

6/22/76 Arb

Benton Township

59

In the Matter of Arbitration

between

Township of Benton

and

Re: PEAA 312, 1969 etc.

Benton Township Police Officers
Association (FOP Lodge 100)

APPEARANCES

For the Association:

John E. Dewane, Attorney
John W. Murphy, Secy., BTPQA
Richard Davis, Sergeant BTP
David Nelson, Patrolman BTP

For the Township:

Thomas N. Robinson, Attorney
Eldon Piontek, Controller

Hearing held at Benton Township, Michigan on 9 June 1976

before

Leo S. Rayl, Jr., Arbitration Panel Chairman
Catheryn Sirk, Township Delegate to Panel
Jon Nichols, Association Delegate to Panel

Date of Decision & Order: 22 June 1976

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FINDINGS OF FACT

1. The only issues preventing total contractual agreement for the contract year of 4/1/76 through 3/31/77, and the only issues before the Panel, are the three economic items listed below:
 - a. Base salary increase percentage.
 - b. Longevity pay.
 - c. Premium pay for detectives.
2. The last offer by the Association follows:
 - a. 8% increase across-the-board retroactive to 4/1/76, plus another 4% increase on 10/1/76.
 - b. Longevity payment of 2½% of base salaries (not to exceed a base of \$12,000) after five (5) years, with an additional ½% per year thereafter to a maximum of 10% after 20 years. (as of 4/1/76)
 - c. 5% of base salaries as premium pay for detectives. (as of 4/1/76)
3. The last offer by the Township follows:
 - a. 8% increase across-the-board retroactive to 4/1/76 through 3/31/77.
 - b. Doubling of the present In-Service pay scale (Exhibit G, p4) IF part a of the Township offer is accepted.
 - c. NO premium pay for detectives.

OPINION

During Panel deliberations, all exhibits were considered in the light of Section 9, PFAA 312, requirements. There was no question concerning the lawful authority of the employer. Stipulations were acknowledged, and the Panel judged the credibility of objections in areas that proved to be significant. Procedural and background exhibits (1, 11, A, B, C, D, E) were noted. Township Exhibit F was withdrawn from consideration. There was no explicit claim of inability to pay, and the offers of both Parties were not sufficiently distant to affect the significant interests and welfare of the public.

"Comparables" were the real key to resolution of the dispute, although Exhibits 2, 3, and K (business activity, tax valuation, and budget) were reviewed. Exhibits 5, 9, 12, J, & M were helpful but not as directly relevant as comparisons that will be mentioned later. For example, it is difficult to be precise when trying to compare industrial sector jobs of a totally different character with public service sector jobs in question. If there were an all-encompassing job evaluation system that included all the comparables offered, a basis for judgment would exist. In the main, Society has determined the relative worth of occupations --- plumber vs schoolteacher vs policeman, etc. For this reason, the Panel agreed that police activity in comparable areas provided the most relevant comparison. Considering Exhibits 6, 7, 8, 10, H & I, the Panel agreed that the information from Benton Harbor, Niles, St. Joseph, and the Berrien County Sheriff Department best related to Benton Township --- on a "package" basis from the evidence presented.

Computations on a weighted-average basis indicated that Benton Township was "behind" about 3½%. Exhibit 4 showed a cost-of-living increase of about 6% (6.1) from April 75 to April 76. For salary alone, 9½% increase would provide an economic "catch-up". The Association offer of 8 & 4 amounts to about 10% increase for one year --- but the 4 provides a "kicker" that has greater impact at a later time. Also, there are valid questions as to how many police groups, and more significantly, how many taxpayers will get the "full" cost-of-living reimbursement in their incomes. Additionally, the 3½% figure may merely reflect differences in collective bargaining. If collective bargaining is desirable, should arbitration nullify its fruits each year? In the face of such unknowns, the lower offer of 8% is not unreasonable.

Benton Harbor, Niles and St. Joseph appear to have longevity plans that closely approach the Association offer, on the average.

The current Township longevity plan, called In-Service Pay, falls far short. However, a doubling as offered appears to be healthier at the early levels, but falls short at the later levels. There is not much difference.

With regard to premium pay for detectives, the comparables used show only one unit paralleling the Association offer. Some of the argument offered had merit, but with it was an aura of vagueness as to administrative implementation.

While only the three issues listed are to be considered, Exhibit G (the OLD contract) was noted (see 9f, PFAA 312) and it must be said that there is certainly no evidence of "exploitation".

With regard to changes during arbitration, it should be noted that one comparable reflects a recent change via contract renewal while the others are substantially similar to the Township's time frame re negotiations.

Considering all the foregoing and the requirements of Section 9h of the Act, the evidence and argument presented tend to point to resolution of the total dispute by selecting the 8% increase, the percentage longevity plan, and the no-premium offer (status quo) for detectives.

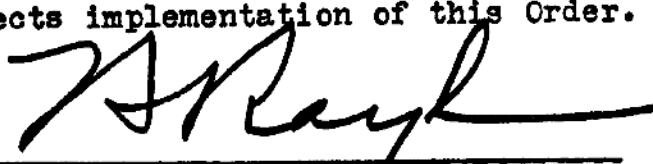
ORDER

By economic issue presented, the following last-best-offers represent the decision of the Panel as more nearly complying with the applicable factors prescribed in Section 9, PFAA 312:

- a. 8% increase across-the-board retroactive to 4/1/76 through 3/31/77.
- b. Longevity payment of 2½% of base salary (not to exceed a base of \$12,000) after five (5) years, with an additional ½% per year thereafter to a maximum of 10% after twenty (20) years. (as of 4/1/76)
- c. NO premium pay for detectives.

The Panel hereby directs implementation of this Order.

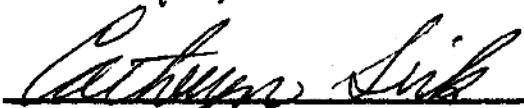
22 June 1976



LEO S. RAYL, JR., CHAIRMAN



JON NICHOLS, ASSOCIATION DELEGATE



CATHERYN SIRK, TOWNSHIP DELEGATE

BUENA VISTA TWP
FINAL PROPOSAL Re: WAGES (LAST BEST OFFER)
Dated: OCTOBER 15, 1976

EFFECTIVE JANUARY 1, 1976

	START	6 mo	1 yr	2 yrs
PATROLMAN:	\$ 10,800	11,340	12,150	12,690

Det.	12,906	13,230
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EFFECTIVE SEPTEMBER 9, 1976

	START	6 mo	1 yr	2 yrs
PATROLMAN:	11,340	11,907	12,758	13,325

Det.	13,551	13,892
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this last best offer is submitted
in accordance with the requirement
of P.A. 312 of the Irish Public Act.

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10/15/76