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*Redford Township*

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STATE OF MICHIGAN  
MICHIGAN EMPLOYMENT RELATIONS COMMISSION  
ACT 312, PUBLIC ACTS OF 1969 ARBITRATION

In the Matter of Arbitration  
between:

REDFORD TOWNSHIP

-and-

REDFORD TOWNSHIP POLICE OFFICERS  
ASSOCIATION,

*Barry Brown*

11/6/75

ARBITRATION PANEL'S FINDINGS OF  
FACT, CONCLUSIONS AND ORDER

The Township of Redford in Wayne County, Michigan ("Township") and the Redford Township Police Officers Association ("P.O.A."), the representative of the Township's police officers, entered into a collective bargaining agreement on October 21, 1974. However, the parties reached an impasse over the issue of residency. This matter was handled in Article VII of that Agreement which provides:

"The parties hereto, having reached an impasse on residency, agree to submit the question to immediate binding arbitration, and further agree that the decision of the arbitrator shall be incorporated into this contract."

Subsequently, on February 26, 1975, the Redford Township P.O.A. requested arbitration under Act No. 312, Public Acts of 1969 as amended and appointed Mr. C. Charles Bokus as its delegate to the panel. The Township appointed Richard E. Manning as its delegate to

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*Brown, Barry C.*

the panel. Mr. Robert Howlett, Chairman of the Michigan Employment Relations Commission, then appointed Barry C. Brown as the Impartial Chairman. Pursuant to Section 8 of P.A. 312 [M.S.A. 17.455(8)], the panel determined that the issue before it was not "economic" and, therefore, neither party was required to make a last best offer.

The panel conducted hearings, took testimony and received exhibits on April 21 and 22 and May 1, 1975 in the Detroit offices of the Michigan Employment Relations Commission. The parties made their final arguments on the record which was closed May 14, 1975 with the submission of one final exhibit by the Township.

Under the prevailing law, the panel is bound to evaluate several factors with respect to which it must base its decision. Several of the criteria set forth in P.A. 312 are not pertinent regarding the non-economic and narrow issue of residency. However, the employer's lawful authority; the interests and welfare of the public; the comparison of conditions of employment of other employees performing similar services with other employers, public and private; the overall compensation received by the employees involved; and the effects of the Township's elections, resolutions, practices, and police--community experience are all criteria that will be taken into account as the panel makes its decision based upon the record. Thus, the following facts became of importance.

Redford Township is a densely populated, unincorporated portion of Wayne County, Michigan adjacent to and northwest of the

City of Detroit. Its population is 72,000, which is distributed evenly over a 11.5 square mile rectangle, 6 miles in length and an average of 2 miles in width. While its main streets have many stores, offices, churches and restaurants, it is largely a suburban, "bed room" community with 19,000 homes and no large central city area. Its residents very often shop, seek services, attend community events, seek entertainment or visit family and friends outside the corporate limits of the Township. The Township is transversed by or adjacent to many Detroit area surface highways or expressways.

The Township has generally required all of its employees, including Police Officers, to live within its boundaries. However, in the 1950's some non-residents were hired so that in 1958 a resolution was passed by the Township trustees requiring job applicants and existing non-resident employees to be "local residents." There have been some variations from that policy but it has been generally followed to date. A referendum election was held in the Township on November 4, 1974. The issue on the ballot was whether the voters favored a residency requirement for Township employees. The result was that of the 31,000 Township residents who voted in that election, 14,000 voted for requiring residency (54%); 12,000 voted to not require residency (46%) and 5,000 did not vote on this issue. However, neither the 1958 resolution nor the 1974 referendum election resulted in the establishment of an official Township ordinance on the issue of residency requirements for Township employees.

During negotiations the Township's bargaining representatives made a tentative agreement with the Redford Township P.O.A. which would

have allowed non-residency for certain Police Officers restricted to specific distance from the Police Station. The Township trustees rejected this proposal for several reasons but primarily because they believed their constituency had rejected non-residency; the policemen's request was inequitable because they applied for their jobs knowing that residency was a condition of employment; the citizens of the Township enjoy the security of having Township Police officers as their neighbors, and finally, the police protection for the Township and its residents is much more effective because the Police Officers live within the community they serve.

The referendum election is only advisory in nature. While it may be an important consideration for local political leaders, it has no binding effect on the parties here. It is also significant that more than half of the Township voters in that election either did not vote on the issue or voted against a residency requirement.

While residency has been a condition precedent to application for a Township job and a condition for continued employment, it is a negotiable item under the Public Employment Relations Act [Detroit Police Officers Association v. City of Detroit, 391 Mich 44, 214 NW 2d 803 (1974)].

There is sufficient evidence on the record to establish that a substantial number of Township residents do believe their neighborhood is safer when a Police Officer lives nearby. They know he always carries a gun and he has responsibility as a peace officer around the clock. While the local citizens' attitude is important,

it is based in part on an ignorance of their own police department's policies of non-interference in neighborhood disputes and in the handling of all complaints by on-duty Police Officers. Further, there was evidence that the Township Police Officers may reside in great numbers in one neighborhood and not be present at all in another. Finally, the Township is the home of many police officers from the police departments of other cities, counties and other law enforcement agencies, and some residents near the Township borders may be just as near to a Police Officer's home when he lives in a neighboring community as when he lives within the Township borders.

There seemed to be a measure of injured pride by some Township political leaders that some of their employees would want to leave their community. There was a belief that this was a demonstrated lack of confidence in the Township's future that could start a negative trend. The record shows the Police Officers' reasons for possible relocation were all personal ones not unlike those which motivate all searches for new homes and their reasons demonstrated no disloyalty to their employer and fellow citizens.

The Township argued that residency ensured more effective police protection by providing prompt, local criminal intelligence, a more rapid response by off duty officers called in for emergencies, an improved rapport with fellow citizens and better performance by Police Officers because they are protecting their own community.

The record disclosed that Police Officers add little to criminal intelligence by chance encounters in their neighborhoods. They tend to socialize among themselves and they are sensitive to being identified by their fellow citizens as spies and informers.

Modern suburban police departments like the one in Redford Township rely upon inter-city intelligence and undercover units which have regular contacts with those involved in drug traffic, organized crime activities and revolutionary groups. Most serious crimes in this community are perpetrated by non-residents and therefore the value of resident Police Officers for criminal intelligence is negligible in Redford Township.

Arbitrator Leon Herman, in granting non-residency, determined that some firemen living outside of Bay City, Michigan could respond more rapidly in an emergency than could some residents (61 LA 655, September 21, 1973). That situation could be true in Redford Township. This long, narrow community could expect a faster report for duty from an off duty Police Officer living on Five Mile Road just inside Detroit or Livonia (one mile away) than from a resident Police Officer living at Five Points and Eight Mile Road ( 3 miles away). In severe weather conditions (such as a blizzard) the proximity to plowed roads may have a greater relationship to response time than does distance to the police station.

The need for calling in off duty officers has been infrequent. In major civil disturbances or natural disasters, the first step in police response is to call in the on duty police officers in neighboring communities. The Wayne County Task Force has provided a prompt, effective response technique for Redford Township. Thus, a very short response time of off duty officers is not crucial for community security.

The record establishes that one hour is the expected reporting time for off duty Police Officers in emergencies. The problem more frequently may be one of locating and contacting the men who are away from their homes while shopping, vacationing, etc. when not scheduled to work. This problem is unrelated to the distance the men live from the police station.

The Police Chief said he would prefer to have the off duty men living in barracks at the Police Station to guarantee their availability in a major emergency. Obviously, he was being facetious because he later observed that he would be satisfied if they lived near enough to assure their availability for duty within one hour of an alert. The Police Officers believe they can do that if they live within a 35 mile radius of the Police Station. Even though the network of highways and streets in the metropolitan Detroit area is excellent, that distance seems excessive in adverse traffic and weather conditions. Arbitrator M. David Keefe allowed non-residency to Inkster, Michigan Police Officers in 1974, but he limited the area of authorized relocation to western Wayne County (12 to 15 miles from the station). Similarly, Arbitrator George T. Roumel granted non-residency to Harper Woods Police Officers on March 15, 1975, but he limited the distance of permissible non-residency to three miles from the City Hall (an area including eight other communities.) While each case must stand on its own facts, the precedents and the record demonstrate that residency alone does not determine response time by off duty officers in an emergency, but that thirty-five miles is an excessive distance from the station for community security.

The record does establish a sincere concern by many Redford Township citizens that the positive image of the Police Officers may be damaged if they move out of the community. This factor is relevant as part of the interests and welfare of the community that must be considered by the panel in its decision. The concept of "mercenaries" was often used to depict non-resident officers. However, the record shows that only a small percentage of Police Officers would move immediately and in the long run the majority would probably continue to be residents. Secondly, the many nearby communities that do not require police residency have not experienced a lessening of effectiveness because of negative community reaction.

The P.O.A. has asserted that the city cannot require residency of its Police Officers unless it shows a compelling state interest sufficient to override the legal and constitutional rights of its employees to live where they choose [Krzewinski v. Kugler, 338 F Supp 499 (1973)]. Some states have criticized local ordinances requiring residency [Donnelly v. City of Manchester, 274 A.2nd 789 (1971)]. The leading Michigan case, Detroit Police Officers Association v. The City of Detroit, 385 Mich 519, 190 N.W.2d 97 (1971), Appeal dismissed 405 U.S. 950, 1972, supports the city's lawful authority to promulgate reasonable rules requiring residency. Even the P.O.A.'s position recognizes there should be some restrictions on residency. In a recent Wisconsin Employment Relations Commission decision regarding residency (F.P. Zeidler, Arbitrator, 13183-A, March 4, 1975) he quoted a court decision:



'The question is not whether a man is free to live where he will. Rather the question is whether he may live where he wishes and at the same time insist on employment by government.'

Thus, the panel finds the city had the authority to impose a reasonable residency requirement just as the P.O.A. has the authority to seek a change in that requirement through collective bargaining.

Unlike the Harper Woods arbitration described earlier, the P.O.A. here established that their membership had encountered problems in housing and harassment in Redford Township.

The community is completely built up with homes constructed largely in the 1950's. The turnover of homes is infrequent as the area is small, popular and the average age of residents is 56, and thus less mobile. There is a limited number of four-bedroom homes and most floor plans do not include family rooms. The lots are generally typically small city lots. The homes which are offered for sale are often very expensive (\$40,000.00 +) or very inexpensive (below \$20,000.00).

The record establishes that Police Officers have encountered real difficulties in securing homes in Redford Township in the mid-price ranges. This problem is aggravated if the buyer seeks certain floor plans or larger lots. However, the record shows that such homes are available in large numbers in many neighboring communities.

Secondly, there are numerous instances described in the record which demonstrate hostile acts against Police Officers residing in Redford Township. Though not all on the force have experienced harassing acts, a substantial number of the Police Officers have had their homes vandalized, have received harassing phone calls,

have had garbage strewn on their lawns, and have had noisy encounters with night riders and so on. The identity of Police Officers to neighbors is especially known if they have had traffic or youth control assignments. Those who have been subject to these harassing activities believe that they will gain immunity if they reside outside the community. The department attempts to alleviate this situation by not giving out the officers' home addresses or phone numbers, by rarely assigning an officer to patrol his own neighborhood and by allowing an officer to go to and from work in his street clothes. The officers tend to cluster together in certain neighborhoods to minimize vulnerability to such abuse. Though all employees in public regulatory activities can expect some unpopularity with a certain element in the community, it seems the hostility encountered by a substantial portion of the Redford Township Police force is unusual and a valid reason for seeking relocation.

A comparison of similar and nearby communities shows a variety of residency policies for police officers. The adjacent cities of Westland, Farmington Hills and Southfield do not have residency requirements. The adjacent city of Livonia has a residency requirement that is not enforced. The adjacent cities of Dearborn Heights and Detroit have residency requirements, although Detroit's is now also the subject of an arbitration proceeding like the one at hand. The nearby communities of Wayne, Plymouth and Lathrup Village have no residency requirement while nearby Garden City, Dearborn, Melvindale and Lincoln Park do require residency.

The modern trend of suburban communities, both by voluntary act and arbitration awards, has been to allow non-residency restricted to a specified distance from the employees' place of work. The policies in Inkster and Harper Woods have already been discussed. Other examples in nearby cities are: Oak Park requires residency within an eight mile radius; Northville, within a ten mile radius; Farmington, within a six mile radius; and Berkley, within a six mile radius. A very similar nearby community is Bloomfield Township. Although somewhat larger in size and more affluent, it shares many similarities in crime fighting with Redford Township which is only six miles away due south. The Bloomfield Township Police Officers are required to live within a twenty mile radius of the Township Police Station.

A twenty mile radius from the Redford Police Station includes large areas of Wayne, Oakland and Washtenaw Counties. It includes the towns of Waterford, Milford, South Lyons, Ypsilanti and Flat Rock. The availability of homes in this area that are on water, with acreage in all sizes and price ranges is well established. This area is also easily an hour's drive or less from the Township under all but the most abnormal conditions throughout the year.

The Police Command Officers that testified both for the Township and the Association described a new era of police professionalism that is emerging today. The old image of an unskilled, local deputy sheriff hired for political considerations is being replaced by a formally educated, skilled public servant who can perform his job equally well whether a resident or not. They also stated that

residency requirements have no known effect on crime rates. The communities which have no residency requirements have effective police departments. They pointed out that auxiliary units, civil defense units and community relations assistants all provided essential support services to improve community relations. They all felt that the morale of the police force rises when the police officers have greater freedom in choosing where they may live. Finally, they all observed that there are some restrictions on the political activities of resident police officers but that a police officer has every political freedom to act in a town where he lives but is not a city employee.

The Township has a substantial force of reserve police officers who are residents of the community and who perform part-time functions to assist the regular force. Many of the objectives the community seeks by requiring the residency of full time police officers in the bargaining unit can be gained from this supplemental non-union force of local citizens. The record shows that the reserves have been an effective addition to the regular force in both emergencies and routine functions. The existence of the reserves diminishes the Township's arguments against non-residency of their regular police officers.

There has not been a recruiting problem for the Redford Township Police force to date. However, it seems clear that there is a need for police officers working within the Township to be familiar with the geography of the Township, and such familiarization can be achieved by initially requiring residency for newly hired police

officers. However, after the officer has remained on the force for a period of three (3) years from his date of hiring, that the need for residency no longer exists.

#### CONCLUSIONS

The Township could legally require residency in that they have made a sufficient showing of a compelling state interest to justify a reasonable residency requirement as a condition of employment. However, the Police Officers Association can legally bargain with the Township to change that requirement to terms that satisfy their members.

The Township has not demonstrated that the effectiveness of the police force would be materially diminished by granting non-residency to its police officers. However, they have shown that the negative impact on the community of a mass exodus of police officers from the Township would be great. Finally, the Township did not show that the crime rate is affected by requiring police officers to be residents.

The Police Officers Association has established that some of its members have legitimate housing needs that cannot be satisfied in the Township. They have also shown that some of their members would benefit greatly if they could escape the harassment they have suffered in the community. Further, they have shown that a professional police force can serve their community well wherever the police officers reside.

ORDER

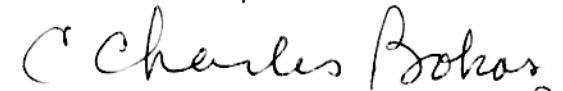
It is hereby ordered that Article VII of the Agreement between Redford Township and the Redford Township Police Officers should now read:


RESIDENCY

Officers of the Redford Township Police Department, after having completed three (3) years on the force, shall be permitted to live anywhere outside of the Township so long as said officers are able to report for duty within one (1) hour of telephone contact under normal weather conditions. During the term of this agreement, no more than ten (10) officers can relocate. If more than ten (10) officers wish to move out of the Township within one (1) year, then seniority will determine ability to relocate.

Dated: November 6, 1975

  
BARRY C. BROWN, Chairman

  
C. CHARLES BOKOS <sup>B</sup>  
Concurring in Results

  
RICHARD E. MANNING  
Concurring in Results