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STATE OF MICHIGAN  
MICHIGAN EMPLOYMENT RELATIONS COMMISSION  
PUBLIC ACT 312 ARBITRATION

IN RE THE ARBITRATION OF:

CITY OF HIGHLAND PARK,

Employer,

and

Case No. D-82-C1358

HIGHLAND PARK POLICE PATROL UNIT,  
TEAMSTERS LOCAL 129, MICHIGAN  
LAW ENFORCEMENT UNION,

Union.

Michigan State University  
LABOR AND INDUSTRIAL  
RELATIONS LIBRARY

IN RE THE ARBITRATION OF:

CITY OF HIGHLAND PARK,

Employer,

and

Case No. D-82-C1359

HIGHLAND PARK POLICE COMMAND OFFICERS  
ASSOCIATION, TEAMSTERS LOCAL 129,  
MICHIGAN LAW ENFORCEMENT UNION,

Union.

OPINION AND AWARD

The parties met in pre-hearing conferences on the following dates: June 22, 1984; August 20, 1984; October 15, 1984; February 26, 1985; February 27, 1985; March 8, 1985; September 4, 1985; September 26, 1985 and October 15, 1985.

The hearing was held on October 21, 1985. At the commencement of the hearing, the parties entered into the following stipulations:

1. The parties waive any time limit required by statute;

Highland Park, City of

Frost, Elaine

2. The panel, composed of Elaine Frost, Chair, Sam Merigian, as City Delegate, and John Killala, as Union Delegate, (Command) and Larry Gregory, as Union Delegate (Patrol) is properly impaneled.

3. The parties agree that the panel has jurisdiction to resolve all issues placed before it.

4. The parties agree that the two cases herein shall be consolidated for hearing, disposition, and award; and that this award is binding on all parties.

Thereafter, the parties submitted certain joint exhibits. Joint Exhibits I-A, I-B, and I-C which consist of information and data concerning financial, demographic, pensions, and emergency loan information.

The panel met in executive session, immediately after the close of proofs and concluded that the establishment of a public safety department in the City of Highland Park is in the best interests of the parties, the community at large, and the public welfare. Upon establishment of the Public Safety Department, the functions of the Police Department and the Fire Department of the City of Highland Park shall be consolidated into such Department and all employees of such Departments shall become employees of the Public Safety Department. To achieve that goal, the panel hereby adopts as its award the following provisions together with the contract which the parties have agreed to adopt in view of this award.

### AWARD

1. The panel recognizes that the need for adequate police, fire and emergency medical service require the most effective and efficient services as can be obtained with available funds.
2. The panel has carefully reviewed the data and information contained in Joint Exhibit I-A, I-B and I-C entered into the record of these proceedings. The panel after such review has concluded that the establishment of a Public Safety Department in the City is in the best interests of the parties, the community at large, and the public welfare for some of the following reasons:
  - A. More personnel will be available to fight fires and fight crime;
  - B. More money will be available to compensate the former police officers and new public safety officers than would be possible under current methods of operation and current organization;
  - C. More money will be available to train and develop the new job skills which will be used to meet the the new duties each employee must be capable of performing; and
  - D. The present pension system will be terminated for current employees and will be replaced by a defined contribution plan which will better assure the soundness of the system, and reduce the cost of

the present system.

3. There shall be created a Public Safety Department in the City of Highland Park which shall be staffed by public safety officers, who shall be qualified and trained, and shall perform all police, fire, emergency first aid, and such other services as are necessary to provide the highest possible quality of protection and safety to the persons and property in the City of Highland Park. The wages, hours, terms, and conditions of employment for employees in such Department shall be those as are set forth in the contract between the parties hereto which is Appendix A attached hereto and which the parties are executing in view of this Award.

Membership in said Department may include persons initially not fully trained public safety officers or having the experience required of public safety officers but who have had training or experience as police patrol officers, police command officers, fire-fighters, and firefighting command officers.

4. A Public Safety Department is ordered by this Act 312 Panel in Cases Nos. D-82-C1358 and D-82-C1359, and the City shall adopt an appropriate ordinance.

Each employee of the Police Department shall be a member of said Public Safety Department following the entry of the Award herein, or as soon thereafter

as shall be feasible. All members of this Department shall be entitled to resign from their positions and immediately be entitled to be employed as public safety officers. The City will develop or provide training programs, schedules, rules and regulations and shall take all other reasonable and prudent steps to implement such award as shall be entered in these proceedings.

5. The City shall have the prerogatives to operate and manage its affairs in all respects and in accordance with its responsibilities, rights, powers, and authority which the City has not officially abridged, delegated, granted or modified by contract, and all responsibilities, rights, power and authority the City had prior to the issuance of this Award will remain exclusively without limitation, within the rights of the City. The City retains its rights in accordance with the Constitution and laws of the United States, Constitution and laws of the State of Michigan, and the Charter and ordinances of the City of Highland Park.

The City shall have the right to promulgate the rules and regulations of the Department which will be placed in a book and given to each employee. Should a rule or regulation be changed, the change shall be posted and a copy given to the Chief Steward of the Union.

6. The City shall pay Public Safety Officers the wages,

rates of pay, and fringe benefits as are set forth in the Contract, marked Appendix A, for the fiscal years of 1986-87, and 1987-88, and the remainder of the current fiscal year 1985-86 as is set forth in the wage schedule of said Contract. The City will pay Police Patrolmen and Police Command Officers the same rates of pay as prevailed in 1980-81 for the fiscal years of 1981-82, 1982-83, 1983-84, 1984-85, and thereafter except as otherwise stated. No employee will, however, owe any monies to the City based upon this Award.

The City will commence to pay each employee as a Public Safety Officer who elects to become a Public Safety Officer upon his acceptance of these terms and conditions so that the City will be able to implement the necessary training and transition program. Any person not electing to become a Public Safety Officer shall remain as a police patrol officer or police command officer, within the Public Safety Department. Such person will hold such rank and perform such duties as shall be prescribed by the Director of the Public Safety Department.

Any employee electing to become a Public Safety Officer shall be required to successfully complete each training program or certification program as required for continued employment as a Public Safety

Officer. Except as provided in the Contract, in the event that an employee fails to pass or be certified in a required training program or course after two (2) consecutive examinations, the employee shall revert back to the permanent rank previously held by the employee and receive a reduction in pay in accordance with Appendix 1, Wages, of the Contract.

7. A new pension plan (hereinafter "new pension") shall be adopted. It shall be a defined contribution plan as set forth in the Contract between the parties. Membership in the present Policemen and Firemen Retirement Systems of the City (hereinafter "old pension systems") shall be terminated upon the entry of the Award herein, or as soon thereafter as shall be deemed feasible by the City or as is otherwise provided for herein.
8. No active member of the old pension systems shall receive any further increase in benefits from and after the effective time and date of the Award. Each active member of the old pension systems shall terminate his membership in his system by resigning or being terminated as a police officer and employee of the City prior to being rehired by the City as a member of the Public Safety Department. Upon rehiring, he shall retain his seniority for such prior service. No new employee of the City may become a member of the old pension systems after the date of the Award.

9. Each member of the old pension systems may choose from the following options according to his wishes and eligibility:

- (a) Any member having less than twenty (20) years service as of September 30, 1985 shall withdraw his accumulated contributions from the old pension systems plus accrued interest and cause to have such sum "rolled-over" into the new pension system. Upon acceptance by the City, the City will contribute an equal sum to the credit of the employee's pension account in the new pension system. The City shall contribute this sum in ten (10) equal annual installments together with interest at the rate of five (5%) percent per year on the unpaid balance. The first installment payment shall be made no later than April 1, 1986. However any employee who leaves the service of the City for any reason will receive the total amount owing from the City upon departure.
- (b) Any employee who had been a member of the present Policemen and Firemen Retirement System for at least twenty (20) years on or before September 30, 1985, and who would qualify for deferred retirement as provided



by Section 19-17 of the Retirement System set out in the City Charter may elect early retirement and commence to receive such benefits as are herein provided in lieu of all other payments on account of the retirement systems. Such member shall have thirty (30) days from the effective date of the Award, or as otherwise agreed by the City, to elect such early retirement. Such retirement shall occur within fifteen (15) days of the receipt of the actuary report of benefit entitlement by the employee. Any member so electing early retirement shall be entitled to the full benefits as though he had completed twenty-five (25) years of service. His five-year average salary shall be calculated as of March 1, 1985, and such member shall not be entitled to any increase in his pension after the commencement of payment.

- (c) Any employee who has been a member of the present Police and Firefighter Pension System for at least twenty (20) years on or before September 30, 1985, and who would qualify for retirement or deferred retirement as provided by Section 19-17 of the Retirement

System set out in the City Charter, may elect to retain an option to retire after he attains twenty-five (25) years or more of credited service as a member of the present system. Such election must be made within thirty (30) days from the date of the Award. Any eligible member making this election shall receive a pension calculated on the basis of two (2%) percent of his final average salary multiplied by the number of years, and fraction of a year, of his credited service up to September 30, 1985, but not to exceed twenty-five (25) years. His final average salary shall be computed for the five-year period preceding March 1, 1985.

In the event an eligible member chooses this option, the member shall withdraw his accumulated contributions together with accrued interest for immediate deposit of such sum into the individual's account in the new pension plan, and the City shall add thereto an amount equal to fifteen (15%) percent of the member's base pay in 1980-81, for the position now held by the member. The City's contribution shall be made in ten (10) equal annual installments together

with interest at the rate of five (5%) percent on the unpaid balance. The first installment payment shall be made no later than April 1, 1986. However any employee who leaves the service of the City for any reason will receive the total amount owing from the City upon departure. Thereafter, neither the member nor the City shall make any further contributions into the old pension systems on behalf of the member and such member shall not be entitled to any increase in his pension after its calculation as of the date of the Award. Such member shall thereafter be an inactive member of the Policemen and Firemen Retirement System.

10. The work week of the Public Safety Department shall be on the basis of an eight (8) hour day, forty (40) hours and five (5) day week with such shift schedule as shall be set forth by the Director or his Deputy in the rules and regulations of said Department. The Public Safety Department shall conduct its operations on a twenty-four (24) hours per day, seven (7) day week basis.
11. The City may hire up to fifteen (15) persons as Auxiliary Police Officers at such wages, hours, terms, and conditions of employment as are agreeable to the City and such

persons. They may perform the following duties:

- (1) The execution of warrants or court orders as pertaining to ordinance violations, traffic violations and parking tickets.
- (2) Duties pertaining to parking, towing, traffic, miscellaneous traffic, other ordinance violations and the augmentation of Department duties and responsibilities, including but not limited to foot patrol, traffic control and such other police-related activities as may be assigned from time to time.


12. The Director and Deputy Director(s), the Auxiliary Police, and the civilian employees of such Department shall not be members of the Bargaining Unit.
13. The wages, hours, terms, and conditions of employment for any person newly hired by Employer subsequent to the issuance of this Award may differ as to residency requirements and as to fringe benefits, including but not limited to sick time and sick pay, holiday or furlough days, longevity pay, personal leave days, and health, dental, optical, or life insurance, or other fringe benefits upon which the parties hereto may agree.
14. The parties agree to dismiss forthwith all pending lawsuits between the parties hereto without costs and with prejudice. The parties specifically agree

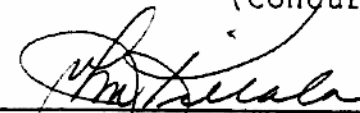
that the arbitration Decision and Order entered in the arbitration proceedings covering the contract year 1981-82 with respect to the question of wages only shall be set aside and no money shall be owed by either party or any unit member; provided, however, that the wages shall be considered to be those governing the parties during the fiscal year of 1980-81 from and until the changes are made as provided herein.


The case pending concerning the promotion grievance appealed to the Wayne Circuit Court, Judge Lucille Watts, and thereafter appealed to the Michigan Court of Appeals, shall not be dismissed however. This proceeding shall be continued as each party may determine. Furthermore, pending grievances are not covered by this Agreement.

15. Any person employed as a police patrol or command officer who does not elect to become a Public Safety Officer may remain as a police patrol or command officer until June 30, 1988, at such wages and fringe benefits (except pension plans) as are set forth herein for such positions.

  
Elaine Frost, Chair

  
Sam Merigian, City Delegate  
(Concur-~~Dissent~~)

  
John Killala, Union Delegate  
(Command) (Concur-~~Dissent~~)

  
Larry Gregory, Union Delegate  
(Patrol) (Concur-~~Dissent~~)

DATED: October 21, 1985