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ARB

STATE OF MICHIGAN

MICHIGAN EMPLOYMENT RELATIONS COMMISSION
ARBITRATION UNDER ACT NO. 312
PUBLIC ACTS OF 1969, AS AMENDED

In the Matter of the Statutory Arbitration Between:

CITY OF PORTAGE

-and-

INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS LOCAL #1467

APPEARANCES AND HEARING INFORMATION

A pre-hearing conference was held on September 28, 1980. Full hearings were held on October 24, 1980, and November 24, 1980. Thereafter, each party filed a statement of its last best offers along with its accompanying brief.

Herbert V. Rollins, Chairman

Philip R. Carey
City Panel Member

Richard A. Palmer
Union Panel Member

APPEARANCES

For the City of Portage:

Douglas L. Callander, Attorney
Richard A. Knoff, Fire Chief
Robert R. Slade, Personnel Director
Jennifer L. Scott, Labor Relations Intern

For Local #1467:

Karl G. Erickson, Attorney
John Maury, President Local #1467
Capt. Wayne Kitchen, Training Officer
Douglas, Burlingham, Ass't. to Finance Officer

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PREFACE

After completion of the last hearing, a draft of the background of the issues and general summaries of the respective positions were prepared by the Panel Chairman. Meetings of the full panel were then held and together the members reviewed the entire record, reviewed the draft, made changes thereon and discussed the final orders. For the last meeting, the Panel Chairman prepared a draft of this entire document. Each of the panelists made his independent decision. Thereafter, the enclosed orders were signed by each of the members at the panel's last joint meeting held on February 11, 1981.

The panel reserves the right to correct any errors in references subsequently discovered.


Herbert V. Rollins, Chairman


Philip Carey, City Panelist


Richard A. Palmer, Union Panelist

Dated: February 2, 1981

UNION ISSUE #1

SICK LEAVE AND LONG-TERM DISABILITY

ECONOMIC


Present: Disability payments commence eighteen
 (18) weeks after date of disability.

Union: Payments to commence after four (4)
 weeks.

City: Retain present contract language.

DISPOSITION

This issue was withdrawn by the union.


Chairman

UNION ISSUE #2

ACCUMULATION OF RATE OF SICK LEAVE

ECONOMIC

Present: (Article VI) Rate of accumulation is twelve
(12) hours per month.

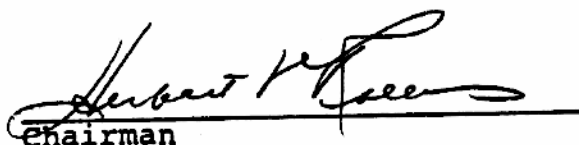
Union: Raise accumulation to twenty-four
(24) hours per month.

City: Retain present contract language.

DECISION

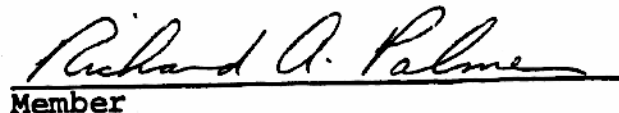
A study of the record discloses that none of the unit members have suffered any hardship under the present plan. Further, the present benefits appear to be fair and reasonable. Of additional importance is that the City of Portage has an employer funded long-term disability plan, while a majority of other comparable communities have none. With such a plan in effect, the rate of accumulation becomes less important.

Based on the above findings, the panel accepts the last offer of the city that this provision in the present contract be continued without change.


Chairman


Member

DISSENT


Member

UNION ISSUE #3

INCREASE OF CAPITAL ON SICK LEAVE ACCUMULATION

ECONOMIC

Present: (Article VI) Sick leave credits accrue for accumulation up to a maximum of 1,000 hours.

Union: Change maximums to 2,808 hours.

City: Retain present language.

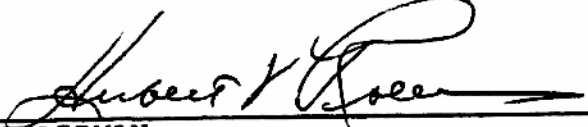
DECISION


According to the comparables furnished by the City, the benefits presently place the Union last on the comparables furnished by the City, and the union's proposal would place it at the top of the list. However, of the cities cited, only Holland has long term disability benefits. In the present system in Portage, the long term disability payments "kick-in" after eighteen weeks, or 972 hours of work. Thus the unit members have adequate coverage.

The union was unable to cite any situations where any members have been harmed under the present plan.

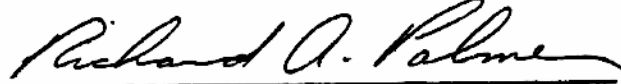
Accordingly, it appears that the present program appears fair and reasonable, and no change is necessary.

The panel accepts the last offer of the City that there be no change in the present language.


CHAIRMAN


MEMBER

DISSENT


MEMBER

UNION ISSUE #4

SICK LEAVE AND LONG-TERM DISABILITY

ECONOMIC

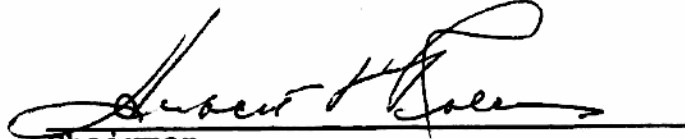
Present: If injury is job related, benefits
commence on the 8th day.

Union: Benefits to commence on the first day
of injury, and are not to be deducted
from sick time accumulation.

City: Retain present contract language.

DISPOSITION

This issue was withdrawn by the union.


Chairman

UNION ISSUE #5

SICK LEAVE AND LONG-TERM DISABILITY

ARTICLE VI

ECONOMIC

Present:

Upon retirement or death, employee or beneficiary receives 25% of accumulated sick leave.

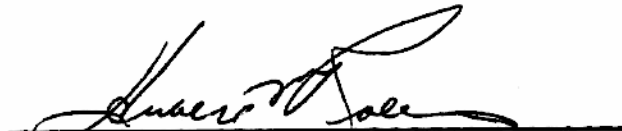
Union:

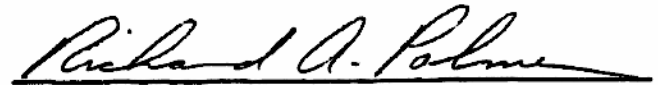
Upon death or retirement, the employee, or his beneficiary, shall receive fifty (50%) percent for only the first one thousand (1000) hours of sick leave at that time.

DECISION

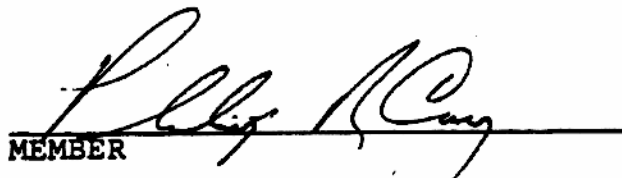
This appears to be a fair proposal and in line with the plans of many other communities. Further, it is an incentive for employees not to waste sick days.

Accordingly, the panel accepts the last offer of the union.


CHAIRMAN


MEMBER

DISSENT


MEMBER

UNION ISSUE #6

LEAVES OF ABSENCE

ARTICLE VIII Sec. 5

ECONOMIC

To attend union conventions, etc.

Present: Time off without pay and without loss of seniority.

Union: Twenty-four (24) days off with pay and other benefits - once per year.

City: No change.

DISPOSITION

This issue was withdrawn by the union.


Chairman

UNION ISSUE #7
LEAVES OF ABSENCE
ARTICLE VIII Section 3

ECONOMIC

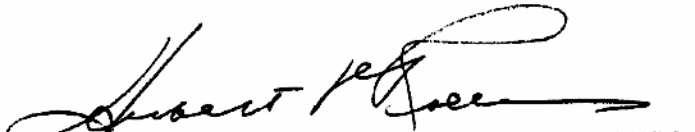
Present: Return from funeral 8:00 a.m. the
day following funeral.

Union: Return seventy-two (72) hours following
funeral.

City: Retain present contract language.

DISPOSITION

This issue was withdrawn by the union.


Chairman

UNION ISSUE #8

ARTICLE X Section 1

ADDITIONAL HOLIDAYS

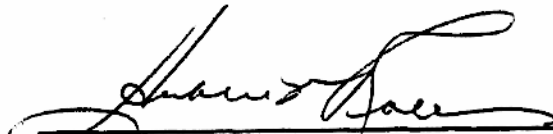
ECONOMIC

Union: For 40 hour employees only add
one (1) holiday for employee's
birthday to a total of 11-1/2 holidays.

City: Retain present language of 10-1/2 holidays.

DISPOSITION

This issue was withdrawn by the union.


Chairman

UNION ISSUE #9

HOLIDAYS

ARTICLE X, Section 4

ECONOMIC

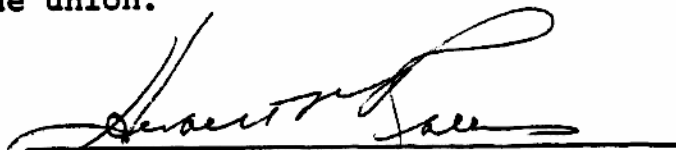
Present: Firefighters (54 hour employees)
receive a ninety (90) hour bonus
in lieu of holidays.

Union: Change ninety (90) hours to 144.

City: Retain present contract language.

DISPOSITION

This issue was withdrawn by the union.


Chairman

UNION ISSUE #10

VACATION FOR 54-HOUR EMPLOYEES (FIREFIGHTERS)

ARTICLE XI

ECONOMIC

<u>Length of Service</u>	<u>Present</u>	<u>Union Demands</u>
Six months to one year	2 days	3 days
One thru five years	5 days	7 days
Five thru eight years	7 days	9 days
Eight thru fifteen years	9 days	11 days
After fifteen years	10 days	14 days

City: Retain present contract language.

DISPOSITION

The issue was withdrawn by the union.


Chairman

UNION ISSUE #11

VACATIONS FOR STAFF AND NON-FIRE FIGHTERS


ARTICLE XI

ECONOMIC

<u>Length of Service:</u>	<u>Present</u>	<u>Union Demands</u>
Six months to one year	One (1) week	None
One thru six years	Two (2) weeks	1 thru 5 years (3 Weeks)
Seven thru fifteen years	Three (3) weeks	6 thru 15 years (4 Weeks)
After Fifteen years	Four (4) weeks	

DISPOSITION

This issue was withdrawn by the Union.


Chairman

UNION ISSUE #12
AND CITY ISSUE #4

ECONOMIC OR NON-ECONOMIC?

ARTICLE XI, SECTION 2(a)

VACATION SCHEDULING

Present:

Not more than 1 firefighter is off during the same shift unless excused by the chief, except that two may be off on the same shift during June, July and August.

Union:

Eliminate the months of June, July, and August for two men vacations and allow two men off on the same shift during the entire year. When requesting vacation time, only a 48 notice would be required.

City:

Eliminate all reference to two men off during the same shift, and permit the chief to designate the time of vacation after days have been selected in the January sign up.

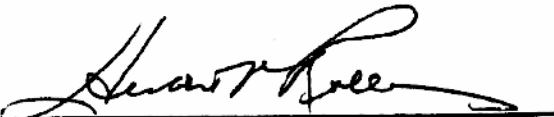
DECISION

The union withdrew this issue, leaving only the city issue to be decided.

A review of the present vacation scheduling appears to interfere with the city's scheduling of work hours. The proposal by the city provides it with more flexibility and at the same time it still allows the employees to make their original "sign-ups" in January.

The majority of the panel adopts the proposal by the city since it appears fair to both parties. (The union did not respond to the city's issue).

To effect an orderly administration of this change, the Chairman will add a proviso that this change shall not effect any "sign-ups" already existing.


CHAIRMAN


MEMBER

DISSENT

Richard A. Palmer
MEMBER

UNION ISSUE #13

INSURANCE (DENTAL)

ARTICLE XII, SECTION 1(a)

ECONOMIC

Dental Insurance

Present:

50/50 Co-Pay which city now pays
64% of the premiums on the existing
coverage.

Union:

The Employer shall pay one hundred (100%)
of dental insurance rider for the existing
group health insurance benefits subject to
the terms and conditions as provided by the
carrier. The coverage to be as presently
provided.

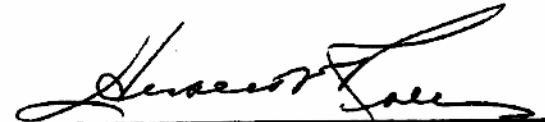
City:

Adopt present language.

DECISION

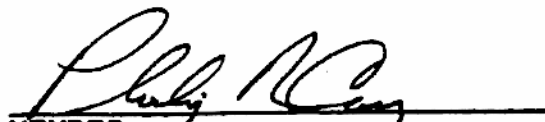
Since the city is already paying 64% of the policy premiums
and many other cities pay 100%, it appears fair and reasonable
that the city in this instance be required to pay 100% of the
premiums. It is to be noted that the Portage police officers
already have the full coverage.

Accordingly, the panel adopts the proposal of the union only
as above provided. (A portion of the proposal was amended at the
panel conference in order to carry out the actual intentions of the
union).


CHAIRMAN


MEMBER

DISSENT


MEMBER

UNION ISSUE #14

ARTICLE XII

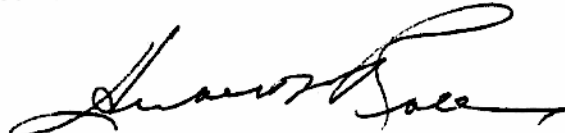
INSURANCE (OPTICAL)

ECONOMIC

Present: None.
Union: Demands 100% premium paid by city.
City: No coverage.

DISPOSITION

This issue was withdrawn by the Union.


Chairman

UNION ISSUE #15

INSURANCE (PRESCRIPTIONS)

ARTICLE XII SEC. 1(b)

ECONOMIC

Present: None.

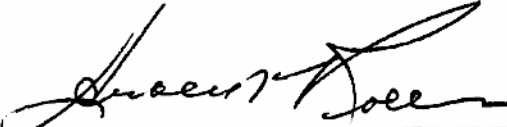
Union: \$2.00 per prescription rider to be added to medical coverage.

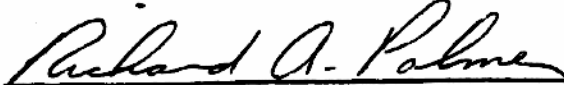
City: None.

DECISION

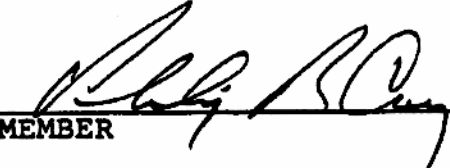
In examining the comparables it appears that the City of Portage is below many other cities in this benefit.

Accordingly, the panel accepts the last offer of the union with added proviso that the benefit is to become effective 30 days after the date of this award.


CHAIRMAN


MEMBER

DISSENT


MEMBER

UNION ISSUE #16

ARTICLE XII

LIFE INSURANCE

ECONOMIC

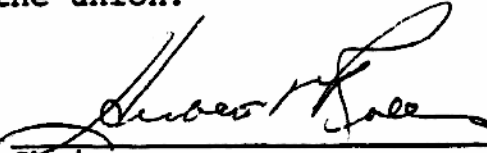
Present: \$10,000.00

Union: \$50,000.00

City: Present coverage only.

DISPOSITION

This issue was withdrawn by the union.


Chairman

UNION DEMAND #17

ARTICLE XII Sec. 3

BENEFITS FOR RETIREES

ECONOMIC

Present:

Pension Only.

Union:

The employer to pay group premium for health insurance for retired employees, spouse and dependents, with additional costs, except increases in premium rates to be paid by retiree.

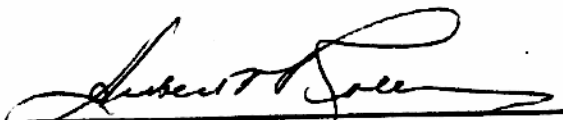
City:

Continue present coverage.

DECISION

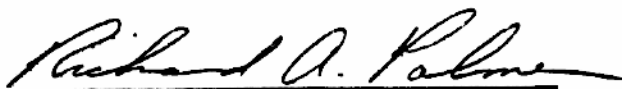
There are no present retirees who would be eligible for this benefit. There are no present employees who would become eligible during the term of this contract. Since the present retirees men who were hired under the terms of prior contracts, it does not seem fair to burden the city with additional costs to cover future benefits. Further, that costs would be very expensive. The union's evidence in regard to comparables, costs and contract language was not exact enough to be persuasive.

Accordingly, the panel accepts the last offer of the city.


CHAIRMAN


MEMBER

DISSENT



UNION DEMAND #18

PENSION

ECONOMIC


Present: Eligibility after 25 years of service and
55 years of age.

Union: Full eligibility after 20 years of service.

City: No change.

DISPOSITION

This issue was withdrawn by the union.


Chairman

UNION DEMAND #19

PENSION

ECONOMIC

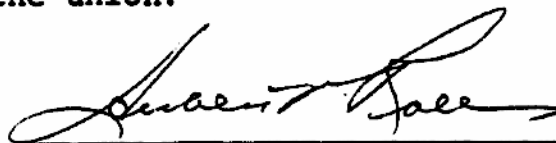
Present: Present benefits 50% of highest 5 years of
pay in last 10 years.

Union: Benefits to be 75% of highest 5 years of
pay in 10 years
of last 20 years

City: No change.

DISPOSITION

This issue was withdrawn by the union.

A handwritten signature in cursive script, appearing to read "Laurent Balle", is written over a horizontal line.

Chairman

UNION ISSUE #20

PENSION - MILITARY SERVICE CREDITS

ECONOMIC

Military Service Credit

Present: No credit for pension during time of service.

Union: Up to 5 years service credit during 20 years of employment.

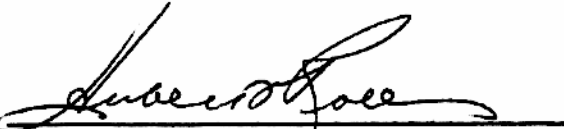
City: No change.

DECISION

Upon examination of the record it appears that the present pension program of the City of Portage is fair and reasonable. There appears to be no pressing reason to provide additional credits to accrue during times of military service, particularly when there are presently no member of the union in the service.

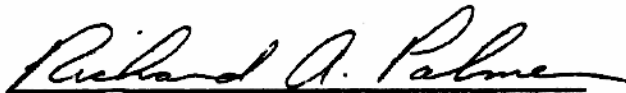
The record shows that such a benefit would cost an additional \$12,000.00 per year. The other city provides 100% employer contribution and military service credit.

Accordingly, the last offer of the city is accepted.


CHAIRMAN


MEMBER

DISSENT


MEMBER

UNION ISSUE #21

AND CITY ISSUE #1

WAGES AND COLA

ECONOMIC

<u>Union:</u>	7% increase as of 7/1/79 5% increase as of 7/1/80 Plus uncapped COLA at present rate
<u>City:</u>	5% increase as of 7/1/79 COLA capped at 60¢ per year (15¢ per quarter) 5% increase as of 7/1/80 COLA capped at 60¢ per year (15¢ per quarter)

DECISION

The budget for the fire department is derived from the city's general fund. A review of the comparables shows that of 11 communities, Portage allocates 20% of its general fund to the fire department and 7 communities allocate less. Thus Portage is above average. Portage is already taxing its residents virtually to the limit, 7.43 mills of a permissible 7.5 mills.

Regarding COLA, the city's proposal for COLA would place it at the top of the comparables cited by it. (No comparable contracts were offered by the union). Also, since the COLA formula is based on an hourly rate, and the firemen work more hours, their wages increase in a more rapid amount percentagewise than do the other city employees who work less hours.


Considering the COLA benefits offered by the city, the other benefits which the firemen already have and the additional benefits awarded in this proceeding, the city's offer appears fair and reasonable. A review of all the fringe benefits show that the firemen are being treated fairly, for with the two 5% increases in wages and the increases with COLA, their total increases over 2 years will be about 30%.

By instituting the proposal of the City, the firefighters will be earning a fair increase in salaries, and hopefully this can also prevent a diminution of the staff as is being experienced by other cities in Michigan.

The total package in this issue as offered by the city will be accepted.

AWARD

The Panel accepts the last offer of the city.




PANEL CHAIRMAN



MEMBER

DISSENT



MEMBER

UNION ISSUE #22

HOURS OF WORK

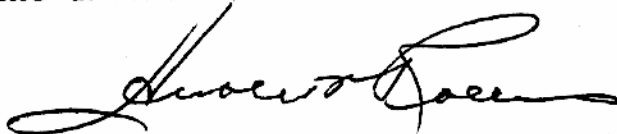
Present:

Union:

City:

DISPOSITION

This issue was withdrawn by the union.

A handwritten signature in cursive script, appearing to read "Lester Green", is written over a horizontal line.

Chairman

UNION ISSUE #23

ARTICLE XIV (8)

UNION WORK

ECONOMIC


Present: Not to do any painting, plumbing, roofing,
electrical etc.

Union: Not to perform any work of other union members.

City: No change.

DISPOSITION

This issue was withdrawn by the union.


Chairman

UNION ISSUE #24

CLOTHING ALLOWANCE

ARTICLE XIV Sec. 9

ECONOMIC

Clothing Allowance

Present:

Dress uniform, boots, gloves, work uniform, helmet.

Union:

(a) A dress uniform to consist of trousers, suit jacket, and cap.

(b) Turnout gear to consist of coat, helmet, three-quarter length boots, bunker pants, and bunker boots. It shall be "first-line," equipment with Scotchlite markings on coat and boots.

(c) A winter Class A jacket for all other responses other than fire runs.

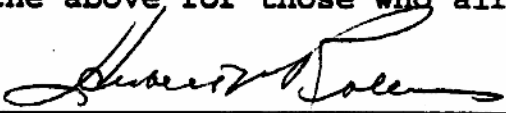
City:

No change.

DECISION

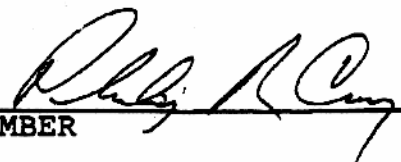
The panel is of the opinion that any clothing and equipment that provides additional protection for the fireman and enhances their appearance while on inspections and other departmental business should be furnished by the city.

Accordingly, the panel adopts the last offer of the union, with a proviso that the union, in the spirit of exercising fiscal restraint and in conformity with its original demand, not request the above for those who already have the same.


CHAIRMAN


MEMBER

DISSENT


MEMBER

UNION ISSUE #25

FOOD ALLOWANCE

ARTICLE XIV Sec. 12

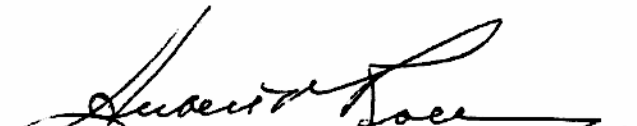
ECONOMIC

Present: Food allowance of \$200 per year.
Union: \$300 per year.
City: No change.

DECISION


The request of the union seems fair and reasonable. In comparing this benefit with cities like Bay City, East Lansing, Kalamazoo, Jackson, and Battle Creek, the request of the union is within comparable allowances.

Accordingly, the offer of the union for a \$300.00 per annum food allowance is awarded, with additional proviso that it is to become effective as of July 1, 1979.


CHAIRMAN


MEMBER

DISSENT


MEMBER

UNION ISSUE #26

ARTICLE XV LONGEVITY

ECONOMIC

Present: \$10.00 per year from 5 to 10 years
\$20.00 per year after 10 years.

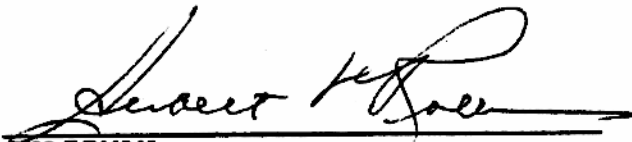
Union: Change increase from dollars to percentages -
6-10 years 1%
11-15 years 2%
16-20 years 3-1/2%
over 20 years 5%

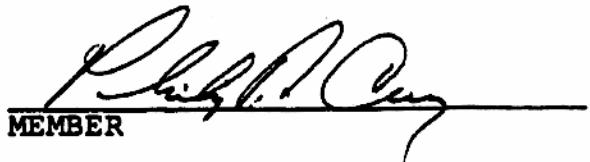
City: After five years an annual payment of \$40.00
for each year of service.

DECISION

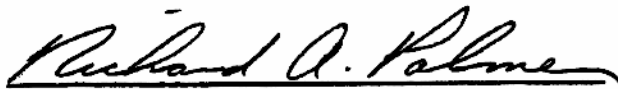
The panel is of the opinion that any benefits should not be included which are based on a percentage of salary. The estimated cost of the union's proposal would double the city's costs in the first year and more than triple it in the second year. The city's proposal appears generous and within reasonable fiscal control.

Accordingly, the panel accepts the offer of the city.


CHAIRMAN


MEMBER

DISSENT


MEMBER

UNION ISSUE #27

ARTICLE XVI CONTINUING EDUCATION

ECONOMIC

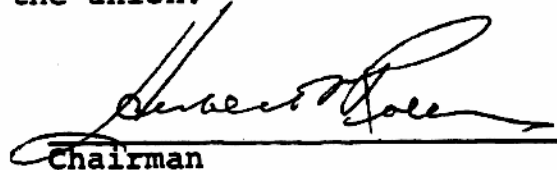
Present: \$50.00 per year for each 12 credit hours.

Union: \$100.00 per year.

City: No change.

DISPOSITION

This issue was withdrawn by the union.


Chairman

UNION ISSUE #28

ARTICLE XVI - Sec. 1(d) - CONTINUING EDUCATION

ECONOMIC

Now: \$650 maximum.

Union: No limitation.

City: No change.

DISPOSITION

This issue was withdrawn by the union.


Chairman

UNION ISSUE #29

ARTICLE XIX PROMOTIONS

NON-ECONOMIC

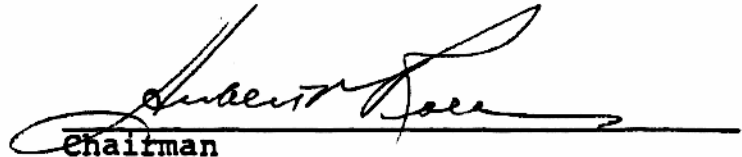
Present: No provision.

Union: Seniority unless other basis exists.

City: No change.

DISPOSITION

This issue was withdrawn by the union.


Chairman

UNION ISSUE #30

FILLING TEMPORARY VACANCIES

ECONOMIC

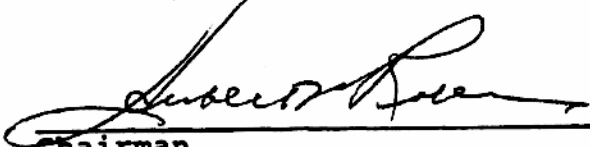
Present: No provision.

Union: When a Firefighter is required to fill-in for an Officer, he shall receive pay commensurate with the lowest Officer position for the duration of the fill-in period.

City: No change.

DISPOSITION

This issue was withdrawn by the union.


Chairman

UNION ISSUE #31

CALL BACK PAY

ECONOMIC

Present:

No provision. It is the present practice that firefights called into work on overtime are paid 1-1/2 times the regular hourly rate.

Union:

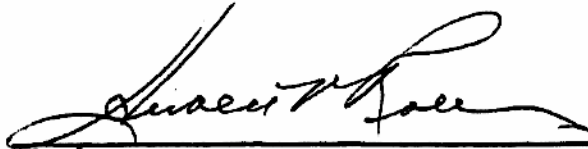
Time and one half for a minimum of 2 hours.

City:

No change.

DISPOSITION

This issue was withdrawn by the union.


Chairman

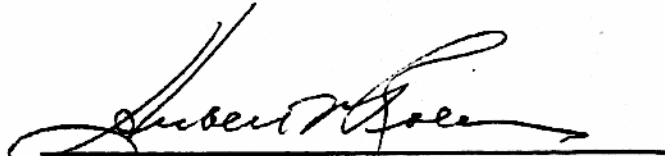
JOINT ISSUE #32

TWO-YEAR CONTRACT

The parties stipulated that the new contract will be for a period of two years, commencing July 1, 1979 and terminating on June 30, 1981.

DECISION

The panel accepts the stipulation of the parties.


CHAIRMAN


CITY PANEL MEMBER


UNION PANEL MEMBER

CITY ISSUE #2

ARTICLE III (4th STEP-Sub-section (a))

NON-ECONOMIC

Present: Appeal to the Appeal Board on Fourth Step of the Grievance.

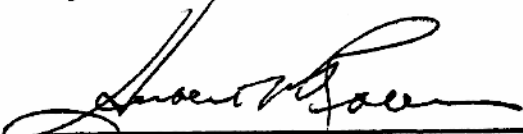
City Position: Remove Appeal Board step at Article III, Sec. fourth step and fourth step a.


Union: Retain present contract language.

DECISION

An examination of the present grievance procedure indicates that it is lengthy and cumbersome. However, the proposal of removing the dispute from going to the Appeal Board appears to eliminate contact with disinterested parties who may have more objective viewpoints. While the panel agrees with shortening the time to settle the dispute it appears to the panel that the elimination of presenting the dispute to the Appeal Board at some stage of the dispute could possibly lengthen the proceeding rather than shorten it.

Accordingly, the panel rejects the proposal of the City of Portage and accepts the proposal of the union. The present contract language will be retained.


CHAIRMAN


MEMBER

DISSENT


MEMBER

CITY ISSUE #3

III. GRIEVANCE PROCEDURE

NON-ECONOMIC


Present: Appeal from the Appeal Board to
Arbitration thru the American
Arbitration Association.

City: Eliminate submission of grievances.

Union: Retain present language.

DISPOSITION

The city withdrew this issue.



CHAIRMAN