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**STATE OF MICHIGAN**  
**COMPULSORY ARBITRATION**

In the Matter of:

**CHARTER TOWNSHIP CANTON,**  
Public Employer

Arising pursuant to Act 312,  
Public Acts of 1969, as amended

-and-

Case No. D96 J-2786

**POLICE OFFICERS LABOR COUNCIL,**  
Union

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**OPINION AND AWARD**

**FOR THE COMPULSORY ARBITRATION PANEL**

Paul Jacobs, Chairman  
Daniel G. Durack, Employer Designee  
Danny N. Bartley, Union Designee

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STATE OF MICHIGAN  
BUREAU OF EMPLOYMENT RELATIONS  
DETROIT OFFICE

**APPEARANCES**

Andrew T. Baran, Esq.  
Appearing on behalf of Public Employer

John A. Lyons, Esq.  
Appearing on behalf of Union

## Discussion

The parties have agreed that the only issue before the Arbitrator is the interpretation of Article 20 - Assigned Vehicle, which reads as follows:

20.1 Employees shall be assigned a Township vehicle. This vehicle shall be assigned by the Public Safety Director. Use of this vehicle shall be administered by the Public Safety Director.

20.2 If an employee is required to use his own car while on duty, he shall be reimbursed at the rate of twenty six cents (\$.26) per mile. The employee must provide substantiation for all mileage requested.

This matter came before the Panel after the POLC filed a petition for arbitration with the Michigan Department of Labor. A pretrial conference and an executive meeting were held. At the time of the hearing the parties placed on the record their position as to the use of Township vehicles. The Township currently permits the two police captains to take their assigned vehicles home with them. The Township did not propose changing the arrangement with the current captains, however, the Township wished to place in the contract a provision that in the future should any police captain reside outside the Township then that police captain could not take home the police vehicle assigned to him/her. There being no current issue, the parties wished to resolve the issue for the future, and each presented their proposal by letter, copies of which are attached, to this decision. The Union proposed the status quo. The Township proposed that only an individual appointed to the rank of Captain could be

entitled to drive to and from work in a Township vehicle as long as that individual remains a resident of Canton Township.

Township Captain, Alexander Wilson, testified in support of the Union's position. Wilson testified that he has been with the Township for seven years and has participated in each of the collective bargaining agreements between the Township and the POLC. At page 16 of the transcript Wilson states as follows:

"Our position with regard to the car issue is that if it is so important to the Township to limit the use of the vehicle, then we think the Township should just take it away, take the car away--then it's no longer an issue--and return us to the status that we had prior to negotiating the car into the agreement."

He went on to explain that the provision of Article 20.1 came into effect as a result of the 1993 negotiations when the captains agreed to give up overtime pay and holiday pay, and instead receive the use of a vehicle. On cross-examination Wilson further testified that the use of the vehicle was part of a total negotiated package.

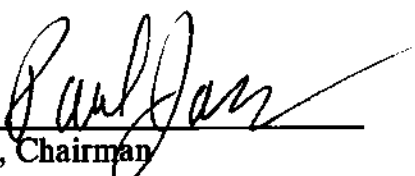
Director Daniel G. Durack testified that under Article 20 the Township does have the right to control the use of Township vehicles through the administration of the public safety director. He testified that the reason the Township wishes to change the vehicle usage presently in place is to encourage residency by future police captains, to reduce wear and tear on vehicles, and to have a quicker response time for emergencies.

In addition to the pre-arbitration conference and the arbitration proceeding, there was a meeting of the panel to further discuss the issue. It was decided, with the Township dissenting, that the Union's position should be adopted. Many reasons were given. Among the

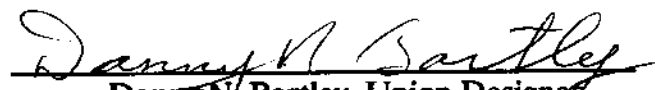
reasons were not only the fact that there had been a negotiated package in the past, concerning the use of the vehicles and the pay to be received by the captains as well as the issue of response time. It appears that in the interest of the public health, safety and welfare, the police captains could respond to an emergency directly from their home should they be there at the time of an emergency, thereby eliminating the need for going back to the station to pick up a vehicle rather than going directly to the scene of the emergency, where their skills are more appropriately needed.

AWARD

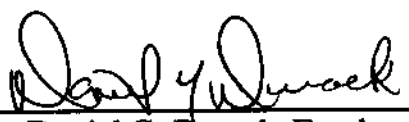
The language of Article 20 - Assigned Vehicle shall remain as currently written.

  
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Paul Jacobs, Chairman  
April 10, 1998

Concurs

  
\_\_\_\_\_  
Danny N. Bartley, Union Designee  
April 13, 1998

Concurs

  
\_\_\_\_\_  
Daniel G. Durack, Employer Designee  
April 15, 1998

Dissents

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January 7, 1998

Paul Jacobs, Arbitrator  
P. O. Box 250664  
Franklin, MI 48025-0664

re: Police Officers Labor Council (POLC)  
and Township of Canton (Captains  
Bargaining Unit); MERC Act 312  
Case No: D96 J-2786

Dear Arbitrator Jacobs:

The following proposal regarding last best officers was verbally submitted and argued at the hearing. Pursuant to your request of December 12, the following is submitted.

**The Union proposal regarding the only remaining issue, assigned vehicle, is that of status quo. That is, that the language of Article 20 - Assigned Vehicle, Section 20.1 should remain as it is written.**

The position of the Union obviously is based upon the reasons given at hearing, and on the fact that there is a separate residency clause under Article 16 - General Provisions, Section 16.2. Further, residency was not an issue during the parties' recent collective bargaining discussions. Rather, the Union believes that the Township is attempting to affect the residency provisions of Section 16.2 through the use of a modification of Section 20.1 regarding assigned vehicles. The provisions are not combined at the present time, and it is the Union's position that status quo should be maintained.

Lastly, in addition to those individuals that have been identified having assigned vehicles and living outside the Township there are two others who were not mentioned. The Fire Marshall, Dave Champagne and a DPW foreman, Joe Teremino, also drive assigned vehicles and live outside the Township.

If you have any further questions, please advise.

Very truly yours,



John A. Lyons

JAL/cl  
Encl.  
c: Danny Bartley

**COX,  
HODGMAN &  
GIARMARCO, P.C.**

DETROIT • LANSING • TROY

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January 6, 1998

PAUL JACOBS, ARBITRATOR  
P.O. Box 250664  
Franklin, MI 48025-0664

RE: Police Officers Labor Council -and- Charter Township of Canton  
MERC Case No. D96 J-2786

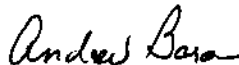
Dear Mr. Jacobs:

The last best offer of Canton Township in the referenced matter is as follows:

"Article 20.1 (additional language) - Any person appointed to the rank of captain after July 1, 1998 will be entitled to use a Township vehicle to drive to and from work, so long as that individual remains a resident of Canton Township."

Sincerely yours,

COX, HODGMAN & GIARMARCO, P.C.



Andrew T. Baran

ATB/hb

Enclosure

cc: Richard R. Weiler, POLC  
Daniel G. Durack, Canton Twp.  
John A. Lyons, Esq.

Andrew T. Baran	Salvatore J. LaMendola
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Joseph F. Dillon	Michael A. Novak
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