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MICHIGAN DEPARTMENT OF LABOR AND ECONOMIC GROWTH
EMPLOYMENT RELATIONS COMMISSION
ACT 312 ARBITRATION PROCEEDING
Michigan Department of Consumer and Industry Services
Arbitration under Act 312, Public Acts of 1969, as amended

In the Matter Of:

GRAND RAPIDS POLICE COMMAND
OFFICERS ASSOCIATION,
Labor Organization,

-and-

MERC Case No.: LO7 I-4013
Martin L. Kotch, Panel Chair

CITY OF GRAND RAPIDS,
Public Employer.

_____ /

INTERIM AWARD ON COMPARABILITY

For The Union:
James J. Chiodini, Esq.

For The City:
John H. Gretzinger, Esq.

Martin L. Kotch, Panel Chair
James J. Chiodini, Union Delegate
George H. Childers, Jr. City Delegate

BY SUBMISSION

This matter is a proceeding brought under the provisions of Act 312, MCL 423.231 *et seq.* The statutory criteria upon which the award of the Arbitration Panel must be based are set forth in Section 9, MCL 423.239:

Where there is no agreement between the parties or where there is an agreement but the parties have begun negotiations or discussions looking to a new agreement or amendment of the existing agreement, and wage rates or other conditions of employment under the proposed new or amended agreement are in dispute, the arbitration panel shall base its findings, opinions and order upon the following factors, as applicable:

- (a) The lawful authority of the Employer.
- (b) Stipulations of the parties.
- © The interests and welfare of the public and the financial ability of the unit of government to meet those costs.
- (d) Comparison of the wages, hours and conditions of employment of the employees involved in the arbitration proceeding with the wages, hours and conditions of employment of other employees performing similar services and with other employees generally:
 - (i) In public employment in comparable communities.
 - (ii) In private employment in comparable communities.
- (e) The average consumer prices for goods and services, commonly known as the cost of living.
- (f) The overall compensation presently received by the employees, including direct wage compensation, vacations, holidays and other excused time, insurance and pensions, medical and hospitalization benefits, the continuity and stability of employment, and all other benefits received.
- (g) Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings.
- (h) Such other factors, not confined to the foregoing which are normally or traditionally taken into consideration in the determination of wages, hours and conditions of employment through voluntary collective bargaining, mediation, fact-finding, arbitration or otherwise between the parties, in the public service or in private employment.

The statute thus prescribes that the Panel is to follow the factors laid out in Section (9d) in identifying comparable communities, with other relevant evidence, if any, to come in under (9h).

The parties have lists of proposed comparable communities in which there is no agreement on any of these communities. The City originally offered fourteen communities, along with three "provisional" others:

Kentwood	Holland	Kent County
Walker	Muskegon	Ottawa County
Wyoming	Kalamazoo	Kalamazoo County
Grandville	Lansing	Ingham County
East Grand Rapids	Battle Creek	

All of the above were stipulated as relevant by the parties in the recent Act 312 proceeding involving the City of Grand Rapids and the Grand Rapids Police Officers Association. Additionally, the City had proposed Saginaw, Flint, and Pontiac as provisional communities, to be utilized if any of the Union's communities is chosen.

In its Brief, the City has refined its list of proposed communities.

The cities of Kentwood, Wyoming, Muskegon, Kalamazoo, Lansing, Battle Creek, Flint, Pontiac, Saginaw are sufficiently similar to Grand Rapids to be considered to be comparable communities for purposes of Section 9(d) and information regarding those communities must be considered by the Act 312 panel. The information regarding the remaining communities of Kent County, East Grand Rapids, Grandville, Walker, Ottawa County, Holland, Muskegon County, Kalamazoo County, Ingham County supports a conclusion that they are appropriately considered under Section 9(h), since they are located in the greater Grand Rapids metropolitan area, most consider Grand Rapids to be comparable to them, and all have recently been utilized by the City and the Grand Rapids Police Officers Association to determine the wages and fringe benefits to be provided to non-supervisory employees of the Grand Rapids Police Department."

Thus, the City's proposed communities now are:

Kentwood
Wyoming
Muskegon
Kalamazoo
Lansing
Battle Creek
Flint
Pontiac
Saginaw

The City has proposed that the remainder of its original list be considered under Section (9h).

Kent County
East Grand Rapids
Grandville
Walker
Ottawa County
Holland
Muskegon County
Kalamazoo County
Ingham County

The Union has offered six communities:

Troy
Sterling Heights
Livonia
Warren
Farmington Hills
Dearborn

The parties agree that there is no exact science in determining comparability. Speakers at a recent MERC training session identified certain factors: type of political subdivision (City/City and County/County): geographic proximity to the subject political subdivision; characterization as an urban, rural or suburban community; population; economic considerations involving the ability to raise funds; and prior bargaining history of comparables as typical considerations. The City acknowledges that the use of factors such

as SEV and population are the usual method of determining “comparable” communities for purposes of Act 312, because such factors are indicative of the economic well being of the various communities.

In its Brief the City has relied on a series of arbitrations with both fire fighter and police units, involving Grand Rapids or neighboring suburban communities. These arbitrations present a rich array of suggested comparable communities, many of which are quite malleable as to their character. Thus, in one matter, a community might be suggested by the city; in another, that same community might be put forward by the union. Moreover, the rationales provided by arbitrators can vary substantially.

The principle most constantly stressed by the City is that of propinquity; geography trumps all because it, in turn, reflects the even more meaningful criterion of a common labor market. The City strongly relies on a decision by Arbitrator Allen in an Act 312 arbitration involving the City of Kentwood, one of the City’s proposed communities in this matter, and the POLC. Kentwood submitted the cities of Muskegon, Holland, and Wyoming as comparable communities. The Union proposed East Grand Rapids, Grand Rapids, Grandville, Walker, Wyoming, and Holland. The arbitrator concluded that “there is sufficient evidence and reason to include all of the communities offered by the City and Union.” The reasons given by this arbitrator lie at the core of the City’s approach to the proper interpretation of Section 9:

There is evidence the City of Kentwood does hire employees from Muskegon. There is evidence the community of Grand Rapids, and other communities adjacent to the City of Kentwood, do regularly back up police officers from the City of Kentwood. This interchange of officers, and the employment base for hiring, does justify a finding of all of the communities suggested by both parties are relevant for consideration as

comparables to the City of Kentwood. Therefore, the communities of Muskegon, Wyoming, Holland, East Grand Rapids, Grand Rapids, Grandville, and Walker will be considered as to wages, hours, and working conditions to determine if these communities have similar benefits to those benefits proposed by the parties pertaining to the proposed collective bargaining settlement for the City of Kentwood.

As the City puts it, "The essence of Arbitrator Allen's decision was that the *Grand Rapids labor market* rather than the absolute size of any municipal entity was to control the determination of comparable communities."

In *City of Greenville –and- POAM*, Act 312 Case No. G94 D-1057, Arbitrator Thomas J. Barnes utilized population, department size, geographic size and SEV as the primary criteria for comparability determination. He eliminated some comparable cities due to their geographic remoteness from Greenville's labor market.

In the initial 1978 Act 312 between the City of Grand Rapids and the Grand Rapids Fire Fighters Association, the City had offered a series of exhibits using wage data from the cities of Grand Rapids, Flint, Lansing, Saginaw, Kalamazoo, Battle Creek and Muskegon. This was done on the basis that they were the principal larger cities of western and central Michigan. Cities in the Detroit and southeast Michigan metropolitan area were excluded by the City on the basis that other factors made them uncomparable. The arbitrator did include Ann Arbor and Pontiac on the ground that they were county seats. East Lansing and Wyoming were excluded because they were suburbs, not core cities.

The most recent Grand Rapids Act 312 was held in 2008. Chaired by Mr. Hiram S. Grossman, it involved the City of Grand Rapids and the Grand Rapids Police Officers Association. (Case No. L06 J-7015, December 17, 2008). In that proceeding, the City of

Grand Rapids and Grand Rapids Police Officers Association agreed to use Kentwood, Holland, Kent County, Walker, Muskegon, Ottawa County, Wyoming, Kalamazoo, Kalamazoo County, Grandville, Lansing, Ingham County, East Grand Rapids and Battle Creek as comparable communities. This agreement, says the City, was based upon a combination of traditional Section 9(d) comparability analysis and Section 9(h) labor market analysis, and the understanding that this group of municipal entities included all of the principal municipal entities in West Michigan.

The City contends that when developing the comparable communities to be used in the GRPOA Act 312 proceeding, it concluded that it had close relationships with the adjacent Kent County cities of East Grand Rapids, Kentwood, Wyoming, Grandville and Walker. The employees in these cities have also traditionally utilized Grand Rapids as a comparable when reviewing their wages and fringe benefits and the managers of these cities are actively consulting with each other in an effort to eliminate differences in wages and fringe benefits in order to be in a position to provide services in a joint manner. These communities together with Kent County provided the initial base of comparable communities.

The City has provided an analysis of its comparable communities in terms of population, location, median household income, median family income, median value of owner occupied home, Taxable Value, Taxable Value per capita and income tax. The relative wealth of the citizens in the proposed comparables who are required to pay the taxes to support municipal operations have been summarized in the City's Brief, at page 17. These figures, says the City, show that the six communities proposed by the Union are all significantly more wealthy than Grand Rapids, since their median household income

ranges from \$7,511 to \$47,142 more than the \$38,792 median family income for Grand Rapids. Likewise, their average home value ranges from \$22,700 to \$149,500 higher than \$124,700 average home price in Grand Rapids. These values suggest an upward pull on wages, necessary, presumably, to meet a higher cost of living.

Further, the City contends that these figures show that the fifteen communities selected by the City of Grand Rapids and the Grand Rapids Police Officers Association in that arbitration are all within the same relative wealth band and are appropriately utilized as Section 9(d) and/or Section 9(h) comparables. The City summarizes its data concerning the ability of the proposed comparables to raise revenue to pay for services in its chart on page 18 of its Brief.

The City maintains that the comparable communities proposed by the Union have little in common with the City of Grand Rapids, other than their status as cities in Michigan with significant populations and the wealth to hire large police forces. They are large suburban communities rather than an urban center with a large central core that generates significant police activity. The Union's position would be that these are significant factors, no merely an "other than." The traditional use of these factors has been acknowledged by the City as chief among factors to be looked to when assessing comparability.

The City argues that police services are closely coordinated by the communities surrounding Grand Rapids, with the multi-jurisdictional Metropolitan Enforcement Team targeting drug matters in Kent County and the West Michigan Enforcement Team targeting drug matters in Allegan, Ottawa and Muskegon Counties. That coordination does not extend to the Detroit metropolitan area and there is little or no daily contact between west Michigan and Detroit metropolitan area police departments. Command officers have never

left employment with the City of Grand Rapids Police Department to take positions in the Detroit metropolitan area, but have taken top positions with many of the adjacent communities.

The City has provided a list of Act 312 arbitrations, the data in which demonstrates, argues the City, that a review of Act 312 awards involving the Union's proposed comparables reveals that no arbitrators have considered those six communities to be comparable to Grand Rapids. It would also appear that none of the six communities proposed by the Union as comparable communities to Grand Rapids consider Grand Rapids to be comparable to them. Further, that City maintains that in regard to the other proposed comparables, Act 312 awards support the non-use of municipal entities in the Detroit metropolitan area and support the use of municipal entities in the greater Grand Rapids labor market regardless of size differences.

The City contends that after reviewing the data from both parties, it becomes clear that the cities of Kentwood, Wyoming, Muskegon Kalamazoo, Lansing, Battle Creek, Flint, Pontiac, Saginaw are sufficiently similar to Grand Rapids to be considered to be comparable communities for purposes of Section 9(d), and information regarding those communities must be considered by the Act 312 Panel. The information regarding the remaining communities of Kent County, East Grand Rapids, Grandville, Walker, Ottawa County, Holland, Muskegon County, Kalamazoo County, Ingham County supports a conclusion that they are appropriately considered under Section 9(h), since they are located in the greater Grand Rapids metropolitan area, most consider Grand Rapids to be comparable to them, and all have recently been utilized by the City and the GRPOA to determine the wages and fringe benefits to be provided to non-supervisory employees of

the Grand Rapids Police Department.

The cities of Warren, Troy, Livonia, Sterling Heights, Dearborn and Farmington Hills proposed by the Union, says the City, are not comparables under Section 9(d). In addition, these cities are located a significant geographic distance away from the City of Grand Rapids and have little or no connection with it or its employees. As a result, the Act 312 Panel should maintain the long held doctrine that out-state municipal entities should not be compared to municipal entities in the Detroit metropolitan and determine that information regarding the terms and conditions of employment in those disputed six cities is not relevant under Section 9(d) or 9(b).

The approach of the Union is substantially different from that of the City. It employs several criteria to be used in determining comparability, the first of which is department size. The Union chose cities with over 100 officers. There are fifteen such communities in Michigan. (Grand Rapids has 390). Parenthetically, the Union excluded communities that did not maintain the same or similar rank as represented by the command unit here, despite having its requisite hundred-plus staffing.

The Union next chose the 2008 Taxable Value of the remaining departments with over 100 total officers and comparable ranks. (Using SEV, it says, produced the same result). It selected communities whose taxable values fell within 25% plus or minus of Grand Rapids. Several communities that employ 100 or more officers fell outside this 25% parameter. These included Lansing, Westland, Kalamazoo, Flint, Battle Creek, Pontiac, Saginaw. Those that fell within the parameters of 25% were Troy, Sterling Heights, Livonia, Warren, Farmington Hills, and Dearborn. As can be seen, the Union's 25% \pm range comparing Taxable Values/SEV in the 100+ department size produces *only*

southeastern cities in fairly close proximity to the City Detroit.

Much of the problem stems from state geography as it relates to urban centers. Both parties have observed that Grand Rapids stands alone as a major city in the western part of the state. Using the factors and parameters chosen by the Union virtually guarantees exclusion from that area. Of the list of Cities not within a 25% range using SEV, only two approach even 50% of Grand Rapids: Lansing has approximately 52% of the SEV of Grand Rapids, Westland has 49%. The next closest is Pontiac, with 34%.

There is no question that the categories proposed by the Union are valid and significant. Department size and Taxable Value or SEV are factors traditionally used in Act 312 proceedings. Rank parity is another useful criterion; i.e., cities whose Departments have Captains. Departments without Captains or Commanders are structured sufficiently differently as to make wage comparisons difficult.

The Union has attacked the methodology adopted by the City. The City makes proximity, and/or inclusion in a statistical model such as MSMA, mean almost automatically that nearby cities are by definition in the same labor market as Grand Rapids. The City has chosen major cities surrounding west Michigan: Lansing, Kalamazoo, Battle Creek, Holland and Muskegon; only geography and the claim of a common labor market explain why. The Union contends that the data argues against including these Cities, even looking to the City's own data. The traditional factors such as Taxable Value, Department Size and Population would all militate against their inclusion.

The City rejects the Union's comparables as "suburban," argues the Union, yet several of its proposed comparable communities are primarily suburbs of Grand Rapids (East Grand Rapids, Grandville, Kentwood, Walker, Wyoming) that have nowhere near the

same departmental needs or relative wealth of Grand Rapids.

The Union raises questions about the common labor market theory argued by the City in light of the differences between Section (9d) (comparability) and Section (9h) (relevance). The Union contends that the City reference to the “relevance” of the common labor market is misplaced: relevance does not equate to comparability. What must be demonstrated, argues the Union, is comparability, based on traditional factors. A common labor market can be a factor in assessing comparability. It cannot, essentially taken by itself, outweigh the traditional factors.

The statute does not create an *ipso facto* “pass” for communities in the local labor market. If there are insufficient shared characteristics to make out a case for comparability, proximity cannot, in the view of the Panel Chair, substitute for the traditional objective, quantitative criteria acknowledged as such by the City. Moreover, the City has referred to the MERC training session language concerning large and small communities, language which would suggest that Grand Rapids is not properly paired with its smaller, suburban neighbors – large municipal entities are not normally compared with small municipal entities. The disparity between Grand Rapids’ taxable value and that of East Grand Rapids may serve as an exemplar of that notion: \$4,731,960,104 contrasted with \$512,437,340. Population is even more disparate: 193,671 and 10,764.

The City’s argument for overcoming such great discrepancies between these two communities, as well as virtually all others on its list, is to promote the notion of common labor market, together with bargaining history. Beyond that, however, it does present statistical data concerning its proposed comparables. It finds much comparability in taxable value per capita. This factor, however, despite showing much greater parity within

the City's list than do others, is weaker as an evidentiary component, in the view of the Panel Chair, than are the data about total resources available to the City as a taxing authority and governmental entity.

The Union relies on the award by Arbitrator Wolkinson in the Act 312 Arbitration, *POLC and City of Kentwood* Case No. L99 A-7026 (2001). The Panel Chair finds much merit in the approach taken by Arbitrator Wolkinson, with some exceptions. In that matter, the parties agreed upon Wyoming, Holland and Muskegon.

Beyond these three, the POLC's proposed comparable communities were East Grand Rapids, Grand Rapids, Grandville and Walker. These communities had been used by Arbitrator Allen in the parties' previous act 312 proceeding. The Union objected to any use by the Panel of the City's proposed small communities such as Cedar Springs, Grand Haven, Hudsonville, North Muskegon, Rockford, Roosevelt Park, Sparta, Spring Lake and Ferrysburg. They regarded this as an attempt at forum shopping, and contended these communities should be rejected because they have small populations as well as very small police departments, some with less than 10 patrol officers. The Union argued against any use, even under (9h).

Kentwood maintained that Wyoming, Holland, and Muskegon were the only communities truly comparable to Kentwood in the Grand Rapids-Muskegon-Holland statistical area. It argued that Kentwood is similar to these communities in terms of population and SEV. Further, it maintained that the Grand Rapids was not comparable because of its larger population and SEV. The City argued that the only characteristic that Grand Rapids had in common with Kentwood's was its presence in the same labor market as Kentwood's. While this factor may warrant affording Grand Rapids some consideration

under Section (9h), it is not truly comparable. Finally, Kentwood argued, if the Panel used Grand Rapids for evidentiary purposes, then the Panel should also consider the smaller communities within the same labor market as Kentwood under Section (9h).

The Wolkinson Panel discussed the previous Panel's approach:

The statute doesn't specifically outline how a comparable community should be determined.

In the previous Act 312 arbitration involving the same parties, Arbitrator Allen found that the communities of East Grand Rapids, Grand Rapids, Grandville and Walker were also comparable. The fact that a particular community was utilized in a prior 312 Arbitration does not automatically establish that it should be so considered in the future. . . . Moreover, no Panel can blindly ignore factors which raise serious doubts concerning the comparability of communities.

The cities of East Grand Rapids, Grand Rapids, Grandville, and Walker are all part of the metropolitan Grand Rapids area. In finding that these communities were comparable, Chairman Allen noted that they share a common labor market. Additionally, he found that there is an interchange of officers in these communities, as they regularly provide backup to each other.

A common labor market in terms of recruitment and hiring is a factor arguing in favor of comparability. At the same time, the Panel cannot ignore concerns that militate against viewing these communities as fully comparable to Kentwood. The crime rate in terms of homicides, aggravated assault, and theft is significantly higher in Grand Rapids than in Kentwood. Consequently, Grand Rapids police officers may well confront more difficult working conditions than do officers in Kentwood. Additionally, Kentwood's population is 43,000; the communities of Walker, East Grand Rapids, and Grandville are considerably smaller with populations respectively of 20,381, 10,016, and 16,502. With their smaller populations, it is unlikely that they are able to generate the tax revenues available in the City of Kentwood to fund the activities of a police department. Given these considerations, while the Panel will give these communities some weight, when applying

the factor of comparability, the Panel will not consider them core comparable communities in the same manner as the cities of Muskegon, Wyoming and Holland.

The Wolkinson Panel further commented that the City's desire to have a lengthy list of communities be considered for (9h) evidence would not be granted. Nothing had been shown that those communities were comparable to Kentwood in terms of population, size of police force or property tax revenues. "Thus merely because communities are part of the Grand Rapids - Muskegon - Holland metropolitan statistical area for reporting purposes does not make them necessarily part of one common labor market." The Panel went on to find no basis to give evidentiary weight to data drawn from the remaining smaller and rather non-neighboring communities sought for inclusion by the City of Kentwood. The Kentwood panel found that any remaining communities offered were not part of the common labor market.

The Panel Chair is in some doubt as to the utility of considering a community to be a comparable, but then determining that it will be given less evidentiary weight than communities that are "more" comparable, *i.e.*, what the Kentwood Panel called "core comparable communities." Such communities should more appropriately be considered under section 9 (h), rather than as comparable but weak relatives of the "more" comparable communities under section (9d). It is instructive to read the dissent by the Employer's delegate to the findings on comparability in the City of Kentwood and POLC arbitration. In that dissent the delegate voiced concern that several cities, including Grand Rapids, were going to be considered under section (9h), but not given the same weight as the three "core comparables" of Muskegon, Holland and Wyoming.

The Chairperson recognized that the working conditions in Grand Rapids were significantly more difficult than in Kentwood, but accorded it some weight because of its geographic proximity. His analysis did not explain why Grand Rapids with a population of 185,000 was appropriately considered to be a comparable community to Kentwood with a population of only 43,000. There was no basis to admit evidence regarding these four disputed communities under Section (9d) as comparable communities, and I dissent from the conclusion that these communities are considered to be comparable communities under Section (9d).

Information regarding the terms and conditions of employment for police officers in non-comparable communities that are within the Kentwood labor market is admissible under (9h), which allows the panel to consider other factors normally taken into consideration during collective bargaining.

The reciprocal of this position has been argued by the Union in this matter.

The methodology utilized by the Union, particularly the parameter of 25%, unduly limits choice. In many, if not most categories, there are few cities within even 50% of Grand Rapids. Thus, the 25% limitation must be rejected. At least 50% as a parameter should be used. In truth, the fact of the matter is that there are no cities truly comparable to Grand Rapids in the western part of the state, or, indeed, in the state as a whole. The difficulty in determining comparables in this matter stems in large measure from the "isolation" of Grand Rapids. This isolation relates to its position as a major urban center, with no other such center within striking distance, in terms of geography. It has neighbors with which it interacts in performing police services. Some of these are, as well, part of a common labor market. In the *City of Kentwood and POLC* arbitration, and indeed in many Act 312 awards, it is cautioned that proximity does not mean comparability, nor would even membership in a common labor market necessarily indicate it. Of course, as indicated

above, proximity does have probative value under (9d), as well as relevance under (9h).

Perhaps the best that can be done is to acknowledge that finding comparability is more art than science, and finding comparables may require some stretching and bending. Such is the case here. Not only is there no agreement on even one community, the comparable communities offered by each side are miles apart - literally and figuratively. So great is the distance that choosing from one list, and adopting the rationale behind it, would virtually preclude *any* choice from the other list. The parties have created a zero sum game, with no "side payments," as the game theorists would have it. No give and take, no trade-offs.

The Panel Chair has determined upon a course which brings him no little intellectual unease, but he feels it to be dictated by the nature of the selections presented him. The Panel Chair has chosen the following as (9d) communities:

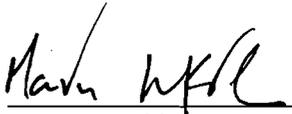
Warren
Sterling Heights
Livonia
Wyoming
Lansing
Kalamazoo

The City has proposed counties as appropriate entities to be considered under Section (9h). In keeping with the MERC training session speakers, they will be excluded. While they have overall resources not unlike Grand Rapids, the difference in governmental structure, political makeup, taxing authority, state resources and more makes them hard to compare.

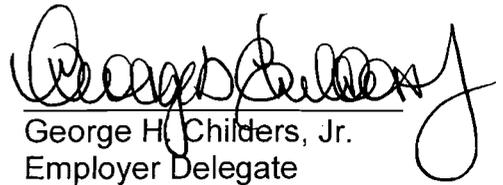
The Panel will consider all other proposed communities, as relevant under Section (9h). It should go without saying that some of these will have little or no bearing on the

deliberations of the Panel. Rank equivalency, department size, taxable or SEV value, population, bargaining history and geographical proximity linked to a common labor market will all play into the analysis of evidence from these communities under Section (9h).

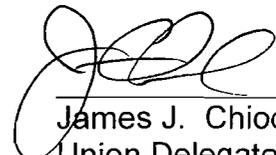
December 22, 2009



Martin L. Kotch
Panel Chair



George H. Childers, Jr.
Employer Delegate
Dissenting
See attached opinion



James J. Chiodini
Union Delegate
Concurring
See attached opinion

**STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION
ACT 312 ARBITRATION PROCEEDING**

Michigan Department of Consumer and Industry Services
Arbitration under Act 312, Public Acts of 1969, as Amended

IN THE MATTER OF :

Grand Rapids Police Command
Officers Association,

Labor Organization,

-and-

Case No. LO7 I-4013

City of Grand Rapids,

Public Employer.

MARTIN L. KOTCH, Panel Chair
JAMES J. CHIODINI, Union Delegate
GEORGE H. CHILDERS, JR., Employer Delegate

CONCURRING OPINION BY THE UNION DELEGATE

INTERIM AWARD ON COMPARABILITY

The Panel Chair's Interim Award on Comparability was issued May 1, 2009. The City said nothing about a dissenting opinion for eight months while the parties completed the substantive portion of the arbitration. The dissent was issued without prior notice on November 1, 2009, the Sunday before the scheduled delegates meeting to discuss the remaining substantive issue for decision; and notwithstanding its title, it somehow managed to focus as much on the substantive issue before the Panel

as it did on comparability. I am writing this concurring opinion if only to correct the revisionist history that is being attempted by the dissent.

First, there is no basis to complain about the process for issuing the Interim Award, or of any lack of input into that award. (Dissent, at 5.) The City Delegate was present for each day of the proceedings. He sat through the City's presentation on comparability. He presumably had input into and the opportunity to shape the City's presentation. It was the City that insisted on an interim award on comparability, and once the Panel Chair agreed to issue one, the parties agreed to submit the issue to the Chairperson on written briefs. There was never any contemplation of having a delegates meeting prior to issuance of the award on comparability. And at no time between January (when the issue was submitted to the Arbitrator) and May (when the decision was rendered) did the City request a delegates meeting. One suspects the City Delegate's real complaint is with the City's presentation on comparability, not the manner by which the decision was reached. For the City to complain now about the process it initiated and agreed to is simply an attempt to rewrite history to suit its story line.

The dissent also misstates the bargaining history on comparability for this unit. This is the first Act 312 arbitration between the parties. There are no prior decisions undertaking a comparability analysis for this bargaining unit. But to the extent bargaining history is important, there is more than 20 years of history in examining "southeast metropolitan communities" (Dissent, at 5) in negotiations involving this bargaining unit. There is no basis for the City to feign surprise at the comparison.

When developing comparables, the Union relied on traditional factors, including taxable value or SEV, department size, and command structure. The Union

identified seven jurisdictions employing 100 or more officers, within a 25% taxable value range of Grand Rapids, having a similar command structure. The Union's approach resulted in some jurisdictions more favorable to the Union being eliminated because they did not meet the criteria. The City, on the other hand, never presented a coherent approach to comparability. It offered a shifting grab-bag of jurisdictions, supported by conflicting rationales and lack of unifying theory, except for its penchant for confusing proximity with comparability. For the City, a mouse and a moose are comparable if you find them in the same field. This led the City to propose jurisdictions that were a fraction the size of Grand Rapids, with a couple of dozen police officers, and some not even employing captains or lieutenants. For the City to claim the Union tried to cherry-pick jurisdictions is a demonstration of what psychologists call "projection"-- attributing its own motives to the Union.

When not in Act 312 proceedings, the City proclaims its place at the epicenter of a West Michigan economy that is the envy of the State. It boasts of the advantage of a "highly diversified local economy," and that "manufacturing will remain one of our bedrock strengths" while the City transitions into "a new economy with a larger proportion of services," particularly noting the large transformative effect of the City's emergence as a regional health care center. There has been over \$1 billion in new investments in the Grand Rapids "Medical Mile" in the last decade. And the City has over \$1 billion in new construction projects planned or underway in 2009 alone, with over \$2.3 billion in new construction projects over the term of the last contract. The City's website boasts of its *Fortune* magazine ranking as one of the "Top 10 Best Cities for Business"; its ranking as "No. 1 for best overall business climate" according to Anderson Economic Group; its second place showing among *Industry Week's* rankings

of "World-Class Communities"; its "top-five" ranking in metropolitan areas for number of entrepreneurs and manufacturing growth; and it boasts that "Greater Grand Rapids is the fastest growing region in the upper Midwest" in terms of "manufacturing, job creation, and wealth creation." Consistent with these claims, the City has enjoyed a 62% increase in its net assets between 2002 and 2008. (City of Grand Rapids 2008 CAFR.) ("Over time, increases or decreases in net assets serve as a useful indicator of whether the financial position of the City is improving or deteriorating.")

The true hypocrisy of the City's position lies in the fact that it acts as if "comparability" only applies to the little people -- meaning the public servants actually putting their lives on the line every day. For the City politicians and top administrators it's a whole different story -- they are pretty much at the top of the heap. For them, Grand Rapids is incomparable.

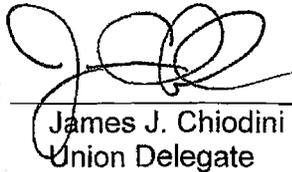
Utilizing the comparable communities identified by the Interim Award, in 2007 (the base year for this arbitration) Grand Rapids Police Captains and Lieutenants ranked fifth out of the seven comparable communities, at 95% and 92% of the average maximum pay rate. The Grand Rapids Police Chief, however, ranked second among the same comparables, at 107% above average. The Grand Rapids City Manager, City Attorney, City Clerk, Director of Finance, and Treasurer all ranked first or second among the comparables, ranging from 114% to 126% above the maximum reported rates. And the fairest of them all? -- Grand Rapids City Council members at 141% above the average, and the Grand Rapids Mayor at 286% above the average of those jurisdictions reporting both a Mayor and City Manager. (See Exhibit 1 attached.) The trend through 2009 is much the same. It helps if you can set your own salaries.

The City's dissent gets one thing right: there is a pay disparity. The City created it and the City perpetuates it. It is the Union that is trying to correct it.

CONCLUSION

I concur in the Panel Chair's Interim Award on Comparability. While it did not adopt the Union's analysis, the award nonetheless represents a principled application of comparability criteria normally considered under the statute.

Respectfully submitted,

By: 
James J. Chiodini (P38834)
Union Delegate

Dated: November 16, 2009

2007 MAXIMUM PAY RATES COMPARABLE COMMUNITIES

POSITION	Comm. Member
Warren	27,477
Lansing	20,200
Sterling Hts.	15,992
Livonia	15,800
Wyoming	8,189
Kalamazoo	8,000
Average	15,943
Grand Rapids	22,496
GR % of Average	141%

POSITION	City Manager
Sterling Hts.	142,055
Kalamazoo	126,480
Wyoming	124,800
Warren ¹	110,212
Lansing ¹	107,000
Livonia ¹	98,600
Average	118,191
Grand Rapids	147,169
GR % of Average	125%

POSITION	City Attorney
Lansing	122,270
Kalamazoo	114,382
Warren	109,360
Livonia	76,960
Sterling Hts.	--
Wyoming	--
Average	105,743
Grand Rapids	122,649
GR % of Average	116%

POSITION	City Clerk
Sterling Hts.	106,310
Warren	81,511
Kalamazoo	80,975
Wyoming	75,598
Livonia	69,800
Lansing	69,100
Average	80,549
Grand Rapids	101,090
GR % of Average	126%

POSITION	Director of Finance
Lansing	109,721
Warren	109,266
Sterling Hts.	106,310
Kalamazoo	103,567
Wyoming	90,002
Livonia	86,362
Average	100,871
Grand Rapids	114,502
GR % of Average	114%

POSITION	Mayor
Sterling Hts. ²	19,754
Wyoming ²	11,787
Kalamazoo ²	9,500
Lansing	--
Livonia	--
Warren	--
Average	13,680
Grand Rapids ²	39,141
GR % of Average	286%

POSITION	Treasurer
Sterling Hts.	98,213
Kalamazoo	93,147
Lansing	87,213
Wyoming	85,009
Warren	81,511
Livonia	61,800
Average	84,482
Grand Rapids	101,090
GR % of Average	120%

POSITION	Police Chief
Kalamazoo	115,383
Sterling Hts.	107,040
Lansing	106,952
Warren	105,610
Wyoming	104,207
Livonia	103,771
Average	107,161
Grand Rapids	114,502
GR % of Average	107%

POSITION	Police Captain
Sterling Hts.	97,101
Warren	96,020
Kalamazoo	92,976
Livonia	85,779
Wyoming	80,517
Lansing	79,066
Average	88,577
Grand Rapids	83,776
GR % of Average	95%

POSITION	Police Lieutenant
Sterling Hts.	90,358
Warren	87,302
Kalamazoo	85,509
Livonia	77,979
Wyoming	73,507
Lansing	71,900
Average	81,093
Grand Rapids	74,603
GR % of Average	92%

¹ Mayor rate - no City Manager

² Jurisdictions reporting both Mayor and City Manager

Source: CBAs and/or FOIA responses

(Exhibit 1 to Concurring Opinion by the Union Delegate)

MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
MICHIGAN EMPLOYMENT RELATIONS COMMISSION
COMPULSORY ARBITRATION OF LABOR DISPUTES IN POLICE AND FIRE DEPARTMENTS
Act 312 of 1969 (MCL 423.231 – 423.247)

In the Matter of:

GRAND RAPIDS POLICE COMMAND
OFFICERS ASSOCIATION,
Labor Organization,

MERC Case No.: L07 I-4013

-and-

Martin L. Kotch, Panel Chair

CITY OF GRAND RAPIDS,
Public Employer,

DISSENTING OPINION BY THE EMPLOYER DELEGATE

INTERIM AWARD ON COMPARABILITY

For the Union:

James J. Chiodini, Esq.

For the City:

John H. Gretzinger, Esq.

Martin L. Kotch, Panel Chair

James J. Chiodini, Union Delegate

George H. Childers, Jr., City Delegate

FOR SUBMISSION WITH FINAL OPINION AND AWARD

For in excess of thirty (30) years the State of Michigan has utilized a compulsory interest arbitration process for resolving disputes between public sector Employers and organized groups of employees within their public safety departments. Historically these proceedings are the first to involve the City of Grand Rapids and the Grand Rapids Police Command Officers Association (GRPCOA), a non-affiliated public sector Union being represented by White, Schneider, Young & Chiodini, P.C. The Union has presented a unique set of comparable communities arguing that the City of Troy; the City of Sterling Heights; the City of Livonia; the City of Warren; the City of Farmington Hills; and the City of Dearborn are the only comparables to the City of Grand Rapids in these proceedings. In his interim Award the Panel Chair has picked three (3) of the Union's proposed comparables and three (3) of the City's proposed comparables. Those being:

Warren

Sterling Heights

Livonia

Wyoming

Lansing

Kalamazoo

There is a historical database which indicates that the City of Grand Rapids and its' Officer and Sergeant Unit (currently also a non-affiliated Union known as the Grand Rapids Police Officers Association) and its' Firefighters unit (Local 366, IAFF, AFL-CIO) have multiple published Opinion and Awards dating back to May and September of 1978. Those Opinion and Awards, as acknowledged by the Panel Chair in his Interim Award, have never used the City of Warren, the City of Sterling Heights, and/or the City of Livonia as comparable communities under Section 9 of the Act. Instead you will find numerous references to the following comparable communities¹:

Lansing

Ann Arbor

Flint

Saginaw

Pontiac

Kalamazoo

Battle Creek

Muskegon

¹ See the first of such Opinion and Awards by Barry C. Brown, dated September 29, 1978; @ pp. 9-11.

Now to the gist of this dissenting opinion by the Employer's delegate. The Panel Chair complains "The parties have created a zero sum game ... no give and take, no trade-offs ...".² The panel does include three (3) members. To this delegates knowledge there has been no discussion amongst panel members in advance of the Interim Award on Comparability. The Section 9(d) communities presented to the two (2) other panel members appear to be selected out of frustration, not art nor science. We are here because the parties could not resolve negotiations voluntarily and need the Panel Chair's assistance and wisdom not a proclamation of "intellectual unease".

The record does reflect that the parties have narrowed the scope of the issues in dispute to a requested "equity adjustment" by the GRPCOA above the wage increases awarded or negotiated with both the Police Officer and Sergeant unit (GRPOA) and the Firefighters unit (Local 366, IAFF) for the same time period. The final best offer by the GRPCOA is for an additional 6.84% for Police Lieutenants and an additional 5.64% for Police Captains above the current rates of pay as of the Partial Settlement by the parties via two (2) "installment" payments. The City has proposed no additional pay increases; or, alternatively a five percent (5%) increase effective the date of the award with removal of the contractually based payment of overtime for Command Officers. In short this case is about money.

In a similar case in 1995 Panel Chairperson Mark J. Glazer³ had this to say about the Union's comparable communities of Berkley, Gross Pointe Park, Gross Pointe City, Gross Pointe Farms, Farmington, and Beverly Hills when compared to East Grand Rapids:

... this case is primarily about money. ... The data as presented by the Employer indicates that the Detroit area has a median home price that is 11.2% higher than the Grand Rapids area. The median household wage and salary income is 14.8% higher in the Detroit area than it is in Kent County. ... It should come as no surprise that wages and living expenses are higher in suburban Detroit than they are in the Grand Rapids area. As a result, the Employer's comparables more closely reflect the labor market for East Grand Rapids than the Union's.

If I were hearing a case for Gross Pointe Park, a Union comparable, I would not expect the bargaining unit to be too happy with East Grand Rapids as an employer comparable. The officers would rightly complain that it is more expensive to live in the Detroit area and wages are higher in the Detroit suburbs than they are in the Grand Rapids area. ...

In that case the Employer's comparable communities were Grand Rapids; Grandville; Kentwood; Walker; and, Wyoming.

The Employer's panel delegate has listened to the testimony at hearing. It appears to him the Union simply wants more money than what was negotiated and awarded to internal comparables, or which would be justified by historical comparable communities. The Union

² See Interim Award @ p. 18.

³ See MERC Case No. G93 B-4008, City of East Grand Rapids v Police Officers Labor Council, Mark J. Glazer, April 24, 1995, @ pp. 3-4.

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further wishes to make up for past negotiations now that it is involved in the expense of these 312 proceedings. Thus it has used its' proposed Detroit area comparable communities to justify that end and created a statistically limited basis to make its' arguments weaving in classification titles, ranking comparisons with top administrative positions, and unit size.

This panel delegate agrees with the Panel Chair in finding "*In Truth, the fact of the matter is that there are no cities fully comparable to Grand Rapids in the western part of the state, or, indeed, in the state as a whole.*"⁴ Further a quick review of the historical Opinion and Awards from the three (3) communities used by the Panel Chair in the Tri-County area of Wayne, Oakland and Macomb Counties shows they have never been proposed by either those Employers or their respective Unions to any 312 panel as Command Unit comparables⁵ or any others for that matter.

In the most recent 312 proceedings in 2008 and 2005 with the City of Grand Rapids and the Police Officer and Sergeant unit (GRPOA)⁶ and the City of Grand Rapids and Local 366 of IAFF⁷ none of the Union's comparable communities were selected or even proposed by the parties. Wages were awarded to the Police Officer and Sergeant unit for the contract period covering July 1, 2007 through June 30, 2010 as follows:

December 31, 2008	2.0%
January 1, 2009	2.5%
July 1, 2009	3.0%

Wages have been negotiated with the Firefighters unit (Local 366, IAFF) as a compounded 2.0%, and 2.5% effective May 12, 2009, and 3.0% effective July 1, 2009 with no retroactivity for that same time period.

The parties in these proceedings have voluntarily agreed, in a partial settlement, to a compounded wage increase of 2.0%, 2.5%, and 3.0% effective September 15, 2009 with no retroactivity. This covers the same period of July 1, 2007 through June 30, 2010.

While the above indicates to this panel delegate that "*there is no agreement between the parties*" as to an "*equity adjustment*" the process of Act 312 should rationally provide an opinion and order that does not break with thirty plus years of historically utilized comparable communities with the City of Grand Rapids, and the use of internal comparables in this case. The use of any of the Union's comparable communities does exactly that. To use the Panel Chair's six (6) comparable communities exaggerates the resulting pay disparities on both ends of the spectrum. This delegate thus respectfully dissents in adopting the Panel Chair's Interim

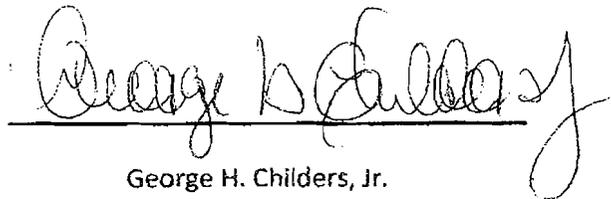
⁴ Interim Award @ p. 17.

⁵ See [Sterling Heights Command Officers Association v City of Sterling Heights](#), MERC Case No. D80-2490, Thomas V. LoCicero, dated February 16, 1981, @ p. 3; also, MERC Case No. D84 D-1281, Richard Senter, dated September 13, 1985

⁶ Act 312 Case No. L 06 5-7015, Hiram S. Grossman, dated December 17, 2008.

⁷ Act 312 Case No. L03 D-7010, Gerald Lax, dated November 28, 2005.

Award on Comparability. The panel can really do better than what I am faced signing in "providing standards as reasonably precise as the subject matter requires or permits and adequate political accountability"⁸ if we were allowed to put our heads together before being forced to respectfully dissent in this interim award. This panel delegate has had no input and believes there is no apparent consideration of the thirty (30) plus years of history for such proceedings in the City of Grand Rapids or in those southeast metropolitan communities now thrust upon us.⁹

A handwritten signature in cursive script, reading "George H. Childers, Jr.", written over a horizontal line.

George H. Childers, Jr.

Employer/City Delegate

November 3, 2009

⁸ Local 1277, Metropolitan Council No. 23, AFSCME, AFL-CIO v City of Centerline, 414 Mich 642; 327 NW2d 822 (1982).

⁹ See additional Opinion and Awards listed in Attachment A.

ATTACHMENT A

These Act 312 Opinion and Awards are readily available for review at <http://turf.lib.msu.edu/awards/>:

Grand Rapids City

City of Grand Rapids v Grand Rapids Police Officers Association (12/17/2008); Hiram S. Grossman, Panel Chair [Kentwood, Holland, Kent County, Walker, Muskegon, Ottawa County, Wyoming, Kalamazoo, Kalamazoo County, Grandville, Lansing, Ingham County, East Grand Rapids, and Battle Creek agreed to by the parties as comparable communities]

City of Grand Rapids v Grand Rapids Fire Fighters Union, IAFF Local 366 (11/28/2005); Jerald Lax, Panel Chair [Ann Arbor, Battle Creek, Flint, Lansing, Muskegon, Pontiac, and Saginaw adopted as comparable communities by the Panel Chair]

City of Grand Rapids v Grand Rapids Fire Fighters Association, Local 366 (10/26/1999); Donald F. Sugeran, Panel Chair [Ann Arbor, Battle Creek, Flint, Lansing, Muskegon, Pontiac, and Saginaw adopted by the Panel Chair as comparable communities]

City of Grand Rapids v Grand Rapids Fire Fighters Association, Local 366 (2/17/1984); Mario Chiesa, Panel Chair [Ann Arbor, Saginaw, Pontiac, Battle Creek, Flint, Kalamazoo, and Lansing adopted by the Panel Chair as comparable communities with the last four cities being agreed to by the parties]

City of Grand Rapids v Grand Rapids Lodge 97, Fraternal Order of Police (11/5/1981); S. Eugene Bychinsky, Panel Chair [Flint, Lansing, Saginaw, Kalamazoo, Muskegon, Wyoming, and Battle Creek agreed to by the parties; Ann Arbor, Dearborn, Detroit, Jackson, Pontiac, Royal Oak, Warren Michigan State Police, Kent County Sheriff, Kalamazoo County Sheriff, and East Lansing disputed by one of the parties but given some weight by Panel Chair; a 30 page dissenting opinion by the Lodge is attached to this Opinion and Award]

City of Grand Rapids v Grand Rapids Fire Fighters Association, Local 366 (IAFF (11/29/1978)); Barry C. Brown, Panel Chair [Lansing, Ann Arbor, Flint, Saginaw, Pontiac, Kalamazoo, Battle Creek, and Muskegon adopted by the Panel Chair as comparable communities; Grand Rapids was noted as being in the *median position in this eight-city comparison* if a 7% increase was awarded in 1977]

City of Grand Rapids v The Fraternal Order of Police, Lodge #97 (May 1978); Samuel S. Shaw, Panel Chair [Historical relationships or ratios between classifications amongst internal comparables referenced by the Panel Chair in determining salary settlement when awarding a 17.25% increase over 3 years; Grand Rapids was third largest city in the State at that time]

Sterling Heights City

City of Sterling Heights v Local 1557, IAFF (2/12/1988); M. David Keefe, Panel Chair

City of Sterling Heights v Police Officers' Association of Michigan (Dispatch) (12/5/1986); Stanley T. Dobry, Panel Chair

Sterling Heights Police Command Officers Association v City of Sterling Heights (9/13/1985); Richard H. Senter, Panel Chair [Fifteen comparable communities agreed to all within the Tri-County area of Wayne, Oakland, and Macomb Counties, or contiguous to the City of Sterling Heights]

City of Sterling Heights v Police Officers Association of Michigan (7/29/1983); Herbert Burdick, Panel Chair [Warren, Livonia, Dearborn, Westland, Taylor, Pontiac, St. Clair Shores, Southfield, Royal Oak, Dearborn Heights, Troy, Farmington Hills, and Roseville offered as comparable communities by Police Officers Association of Michigan]

City of Sterling Heights v Sterling Heights Fire Fighters Union, Local 1557 (8/17/1981); Harvey A. Shapiro, Panel Chair [Dearborn, Dearborn Heights, Livonia, Pontiac, Roseville, Royal Oak, St. Clair Shores, Southfield, Taylor, Warren, and Westland presented as jointly agreed to comparables to Sterling Heights / does not use Grand Rapids]

Sterling Heights Police Command Officers Association v City of Sterling Heights (5/8/1981); Thomas V. LoCicero, Panel Chair [Warren and Livonia used as comparables to Sterling Heights / does not use Grand Rapids]

Sterling Heights Police Command Officers Association v City of Sterling Heights (2/14/1980); Patrick A. McDonald, Panel Chair

Sterling Heights Police Command Officers Association v City of Sterling Heights (12/1972); William Haber, Panel Chair

Sterling Heights Police Command Officers Association v City of Sterling Heights (12/12/1971); Mark L. Kahn, Panel Chair

City of Sterling Heights v Local 1557, IAFF (11/12/1970); Russell A. Smith, Panel Chair

Livonia City

City of Livonia v Livonia Fire Fighters Union, Local 1164 (3/20/2008); C. Barry Ott, Panel Chair [Ann Arbor, Canton Township, Clinton Township, Dearborn, Dearborn Heights, Pontiac, Royal Oak, St. Clair Shores, Sterling Heights, Taylor, and Westland jointly submitted as comparable communities by the parties]

City of Livonia v Police Officers Association of Michigan (7/10/2006); Thomas J. Barnes, Panel Chair

City of Livonia v Police Officers Association of Michigan (11/24/1998); Stanley T. Dobry, Panel Chair

City of Livonia v Livonia Fire Fighters Union, Local 1164 (7/1/1998); Theodore J. St. Antoine, Panel Chair [Ann Arbor, Canton Township, Clinton Township, Dearborn, Dearborn Heights,

Pontiac, Royal Oak, St. Clair Shores, Southfield, Sterling Heights, and Westland agreed upon by the parties as comparable communities]

City of Livonia v Police Officers Association of Michigan (7/3/1983); Hon. Benjamin C. Stanczyk, Panel Chair [Warren, Sterling Heights, Dearborn, Westland, Taylor, Pontiac, St. Clair Shores, Southfield, Royal Oak, Dearborn Heights, Troy, Farmington Hills, Roseville, Northville Township, and Redford Township adopted as comparable communities]

City of Livonia v Livonia Police Officers Association and Livonia Police Lieutenants & Sergeants Association (5/18/1978); Leon J. Herman, Panel Chair [Pontiac, Detroit, Southfield, Royal Oak, Dearborn, Westland, Dearborn Heights, Ann Arbor, Redford Township, Taylor, and Sterling Heights used in wage comparisons]

City of Livonia v Livonia Police Lieutenants & Sergeants Association (4/22/1976); Ruth E. Kahn, Panel Chair [Ann Arbor, Dearborn, Pontiac, Roseville, Royal Oak, Southfield, and Warren noted as comparable communities in wage comparisons]

City of Livonia v Livonia Police Officers Association (8/19/1974); Richard L. Kanner, Panel Chair

City of Livonia v Livonia Police Officers Association (5/9/1970); Russell A. Smith, Panel Chair [Ann Arbor Dearborn, Dearborn Heights, Lincoln Park, Pontiac, Roseville, Royal Oak, St. Clair Shores, Warren, and Westland noted as comparable communities over 50,000 in population in the Detroit metropolitan area]

Warren City

City of Warren v Warren Police Officers Association (11/12/2007); Stanley T. Dobry, Panel Chair [City of Dearborn, City of Dearborn Heights, City of Livonia, City of Roseville, City of Royal Oak, St. Clair Shores, City of Southfield, City of Sterling Heights, and City of Westland stipulated to as comparable communities by the parties]

City of Warren v Warren Professional Fire Fighters Association, Local 1383 (10/29/1984); Robert A. McCormick, Panel Chair [Dearborn, Lincoln Park, Pontiac, Royal Oak, St. Clair Shores, Taylor, Southfield, Sterling Heights, Dearborn Heights, and Westland referenced as comparable communities in awarding a COLA]

City of Warren v Warren Police Officers Association (6/9/1983); Robert G. Howlett, Panel Chair [Dearborn, Dearborn Heights, East Detroit, Farmington Hills, Hazel Park, Lincoln Park, Pontiac, Roseville, Royal Oak, Southfield, St. Clair Shores, Sterling Heights, Taylor, Troy, and Westland agreed to by the parties as comparable communities]

City of Warren v Warren Police Officers Association (12/8/1977); E. J. Forsythe, Panel Chair [Pontiac, Ann Arbor, Dearborn Heights, Royal Oak, Westland, Redford, Livonia, Hazel Park, Southfield, Sterling Heights, East Detroit, Roseville, Dearborn, Lincoln Park, Fraser, St. Clair Shores, and Taylor adopted as comparable communities by the Panel Chair / Union took *serious*

exception to inclusion of Flint, Lansing, and Grand Rapids as being out of the Southeast Michigan area]

City of Warren v Warren Professional Fire Fighters Association, Local 1383 (7/15/1976); Richard L. Kanner, Panel Chair [Parties submitted all cities over 50,000 in population in the Wayne, Oakland, and Macomb County metropolitan area as comparable communities]

City of Warren v Warren Professional Fire Fighters Association, Local 1383 (10/20/1971); Harry T. Edwards, Panel Chair [Detroit, Ann Arbor, Dearborn, Dearborn Heights, Lincoln Park, Livonia, Pontiac, Roseville, Royal Oak, St. Clair Shores, Westland, Allen Park, Birmingham, East Detroit, Ferndale, Garden City, Hamtramck, Hazel Park, Highland Park, Inkster, Madison Heights, Oak Park, Southfield, Southgate, Sterling Heights, and Wyandotte referenced as comparable communities in the discussion of salary comparison]