

6/29/84 ARB

RECEIVED
1984 JUL -5 AM 9 12
BUREAU OF STATE OF MICHIGAN
EMPLOYMENT RELATIONS
DETROIT OFFICE

STATE OF MICHIGAN
DEPARTMENT OF LABOR
MICHIGAN EMPLOYMENT RELATIONS COMMISSION
ACT 312 PUBLIC ACTS OF 1969, AS AMENDED ARBITRATION PANEL

In The Matter of the Act
312 Arbitration Between:

VILLAGE OF BEVERLY HILLS

JUL 23 1984

-and-

MERC Case No. D83 A-73

BEVERLY HILLS PUBLIC SAFETY
SEGEANTS & LIEUTENANTS
ASSOCIATION/POAM

ARBITRATION PANEL'S FINDINGS, OPINION AND ORDER

APPEARANCES:

FOR VILLAGE OF BEVERLY HILLS

Willman Israel, Village
Manager
Charles E. Keller, Attorney

FOR BEVERLY HILLS PUBLIC
SAFETY, SERGEANTS & LIEUTENANTS
ASSOCIATION/POAM

William Birdssseye, Business
Agent
Peter Lutz, Union President
Ann Maurer, Labor Economist
Patrick Spidell, Business Agent

BACKGROUND

The Village of Beverly Hills and the Beverly Hills Public Safety Sergeants Association have had a series of collective bargaining agreements with the latest expiring December 31, 1982. Because the parties have not reached agreement, a petition was filed for the invoking of a panel under Act 312 of Public Acts of 1969.

A hearing was held with the Panel and the parties in a nature of a pretrial conference on March 23, 1984. At that

6/29/84

Roumell, George

Roumell, George T. Jr.

Beverly Hills, Chicago

time, there was agreement as to what the issues were before the Panel. This was memorialized in a letter from the Chairman to the parties marked Exhibit 1. In addition to Exhibit 1, there may have been several other issues not listed therein.

At the time of the pretrial, the Chairman was advised that there was an ongoing Act 312 arbitration between the Village of Beverly Hills and the Beverly Hills Public Safety Officers Association, MERC Case No. D82 1-3684. Because of a pattern of indexing the wages of the command to the wages of the Public Safety Officers Association, the Chairman ruled that this matter should be continued until that opinion and award was received. Therefore, after consulting with the parties and at the discretion of the Chairman, the matter was adjourned until Wednesday, June 27, 1984.

Introduced as Exhibit 2 at the June 27, 1984 hearing was the opinion and award of the aforementioned Act 312 panel dated May 14, 1984. Introduced as Exhibit 3 was a proposed draft of a Collective Bargaining Agreement between the Village of Beverly Hills and the Beverly Hills Public Safety Sergeants Association which the parties have advised does reflect as translated to the Sergeants the Public Safety Award with exceptions noted in Exhibits 4 and 5, namely, a contractual agreement between the Beverly Hills Sergeants and the Village of Beverly Hills and a Memorandum of Understanding dated June 27, 1984.

The Chairman of the Panel, after telephone conferences with the parties previous to the hearing and at the hearing, expressed his view that under Section 9 of Act 312, the criteria section, a proper comparison, would be with other uniformed officers in the Village of Beverly Hills. In other words, there is no compelling reason not to follow the economic award of the Act 312 Panel and the Public Safety Officers.

Therefore, the Panel unanimously adopts the award as reflected in Exhibit 3, the draft contract which represents the economic award in Exhibit 2 and as modified herein. The Village's delegate would include the rationale of the Opinion. The Chairman and the Union's delegate do not include the rationale as part of the Opinion in this matter but only includes the Award as modified herein.

In adopting Exhibit 3 based on Exhibit 2, the Panel specifically notes that there are several items which would not be applicable to the Command. The Public Safety Officers Award denies the request for a lowering of retirement age. Since this was not an issue among the Sergeants because they are already at age 50 for retirement, this portion of the Officers' Award is not reflected in Exhibit 3 and is not adopted.

There are similar other provisions in the Public Safety Officers Award such as extra pay for command responsibilities and pay differential for special positions that are not

applicable to the Command and will not form a part of this Award.

This Panel will adopt the duration date set forth in Exhibit 3, the proposed draft of the Contract. There was some dispute over this at the time of the hearing but at the suggestion of the Chairman the Panel now has unanimity as to the duration provision with the understanding that the provision as to retroactivity particularly as they are set forth in paragraph two of the Summary of Award at page 29 in Exhibit 2 would apply and have been applied in the proposed draft in Exhibit 3.

There are two issues, however, that do divide the parties. In the award as it affects the Public Safety Officers, there is in paragraph nineteen a provision for paying thirteen paid holidays in two payments during the year. Presently, the Command receives one payment. The Chairman, joined with the Union representative to this Panel, would not follow in this instance the award of the Public Safety Officers but instead will continue the payment language set forth in Article 10 of the expired Contract. The Village Panel member would dissent from the continuation of this holiday pay provision.


The second area of disagreement from the Public Safety Award is as to pensions. There is an issue as to changing the pension multiplier. The Panel, with the Village delegate dissenting, provides that the Contract contain the following language:

The Contract shall contain the following language as to the pension issue: During the month of November, 1984, the parties are to meet to attempt to negotiate an agreement on the multiplier for the pension plan. They shall be obligated by virtue of this provision to meet in the event of disagreement at least twice during said month for the purpose of attempting to resolve their differences on this issue. In the event agreement is not reached, the parties will preserve their respective positions for negotiations as to future Collective Bargaining Agreements. However, the parties hereby waive the right to make the issue the subject of an Act 312 hearing covering the contractual period for 1982-84. This last provision is limited only to the 1982-84 contractual year and does not prevent either the Association or the Village from making the issue a subject of an Act 312 hearing for any contracts successor to the 1982-84 Collective Bargaining Agreement.

The issues set forth in Exhibit 1 have either been previously settled between the parties or are declared settled on the basis of this Opinion and subsequent Award. By agreement of the parties, the two Panel members, Charles E. Keller for the Village and Ann Maurer for the Association, waived their signature. However, it should be noted that the Village representative, Charles Keller, dissents as to the decision here concerning holidays and pension and, although concurring in the adoption of the Public Safety Award, would include the rationale and Opinion of the Award.

ORDER

Based on the statements made in the opinion, the Award will adopt Exhibit 3 attached hereto, except as noted in the Opinion.


George T. Roumell, Jr.
Chairman

Dated: June 29, 1984.