WERE, OF COURSE, CROSS-EXAMINED BY COUNSEL FOR THE CITY, AND THEY WERE SUBJECTED TO THE QUESTIONS OF MEMBERS OF THE ARBITRATION PANEL.

DURING THE AFTERNOON OF MARCH 9TH, AND ON MARCH 13TH, THE CITY PRESENTED ITS CASE-IN-CHIEF THROUGH THE TESTIMONY OF ITS CONTROLLER WITH RESPECT TO:

THE COLLECTIVE BARGAINING AGREEMENTS BETWEEN SEVEN (7) CITIES AND THE FIRE FIGHTERS' ASSOCIATION AT EACH SUCH CITY. THE CITIES WERE SELECTED NOT FROM THE UNION'S STANDPOINT OF COMPARABILITY TO HARPER WOODS AS TO FIRE FIGHTING RESPONSIBILITY INVOLVED, BUT, RATHER, FROM THE STANDPOINT OF COMPARABILITY TO HARPER WOODS IN SUCH FACTORS AS POPULATION, AREA, STATE EQUALIZED VALUATION, ETC. AS A RESULT, ALL OF THE CITY'S SEVEN (7) BARGAINING RELATIONSHIPS SUBMITTED WERE OTHER THAN THE SEVEN (7) RELIED UPON BY THE UNION.

SIX (6) CHARTS OR TABULATIONS COMPARING THE SEVEN (7) CITIES WITH HARPER WOODS ON THE FACTORS ABOVE MENTIONED, OR COMPARING THE ECONOMIC BENEFITS THEY GRANTED TO FIRE FIGHTERS TO THE ECONOMIC BENEFITS IN THE 1970-1972 HARPER WOODS/FIRE FIGHTERS' AGREEMENT AND IN THE CITY'S LAST OFFER FOR A SUCCESSOR AGREEMENT.

A MEMORANDUM SUMMARIZING THE TOTAL EARNINGS, DURING 1972, OF EACH OF THE CITY'S ONE HUNDRED AND FOUR (104) FULL-TIME EMPLOYEES.

THE CITY'S CONTROLLER WAS, OF COURSE, CROSS-EXAMINED BY COUNSEL FOR THE UNION, AND HE WAS SUBJECTED TO THE QUESTIONS OF MEMBERS OF THE ARBITRATION PANEL.

ON MARCH 14TH, THE LAST DAY OF HEARING, THE UNION PRESENTED, THROUGH ITS SECRETARY-TREASURER, A TABULATION OF FIFTEEN (15) ECONOMIC BENEFITS AS EACH APPEARED IN:

FOUR (4) AGREEMENTS AMONG THE SEVEN (7) ENTERED BY THE CITY;
FOUR (4) AGREEMENTS AMONG THE SEVEN (7) ENTERED BY THE UNION;
THE CITY'S LAST OFFER, DURING NEGOTIATIONS; AND,
THE UNION'S REQUEST.

THE WITNESS DISCUSSED THESE FIFTEEN (15) ECONOMIC BENEFITS, PLUS THREE (3) ADDITIONAL UNION REQUESTS WHICH IT CONSIDERED OF THAT NATURE, AND THEN WENT ON TO LIST THE FOLLOWING MATTERS WHICH THE UNION BELIEVED SHOULD ALSO BE COVERED IN THE PARTIES' NEW AGREEMENT. IN THE ORDER IN WHICH THEY WERE PRESENTED, SUCH "OTHER MATTERS" WERE:

MAINTENANCE OF CONDITIONS

AGENCY SHOP/FAIR SHARE

NO UNILATERAL CHANGES
EXTENSION CLAUSE
VACATION SCHEDULING
BEREAVEMENT TIME
GRIEVANCE PROCEDURE
UNION BUSINESS TIME
PURPOSE OF CONTRACT
COVERAGE-RECOGNITION
CHECK-OFF

UNION ACTIVITIES DURING DUTY HOURS
BULLETIN BOARD
UNION MEETINGS ON CITY PROPERTY
HOURS OF WORK
SCHOOLING COSTS REIMBURSEMENT
TEMPORARY TRANSFER, OR ACTING, PAY
PERSONAL ARTICLES DAMAGED ON DUTY
NO STRIKE
INSPECTOR'S JOB.

AT THE CONCLUSION OF THE HEARINGS IT WAS SUFFICIENTLY CLEAR THAT THE PARTIES CONCURRED THAT THE APPROPRIATE FUNCTION OF THE ARBITRATION PANEL HERE WAS TO WORK OUT AN AGREEMENT COMPLETE AS TO SUBJECTS USUALLY INCLUDED AND AS TO THE TREATMENT OF EACH SUCH SUBJECT. THE AREAS OF THE PARTIES' DISAGREEMENT WOULD BE DEVELOPED IN THE COURSE OF THAT EXERCISE, THROUGH THE PARTY-APPOINTED MEMBERS. THE FOURTEEN (14) CITY/FIRE FIGHTERS AGREEMENTS ENTERED AS EXHIBITS WOULD BE HELPFUL (AS WOULD BE THE TABULATIONS AND CHARTS OF THE ECONOMIC PROVISIONS OF THOSE AGREEMENTS), ALBEIT THE UNION'S SEVEN (7) AGREEMENTS WERE SELECTED FOR COMPARABILITY OF A FIRE FIGHTER'S WORK SITUATION TO THAT IN HARPER WOODS (AND WERE, 5 OUT OF 7, AS TO NEARBY COMMUNITIES), AND THE CITY'S SEVEN (7) AGREEMENTS INVOLVED CITIES CHOSEN FOR COMPARABILITY TO HARPER WOODS ON THE DIFFERENT BASES OF POPULATION, AREA, AND ASSESSED VALUATION (RESULTING IN ONLY 2 OF SUCH 7 AGREEMENTS INVOLVING CITIES NEAR HARPER WOODS).

FOLLOWING THE CLOSING OF THE HEARINGS ON MARCH 14TH, AND THE PANEL CHAIRMAN'S REVIEW OF THE EVIDENCE ENTERED (PARTICULARLY THE COLLECTIVE BARGAINING AGREEMENTS) AND OF OTHER MATERIALS, HE PREPARED A 49-PAGE DRAFT AGREEMENT AND, ON MARCH 19TH, MAILED A COPY TO EACH OF THE PARTY-APPOINTED MEMBERS OF THE ARBITRATION PANEL. THOSE MEMBERS REVIEWED SUCH DRAFT, APPARENTLY DISCUSSED IT, OR PARTS OF IT, WITH OTHER REPRESENTATIVES OF THEIR RESPECTIVE ORGANIZATIONS, AND THEY MET TOGETHER TO DISCUSS THE PROVISIONS OF THE DRAFT.

AT A MEETING OF THE PANEL HELD ON MAY 1ST THE CHAIRMAN OBTAINED THE VIEWS OF THE PARTY-APPOINTED MEMBERS AS TO REVISIONS OF THE DRAFT THEY JOINTLY DEEMED TO BE ADVISABLE, AND THEIR VIEWS AS TO MATTERS IN THE DRAFT ON WHICH THEY WERE IN DISAGREEMENT.

THE PANEL CHAIRMAN THEN RE-WROTE THE DRAFT AGREEMENT PURSUANT TO HIS UNDERSTANDING OF THE DISCUSSION OF THE FULL PANEL AT ITS MEETING OF MAY 1ST AND, ON MAY 7TH, DELIVERED A COPY OF SUCH REVISED DRAFT TO EACH OF THE PARTY-APPOINTED MEMBERS FOR THEIR FURTHER CONSIDERATION.

AT A MEETING OF THE PANEL HELD ON MAY 14TH THE DRAFT WAS FURTHER REFINED, AND THE AREAS OF DISAGREEMENT OF THE PARTY-APPOINTED MEMBERS WERE FURTHER POINTED UP. ON JUNE 8TH THE PANEL CHAIRMAN SUBMITTED TO THE PARTY-APPOINTED MEMBERS HIS FIRST DRAFT OF THIS OPINION AND ORDER AND, AS WELL, HIS THIRD DRAFT OF THE PARTIES' NEW, 1973, AGREEMENT, INCORPORATING THE CHAIRMAN'S VIEWS (EXPRESSED IN THE DRAFT

OPINION AND ORDER) ON MATTERS OF THAT AGREEMENT ON WHICH THE PARTY-APPOINTED PANEL MEMBERS HAD DIFFERING OPINIONS.

AT A MEETING OF THE PANEL HELD ON JULY 18TH, AT WHICH COUNSEL FOR EACH OF THE PARTIES WAS ALSO PRESENT, REVISIONS IN THE DRAFT OF THIS OPINION AND ORDER, AND IN THE THIRD DRAFT OF THE PARTIES' 1973 AGREEMENT, WERE AGREED UPON. PREPARATION OF THIS OPINION AND ORDER, AND OF THE PARTIES' 1973 AGREEMENT, "ATTACHMENT 2" TO IT, FOLLOWED.

THE FOREGOING HAS REVIEWED THE CIRCUMSTANCES UNDER WHICH THE ARBITRATION PANEL IN THESE PROCEEDINGS CAME TO ENGAGE IN THE NOT-USUAL EXERCISE OF DEVELOPING A COMPLETE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE PARTIES, AND THE MANNER IN WHICH THEY PROCEEDED TO DEVELOP SUCH AGREEMENT.

WHILE THE PARTY-APPOINTED MEMBERS OF THE PANEL OF ARBITRATION HAVE NOT ABANDONED THEIR VIEWS ON SOME SPECIFIC ITEMS, THEY ARE NOT IN DISAGREEMENT THAT THIS OPINION AND ORDER, AND "ATTACHMENT 2" TO IT, CONSTITUTE, IN GENERAL, AN ACCEPTABLE RESULT, OVER-ALL, OF THESE PROCEEDINGS WHICH ARE CONCLUDED ONLY A FEW MONTHS PRIOR TO THE PARTIES' UNDERTAKING NEGOTIATION OF THEIR NEXT AGREEMENT, IN THE COURSE OF WHICH THEY CAN RESUME, IF THEY CHOOSE TO DO SO, ADVANCEMENT OF DIFFERING VIEWS ON SPECIFIC SUBJECTS APPEARING IN "ATTACHMENT 2".

ORDER

THE "AGREEMENT", "ATTACHMENT 2" HERETO, WHICH IS STATED TO BE BETWEEN LOCAL NO. 1188, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO, AND CITY OF HARPER WOODS, A MICHIGAN MUNICIPAL CORPORATION, SHOULD, AND SHALL, BE THE COLLECTIVE BARGAINING AGREEMENT BETWEEN SUCH PARTIES FOR THE PERIOD JANUARY 1, 1973, THROUGH DECEMBER 31, 1973. EACH PROVISION THEREOF SHALL BE EFFECTIVE AND EFFECTUATED ON JANUARY 1, 1973, IF IT BE FEASIBLE TO DO SO AND, IF NOT, ON THE FIRST DATE THEREAFTER ON WHICH IT IS FEASIBLE TO EFFECTUATE SUCH PROVISION.

ARBITRATION PANEL:

Daniel Wucetich
DANIEL WUCETICH
PRESIDENT, LOCAL NO. 1188, IAFF
ARBITRATOR APPOINTED BY THE ASSOCIATION

Joseph C. Dorsky
JOSEPH C. DORSKY
CITY MANAGER
ARBITRATOR APPOINTED BY THE CITY

Charles A. Rogers
CHARLES A. ROGERS, CHAIRMAN
ARBITRATOR APPOINTED BY
EMPLOYMENT RELATIONS COMMISSION

DATED: JULY 24, 1973

"APPENDIX A" - EXHIBITS

OPINION AND ORDER

.....
IN THE MATTER OF THE ARBITRATION BETWEEN:
LOCAL NO. 1188, INTERNATIONAL
ASSOCIATION OF FIRE FIGHTERS, AFL-CIO
(HARPER WOODS FIRE FIGHTERS' ASSOCIATION)
-AND-
CITY OF HARPER WOODS
A MICHIGAN MUNICIPAL CORPORATION
CONDUCTED PURSUANT TO
POLICE-FIRE FIGHTERS ARBITRATION ACT
.....

JOINT EXHIBIT

1. MACHINE COPY OF THE PARTIES' AGREEMENT FOR CALENDAR YEARS 1971 AND 1972, (WHICH IS ATTACHMENT "1" HERETO).

UNION EXHIBITS

1. MACHINE COPY OF 26-PAGE AGREEMENT BETWEEN ST. CLAIR SHORES FIRE FIGHTERS' ASSOCIATION AND CITY OF ST. CLAIR SHORES, JULY 1, 1972, TO JUNE 30, 1974.
2. MACHINE COPY OF 20-PAGE AGREEMENT BETWEEN WARREN FIRE FIGHTERS' ASSOCIATION AND CITY OF WARREN, ENTERED INTO JUNE 30, 1972, AND EXPIRING DECEMBER 31, 1972.
3. MACHINE COPY OF 16-PAGE AGREEMENT BETWEEN ROSEVILLE FIRE FIGHTERS' ASSOCIATION AND CITY OF ROSEVILLE, JULY 1, 1972, TO JUNE 30, 1973.
4. MACHINE COPY OF 28-PAGE AGREEMENT BETWEEN CLINTON TOWNSHIP FIRE FIGHTERS' ASSOCIATION AND TOWNSHIP OF CLINTON, SIGNED JANUARY 7, 1972 (THE TERM OF THE AGREEMENT NOT BEING STATED THEREIN).
5. BOOKLET COPY OF 23-PAGE AGREEMENT BETWEEN ALLEN PARK FIRE FIGHTERS' ASSOCIATION AND CITY OF ALLEN PARK, JULY 1, 1972, TO JUNE 30, 1974.
6. MACHINE COPY OF 38-PAGE AGREEMENT BETWEEN STERLING HEIGHTS FIRE FIGHTERS' ASSOCIATION AND CITY OF STERLING HEIGHTS, JULY 1, 1972, TO JUNE 30, 1974.
7. MACHINE COPY OF 45-PAGE AGREEMENT BETWEEN SOUTHGATE FIRE FIGHTERS' ASSOCIATION AND CITY OF SOUTHGATE, JANUARY 1, 1973, TO DECEMBER 31, 1973.
8. MACHINE COPY OF MEMORANDUM, 16 JULY, 1971, TO ALL UNION COVERED EMPLOYEES, FROM CITY (OF HARPER WOODS) PAYMASTER, SUBJECT COST OF LIVING CHECKS.
9. COMPARATIVE TABULATION OF PROVISIONS ON 15 ECONOMIC SUBJECTS IN UNION EXHIBITS 1, 5, 6, 7, IN CITY EXHIBITS 1, 4, 5, 7, IN CITY OF HARPER WOODS OFFER, AND IN HARPER WOODS FIRE FIGHTERS' ASSOCIATION'S REQUEST.

CITY EXHIBITS

1. CERTIFIED MACHINE COPY OF 14-PAGE AGREEMENT BETWEEN EAST DETROIT FIRE FIGHTERS' ASSOCIATION AND CITY OF EAST DETROIT, JULY 1, 1972, THROUGH JUNE 30, 1973.
2. CERTIFIED MACHINE COPY OF 12-PAGE AGREEMENT BETWEEN GROSSE POINTE PARK FIRE FIGHTERS' ASSOCIATION AND CITY OF GROSSE POINTE PARK, JULY 1, 1972, TO JUNE 30, 1973.
3. CERTIFIED MACHINE COPY OF 21-PAGE AGREEMENT BETWEEN BERKLEY FIRE FIGHTERS' ASSOCIATION AND CITY OF BERKLEY, JULY 1, 1972, TO JUNE 30, 1974.
4. MACHINE COPY OF 36-PAGE AGREEMENT BETWEEN YPSILANTI FIRE FIGHTERS' ASSOCIATION AND CITY OF YPSILANTI, JULY 1, 1972, TO JUNE 30, 1973.
5. CERTIFIED MACHINE COPY OF 11-PAGE AGREEMENT BETWEEN HIGHLAND PARK FIRE FIGHT-

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"APPENDIX A" - EXHIBITS

/CONTINUED/

OPINION AND ORDER

.....
IN THE MATTER OF THE ARBITRATION BETWEEN:
LOCAL NO. 1188, INTERNATIONAL
ASSOCIATION OF FIRE FIGHTERS, AFL-CIO
(HARPER WOODS FIRE FIGHTERS' ASSOCIATION)

-AND-

CITY OF HARPER WOODS
A MICHIGAN MUNICIPAL CORPORATION
CONDUCTED PURSUANT TO
POLICE-FIRE FIGHTERS ARBITRATION ACT
.....

ERS' ASSOCIATION AND CITY OF HIGHLAND PARK, JULY 1, 1972, TO JUNE 30, 1974.

6. CERTIFIED MACHINE COPY OF 13-PAGE AGREEMENT BETWEEN MOUNT CLEMENS FIRE FIGHTERS' ASSOCIATION AND CITY OF MOUNT CLEMENS, JULY 1, 1972, TO JUNE 30, 1973.
7. BOUND, CERTIFIED, MACHINE COPY OF 20-PAGE AGREEMENT BETWEEN HAZEL PARK FIRE FIGHTERS' ASSOCIATION AND CITY OF HAZEL PARK, NOVEMBER 14, 1971, TO JUNE 30, 1974.
8. COMPARATIVE TABULATION OF PROVISIONS OF 15 ECONOMIC SUBJECTS IN CITY EXHIBITS 1 THROUGH 7, ABOVE, IN IAFF/HARPER WOODS AGREEMENT ENDING DECEMBER 31, 1972, AND IN CITY OF HARPER WOODS' LAST OFFER.
9. "RANK ORDER OF CITIES BY BENEFITS" (EXCEPT "OFFICER DIFFERENTIAL") AS TO THE ECONOMIC SUBJECTS OF EXHIBIT 8, ABOVE, AS THEY APPEAR IN EXHIBITS 1 THROUGH 7, FURTHER ABOVE.
10. "RANK ORDER" OF CITY EXHIBITS 1 THROUGH 7, AND OF JOINT EXHIBIT 1, AS TO "TOTAL DIRECT ECONOMIC BENEFITS", "TOTAL EARNED DAYS OFF, INCLUDING SICK LEAVE", AND "TOTAL BENEFITS CONVERTED TO DOLLARS, SICK LEAVE AT 50%".
11. "TABLE AND GRAPH OF 1970 FEDERAL POPULATION CENSUS OF HARPER WOODS AND VARIOUS OTHER COMMUNITIES SUBMITTED BY BOTH PARTIES".
12. "TABLE AND GRAPH OF AREAS IN SQUARE MILES OF HARPER WOODS AND VARIOUS OTHER COMMUNITIES SUBMITTED BY BOTH PARTIES".
13. "TABLE AND GRAPH OF STATE EQUALIZED PROPERTY VALUATIONS FOR HARPER WOODS AND VARIOUS OTHER COMMUNITIES SUBMITTED BY BOTH PARTIES".
14. MACHINE COPY OF MEMORANDUM, 2 MARCH, 1973, TO MAYOR, COUNCIL AND CITY MANAGER, FROM CITY CONTROLLER, SUBJECT SUMMARY OF FULL-TIME EMPLOYEES' EARNINGS FOR 1972.

/PANEL EXHIBITS/

1. LETTER, NOVEMBER 28, 1972, BY ATTORNEY FOR HARPER WOODS FIRE FIGHTERS' ASSOCIATION, TO CITY MANAGER, CITY OF HARPER WOODS, SUBJECT REQUEST FOR ARBITRATION - WITH COPY INDICATED FOR EMPLOYMENT RELATIONS COMMISSION.
2. MACHINE COPY OF AGREEMENT BETWEEN HARPER WOODS FIRE FIGHTERS' ASSOCIATION AND CITY OF HARPER WOODS, JANUARY 1, 1969, TO DECEMBER 31, 1970.
3. MACHINE COPY OF AGREEMENT BETWEEN HARPER WOODS FIRE FIGHTERS' ASSOCIATION AND CITY OF HARPER WOODS, JANUARY 1, 1968, TO DECEMBER 31, 1968.
4. MACHINE COPY OF AGREEMENT BETWEEN HARPER WOODS FIRE FIGHTERS' ASSOCIATION AND CITY OF HARPER WOODS, JANUARY 1, 1967, TO DECEMBER 31, 1967.