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STATE OF MICHIGAN  
DEPARTMENT OF LABOR  
EMPLOYMENT RELATIONS COMMISSION  
COMPULSORY ARBITRATION

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STATE OF MICHIGAN  
EMPLOYMENT RELATIONS COMMISSION  
DETROIT OFFICE

In the Matter of the Arbitration  
Between:

HURON TOWNSHIP

Employer

and

Act 312

Case No. D94-G-1623

POLICE OFFICERS LABOR COUNCIL

Union

Proceedings were held in accordance with Act 312, and a pre-hearing conference was held on January 10, 1996. The Employer was represented by Richard G. James, attorney, and the Union by Barton J. Vincent, attorney. During the course of the pre-hearing conference the parties stipulated to the entry of an award to resolve all previously unresolved terms of the parties' 1995-1997 collective bargaining agreement, and agreed to the withdrawal of any issue set forth in the Petition or Answer in these proceedings and not specifically addressed in the Stipulated Award.

STIPULATED AWARD

Unless changes are noted, the contract in existence at 12/31/94 will continue in effect. Revisions agreed upon are as follows:

Article I. Recognition

The Police and Communications units will be recognized as separate bargaining units, and all references to Communications Officers will be stricken.

Article VII. Union Stewards

Sec. 1. Change language so that there will be one steward and alternate steward, not one steward or alternate steward.

Article X. Hours of Work

Sec. 2. Eliminate present Section and replace with Section 2. entitled Shift Staffing and Assignment. [Attachment No. 1]

Sec. 3. First sentence to read: "Work schedules for full time employees shall be posted seven (7) days in advance, except in emergencies."

Article XII, Sec. 1. Two wage schedules will be established:

New employees will start at \$24,000, receive \$25,000 after 6 months, \$26,000 after 12 months, \$30,000 after 24 months, and reach full contractual pay after 36 months.

Present employees will receive a 4% increase retroactive to 1/1/95, a 3% increase effective 1/1/96, and a 3% increase effective 1/1/97.

Article 13. Vacations

Sec. 6. Current language, but tied to work schedules.

Article XIV. Holidays

Sec. 5. The designation of Washington's Birthday as a holiday will be changed to Presidents' Day.

Article XV. Seniority

Sec. 2. Eliminate last paragraph, which presently reads: "A part-time employee who becomes a full-time police officer and who has a minimum of 4160 hours as a part-time officer will not have to serve a probationary period."

Sec. 6 (c). Require employee who is absent from work for three consecutive days to notify the Chief of Police or his designee, instead of notifying "employer".

Article XVII Sick Leave and Personal Leave

Sec. 1. Eliminate from third paragraph: "When notice is received 72 hours in advance and overtime is required, it will be offered first to full-time employees. In emergency situations the overtime may be filled with part-time employees."

Article XXI Insurance

Sec. 1. Add language to provide that an employee who has hospitalization insurance through another source is eligible to receive 50% of the savings to the Township if he chooses not to participate in the Township's BC/BS program.

Sec. 5. Add new sentence to read as follows: "Effective January 1, 1997, Employer agrees to reimburse employees who retire after that date and who qualify under MERS, Four Hundred Dollars (\$400) per month toward hospitalization insurance premiums."

Article XXIV. Promotions and New Job Classifications

Replace with new Article XXIV Promotions [Attachment No. 2]

Article XXV. General Provisions

Sec. 2. Accidents. "An employee shall report immediately any accident or incident in which he is involved and the nature and extent of personal injury or property damage...."

Sec. 4. Longevity.

Add step providing for sum of \$600 on fifteenth anniversary date, plus \$20 for each year of service over fifteen.

Sec. 18. Animal Complaints. Replace with following language:

"Complaints regarding animals will be referred to the ACO unless they are complaints requiring an immediate response, in which event they will be handled by the police department. Any complaints requiring follow up or investigation will be referred to the ACO."

Location in contract to be determined:

Drug Testing Policy [Attachment No. 3]

Animal Control Officer. ACO to receive same percentage wage increases given to police officers for 1/1/95 - 12/31/97, and all fringe benefits presently given to part-time police officers.

Matter of FLSA overtime compensation resolved as follows:

- (1) Adjust overtime rates in accordance with FLSA guidelines.
- (2) Pay each police officer \$100 in full settlement of all claims.
- (3) Each officer to sign a waiver regarding all claims to present date.

Article XXV. General Provisions

Sec. 15. Shift Premium.

\$.05 per hour increase in shift premium for both afternoon and midnight shifts.

Any issue set forth in the Petition or Answer, or any matter the parties considered an issue, which is not specifically addressed herein is hereby withdrawn.

Union Delegate:

Richard Ziegler  
Richard Ziegler

Employer Delegate:

Christine F. Gamber  
Christine F. Gamber

Chairman

Benjamin W. Wolkinson  
Benjamin W. Wolkinson

Dated: February 20, 1996

ATTACHMENT NO. 1

Article X, Hours of Work

Section 2. Shift Staffing and Assignment

A. The Township will determine the number of employees to be assigned to each shift, including the shifts to which sergeants will be assigned. [This Section (2.A.) is not to be interpreted to amend or modify in any respect the provisions of Article XXV, Section 3.]

B. Shift assignment will be on the basis of seniority in rank; that is, sergeants will bid on sergeant assignments as determined by the Township and full-time patrolmen will bid on patrolman assignments as determined by the Township.

C. Shift rotation will be on the basis of an 84-day schedule. Shift staffings will be posted by the Township not less than 20 days prior to the beginning of an 84-day shift. All bids for shift assignments must be received by the Chief of Police or his designee not less than 10 days prior to the beginning of such shift.

D. Special assignments, such as the School Liaison Officer and the Mobile Home Park Officer, will not be subject to the bidding process, and assignment to such duties will be determined by the Township.

E. Part-time officers will be assigned to shifts at the discretion of the Chief of Police or his designee.

F. Shift assignments of individual officers may be changed by the Chief of Police or his designee if such change is necessary for the effective operation of the Department, or for disciplinary reasons. Reasons for change shall be articulated and be for good cause.

G. In the event of a change in shift assignment pursuant to Section F of this Article, the affected officer(s) shall have the right to appeal such change directly to the Supervisor, whose response to the appeal must be made within 3 days thereafter. If the Supervisor's response is not satisfactory to the affected individual(s), the matter may be pursued in accordance with the expedited arbitration rules of the American Arbitration Association, provided such request for arbitration is made within 5 days after the Supervisor's response is due or received, whichever is earlier.

## ATTACHMENT NO. 2

### Article XXIV Promotions

#### Section 1. Eligibility

If the Employer, in its sole discretion, determines to create or fill a promotional position below the rank of Chief, it shall make such promotion available to those of its employees who meet the qualifications set forth in this Article.

Sergeant. Employees with at least three (3) years seniority shall be eligible for promotion to the rank of sergeant.

Lieutenant. Employees who have attained the rank of sergeant and who have served at least two (2) years in that rank shall be eligible for promotion to the rank of lieutenant.

#### Section 2. Posting; Consideration for Promotion

Notification of promotional vacancies will be posted on the bulletin board. In order to be considered for promotion, an employee must declare his/her intention to be considered by filing a written notice with the Chief of Police no later than 4 p.m. on the date listed on the posting. An employee going on vacation or leave of absence may notify the Chief of Police in writing of his/her desire to be considered for promotion in the event a promotional opening occurs during his/her absence and such notification shall constitute compliance with this requirement. Promotional vacancies shall be posted not less than one (1) week prior to the beginning of the promotional selection process.

#### Section 3. Promotional Criteria

The following criteria will be used in determining an applicant's eligibility for promotion. The applicant must:

A) Obtain a score of not less than seventy per cent (70%) on a written examination authored or approved by a nationally recognized testing agency;

B) Obtain a favorable rating from an Oral Board consisting of two (2) members appointed by the Employer and one (1) member appointed by the Union. The Oral Board shall give each applicant either a Well Qualified, Qualified, or a Not Yet Qualified rating.

#### Section 4. Scoring System

The scoring system to be used in the selection process is:

Written test.....	60%
Oral Board Interview.....	20%
Academic Background.....	10%

Seniority.....10%

Section 5. Qualified List.

Promotions shall be made by the Chief of Police from among the top three (3) candidates, as determined through the criteria set forth above.

Section 6. Probationary Period.

An employee who receives a promotion shall be subject to a probationary period of sixty (60) working days, which may be extended at the discretion of the employer for an additional sixty (60) days. In the event the employee fails to satisfactorily complete the probationary period, or elects to return to his former job classification during said period, he shall be permitted to do so without loss of seniority.

# Huron Township Police Department

## POLICY AND REGULATIONS FOR DRUG TESTING

### I. PURPOSE

The purpose of this policy is to provide all sworn officers with notice of the provisions of the department drug testing program.

### II. POLICY

It is the policy of this department that the critical mission of law enforcement justifies maintenance of a drug-free work environment through the use of a reasonable employee drug testing program.

The law enforcement profession has several uniquely compelling interests that justify the use of employee drug testing. The public has the right to expect that those who are sworn to protect them are at all times both physically and mentally prepared to assume these duties. There is sufficient evidence to conclude that the use of controlled substances and other forms of drug abuse will seriously impair an Officer's physical and mental health and, thus, job performance.

Where law enforcement officers participate in illegal drug use and drug activity, the integrity of the law enforcement profession and public confidence in that integrity are destroyed. This confidence is further eroded by the potential for corruption created by drug use.

Therefore, in order to ensure the integrity of the department and to preserve public trust and confidence in a fit and drug free law enforcement profession, this department will implement a drug testing program to detect prohibited drug use by all police department personnel.

### III. DEFINITIONS

- A. Departmental officer -- Those police and communications officers who are employed by the Huron Township Police Department.
- B., Supervisor -- Those officers assigned to a position having day-to-day responsibility for supervising subordinates, or who are responsible for commanding a work element.
- C. Drug Test -- The compulsory or voluntary production and submission of urine by an officer in accordance with departmental procedures, for chemical analysis to detect prohibited drug usage.

- D. Reasonable Suspicion -- That quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead the reasonable person to suspect that the individual is or has been using drugs while on duty.
- E. Probable Cause -- That amount of facts and circumstances within the knowledge of a supervisor or the administration which are sufficient to warrant a prudent man/woman to believe it is more probable than not that an Officer had committed or was committing an offense contrary to this drug policy.
- F. Probationary Officer -- For the purpose of this policy only, a probationary Officer shall be considered to be any officer who is conditionally employed by the department.
- G. MRO - Medical Review Officer -- The medical review officer is a physician knowledgeable in the medical use of prescription drugs and the pharmacology and toxicology of illicit drugs. The MRO will be a licensed physician with knowledge of substance abuse disorders. The MRO shall have appropriate medical training to interpret and evaluate an individual's test results with his or her medical history and any other biomedical information.
- H. Last Chance Agreement -- A standard letter of conditions for continued employment that is offered by the Chief of Police, or the right to same is invoked by an Officer under certain conditions outlined in this order, after it has been determined that the Officer has violated this order.
- I. Explainable Positive Result -- A positive finding in a urine specimen that contained that drug for legitimate reasons; such as a prescribed medication, a food product, or medication administered during a medical or dental treatment.

#### IV. PROCEDURES/RULES

##### A. PROHIBITED ACTIVITY

The following rules shall apply to all applicants, probationary and departmental Officers, while on and off duty:

1. No officer shall illegally possess any controlled substances.

2. No Officer shall ingest any controlled or prescribed substance, except under the direction of a licensed medical practitioner. When in the opinion of the prescribing physician, a prescription medication may affect an officers job performance, the officer shall notify their immediate supervisor. Supervisors shall document this information and forward the memorandum to the Chief of Police.
3. No officer shall ingest, inject, or otherwise utilize any prescribed or over-the-counter medication in amounts beyond the recommended dosage.
4. Any Officer who unintentionally ingests, or is made to ingest, inject or utilize, a controlled substance shall immediately report the incident to his supervisor so that appropriate medical steps may be taken to provide for the Officers health and safety
5. Any officer having a reasonable basis to believe that another Officer is illegally using, or is in possession of, any controlled substances shall immediately report the facts to his supervisor.
6. Discipline of departmental Officers for any violation of this drug testing policy shall be in accordance with the due process rights provided in the department's rules and regulations, policies and procedures, and the collective bargaining agreement. When there is a refusal to participate, probable cause, or the Medical Review Officer determines that an officer's drug test was positive; the officer may be immediately relieved of duty pending a departmental investigation at the discretion of the Chief of Police or his designee.

#### B. APPLICANT DRUG TESTING

1. Applicants for the position of sworn law enforcement Officer shall be required to take a drug test as a condition of employment during a pre-employment medical examination.
2. Applicants shall be disqualified from further consideration for employment under the following circumstances:
  - a. Refusal to submit to a required drug test; or
  - b. A confirmed positive drug test indicating drug use prohibited by this policy.

**C. PROBATIONARY OFFICER DRUG TESTING**

All probationary Officers shall be required as a condition of employment to participate in any unannounced drug tests scheduled for the probationary period. The frequency and timing of such tests shall be determined by the Chief of Police or his designee. Probationary Officers shall not be eligible for coverage under the last chance rehabilitation provision set forth in this order, except at the discretion of the Chief of Police.

**D. OFFICER DRUG TESTING**

Departmental Officers will be required to take drug tests as a condition of continued employment in order to ascertain prohibited drug use, as provided below:

1. A departmental supervisor may order an officer to take a drug test upon reasonable suspicion that the officer is or has been using drugs. A summary of the facts supporting the order shall be made available to the Officer prior to the actual test.
2. A drug test will be administered as part of any promotional physical examination required by this department.
3. All departmental officers may be uniformly tested during any unannounced, random testing required by the department. Random testing for all Officers will not exceed twice in a 365 day period.
  - a. The Chief of Police or his designee shall determine the frequency and timing of such tests.

**E. PENALTY**

Violation of any provision of this drug testing policy shall be grounds for disciplinary action. Discipline shall be administered as set forth in the agency rules and regulations, and may include discharge from the department. Any discipline issued remains subject to review in accordance with the collective bargaining agreement.

**F. DRUG TESTING PROCEDURES**

1. The testing procedures and safeguards provided in this policy, to provide for the integrity of department drug testing, shall be adhered to by any laboratory personnel administering drug tests.

2. Laboratory personnel authorized to administer drug tests shall require positive identification from each Officer to be tested.
3. In order to prevent a false positive test result, a pre-test interview shall be conducted by testing personnel with each Officer to ascertain and document the recent use of any prescription or nonprescription drugs, or any indirect exposure to drugs; however, medical information may be given to the laboratory testing personnel on a voluntary basis. If the test results are positive, it will be mandatory that the Officer divulge the necessary medical information to the Medical Review Officer that may lead to a positive test.
4. The bathroom facility of the testing area shall be private and secure.
  - a. Authorized personnel shall search the facility before an Officer enters it to produce a urine sample, and document that it is free of any foreign substances.
5. Where the Officer appears unable or unwilling to give a specimen at the time of the test, testing personnel shall document the circumstances on the drug-test report form. The Officer shall be permitted no more than four (4) hours to give a sample, during which time he/she shall remain in the testing area, under observation. Reasonable amounts of water may be given to the employee to encourage urination. Failure to submit a sample shall be considered a refusal to submit to a drug test except for good cause as determined by the M.R.O.
6. The urine sample will be split and stored in case of legal disputes. The samples must be provided at the same time, marked and placed in identical specimen containers by authorized testing personnel. One sample shall be submitted for immediate drug testing. The other sample shall remain at the facility in frozen storage. This sample shall be made available to the employee or his Union, prior to disciplinary action, should the original sample result in a legal dispute. The officer must request same within 72 hours of being notified of a positive and confirmatory test by the Medical Review Officer. All groups of negative samples may be destroyed after seven (7) days.

7. All specimen samples shall be sealed, labeled, initialled by the Officer and laboratory technician; and checked against the identity of the employee to provide that the results match the tested specimen. Samples shall be stored in a secured and refrigerated atmosphere until testing or delivery to the testing lab representative.
8. Whenever there is reason to believe that the employee may have altered or substituted the specimen to be provided, a second specimen shall be obtained within a reasonable time.

The laboratory personnel will take the appropriate necessary steps to provide for the integrity of the second specimen.

#### G. DRUG TESTING METHODOLOGY

1. The testing or processing phase shall consist of a two-step procedure:
  - a. initial screening test
  - b. confirmation test
2. The urine sample is first tested using the initial drug screening procedure. an initial positive test result will not be considered conclusive; rather, it will be classified as "confirmation pending". Notification of test results to the supervisor or other departmental designee shall be held until the confirmation test results are obtained and verified by the M.R.O.
3. A specimen testing positive will undergo an additional confirmatory test. The confirmation procedure shall be technologically different and more sensitive than the initial screening test.
4. The drug screening tests selected shall be capable of identifying marijuana, cocaine and every major drug of abuse including heroin, phencyclidine, amphetamines and barbiturates. Personnel utilized for testing will be certified as qualified to collect urine samples or adequately trained in collection procedures.
5. Concentrations of a drug at or about the following levels shall be considered a positive test result when using the initial immunoassay drug screening test:

Initial Test Level  
(ng/ml)

Marijuana metabolite.....	50
Cocaine metabolite.....	300
Opiate metabolite.....	300*
Phencyclidine.....	25
Amphetamines.....	1000
Barbiturates.....	300

\* 25ng/ml if immunoassay-specific for free morphine.

Concentrations of a drug at or above the following levels shall be considered a positive test result when performing a confirmatory CG/MS test on a urine specimen that tested positive using a technologically different test than the initial screening method;

Confirmatory Test Level  
(ng/ml)

Marijuana metabolite.....	50
Cocaine metabolite.....	150**
Opiates;	
Morphine.....	300+
Codeine.....	300+
Phencycline.....	25
Amphetamines:	
Amphetamine.....	500
Methamphetamine.....	500
*Delta-9-tetrahydrocannabinol-9-carboxylic acid	
**Benzoyllecgonine	
+ 25ng/ml if immunoassay-specific for free morphine.	
Barbiturates.....	300

6. The laboratory selected to conduct the analysis shall be experienced and capable of quality control, documentation, chain of custody, technical expertise and demonstrated proficiency in urinalysis.
7. Officers having negative drug test results shall receive a memorandum stating that no illegal drugs were found. A copy of the letter will be placed in the Officer's personnel file upon the officer's request.
8. Any Officer who interferes with the testing process or breaches the confidentiality of test results shall be subject to discipline.

#### H. CHAIN OF EVIDENCE - STORAGE

1. Each step in the collecting and processing of the urine specimens shall be documented to establish procedural integrity and the chain of custody.
2. Where a positive result is confirmed, urine specimens shall be maintained in a secured, refrigerated storage area. If a dispute arises the specimens will be stored until pending legal disputes are settled.

#### I. DRUG TEST RESULTS

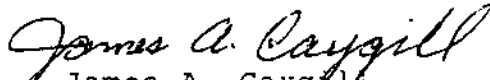
1. All records pertaining to department-required drug tests shall remain confidential, and shall not be provided to other employers or agencies without the written permission of the person whose records are sought. However, medical, administrative, and immediate supervisory personnel may have access to relevant portions of the records as necessary to provide for the acceptable performance of the officer's job duties.

#### J. PROCEDURES FOR IMPLEMENTATION OF THE LAST CHANCE AGREEMENT

1. An officer whose drug test has been confirmed positive by the Medical Review Officer during testing may, if found guilty during department disciplinary proceedings, be offered a last chance agreement.
2. Standard letter of conditions for continued employment (last chance agreement) must be signed by department and employee.
3. Officer must attend and complete the employee assistance program, as approved by the Chief of Police or his designee.
4. Officer must sign a form releasing any and all information to management as may be requested.
5. Officer must pass a medical examination administered by a medical facility designated by the Chief of Police prior to being allowed to return to duty. The examination shall only screen for drug use and the physical impact of the prior drug usage.
6. Officer may be allowed to use sick time and apply for a medical leave of absence if required, while undergoing rehabilitation.

7. Once authorized to return to duty, the Officer must submit to periodic urinalysis as may be determined by the Chief of Police.
8. The Officer shall be subject to the terms of this program for three (3) years after their return to work.
9. The Officer must agree in writing that the Officer will be automatically terminated forthwith if a violation of any portion of this program occurs at any time during it's enforcement term.
10. Officer must be advised that the Officer is not obligated to sign the agreement and be advised they have the right to seek the counsel of their legal and/or labor representative.

Effective date: 7/11/94

  
James A. Caygill  
Chief of Police