

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN EMPLOYMENT RELATIONS COMMISSION
BUREAU OF EMPLOYMENT RELATIONS

PETITIONING PARTY

Police Officers Labor Council

And

Hillsdale County Sheriff Department

MERC CASE NUMBER: L 17 H-0798
(CORRECTIONS OFFICERS)

FACT FINDING

Pursuant to Michigan Labor Relations and Mediation Act (P.A. 176 of 1939 as amended)
[MCL 423.1, et seq], and Public Employment Relations Act (P.A. 336 of 1947 as
amended) MCL 423.201, et seq]

FACT FINDER:

William E. Long

Appearances:

Gary P. King – For the Employer
Brendan Canfield – For the Union

PETITION FILED: April 27, 2018

FACT FINDER APPOINTED: May 10, 2018

SCHEDULING CONFERENCE: The parties agreed to use the February 14, 2018
scheduling conference held for Act 312 case L 17- H-0798 involving these same parties
as the scheduling conference date and hearing date in this case.

HEARING DATE: Hearing date was scheduled for July 10, 2018 but not held because
the parties reached a settlement prior to the hearing date.

DATE OF RECOMMENDATION: July 10, 2018.

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MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF EMPLOYMENT RELATIONS
DETROIT OFFICE

INTRODUCTION AND BACKGROUND:

The Union represents 27 full time employees of the Hillsdale County Sheriff Department. Those employees represented by the Union at the time of this proceeding included 14 Road Patrol Deputy Sheriff's and 4 Dispatcher's and 9 Corrections Officers. The Road Patrol and Dispatcher employees are eligible for compulsory arbitration of labor disputes under Act 312 of 1969. The Union filed a petition for an Act 312 proceeding involving those employees eligible for Act 312 proceedings on January 22, 2018 and this Fact Finder was appointed as the impartial arbitrator in that proceeding (MERC Case L 17 – H 0798) on February 7, 2018.

At a February 14, 2018 pre-hearing phone conference the parties agreed that the only issues before the Act 312 panel were:

- Wages for members of the bargaining unit eligible for Act 312 for calendar year 2018
- Wages for members of the bargaining unit eligible for Act 312 for calendar year 2019
- Whether wages for Act 312 eligible members of the bargaining unit will or will not be applied retroactively.

A schedule was established in the Act 312 proceeding which included the opportunity for the parties to consider the possibility of the Act 312 proceeding and Award being treated as a Fact Finding recommendation for those bargaining positions not eligible for Act 312, i.e. the Corrections Officers. A hearing date was set for July 10, 2018.

On April 27, 2018 the Union filed a petition for Fact Finding in this case and requested that the Act 312 proceeding serve as the hearing for Fact Finding for the Corrections Officer employees not covered by Act 312. This Fact Finder was appointed May 10, 2018.

Prior to the hearing date the parties notified this Act 312 Arbitrator/Fact Finder that the parties had agreed upon the following:

1) That the parties would accept the results of the Act 312 proceeding as a fact finding recommendation for those employees not eligible for Act 312 proceedings, i.e. the Correction Officers.

2) That their last offers of settlement would propose a separate offer for calendar year 2018 and a separate offer for calendar year 2019

3) That the external comparable communities would be the Counties of Branch, Gratiot, Ionia and Tuscola.

Last offers of settlement were exchanged July 3, 2018. On July 6, 2018 the parties' notified this Fact Finder/ Arbitrator that they had reached a settlement (See attachment A - e-mail exchange dated July 6, 2018).

CRITERIA UTILIZED BY FACT FINDER:

There are no criteria established in statute governing fact-finding proceedings but many Fact Finders use the criteria established in Section 9 of Act 312, which are generally applicable in a Fact Finding proceeding. In this case, the parties reached a settlement in the context of discussions and settlement in an Act 312 case.

COMPARABLES:

External comparable communities in the Act 312 case were the Counties of Branch, Gratiot, Ionia and Tuscola.

ISSUES:

- Wages for members of the bargaining unit not eligible for Act 312 for calendar year 2018
- Wages for members of the bargaining unit not eligible for Act 312 for calendar year 2019

Discussion and Evidence to the Issue:

During discussion between the parties prior to the hearing the parties requested the Fact Finder issue the following recommendation for employee positions in the bargaining unit not eligible for Act 312 Arbitration (Corrections Officers).

Recommendation:**Wages: From Date of Ratification to December 31, 2018:**

Increase wages set forth in the applicable wage scale in Article 13 by 1.00%, effective with the ratification of the new contract by the Hillsdale County Board of Commissioners.

Wages: January 1, 2019 to December 31, 2019:

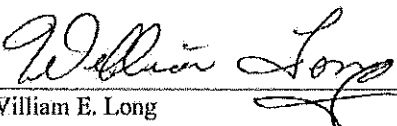
Increase wages set forth in the applicable wage scale in Article 13 by 1.00%.

SUMMARY:

ISSUE	RECOMMENDATION OF THE FACT FINDER
<p>WAGES From Date of Ratification to December 31, 2018</p>	<p>Increase wages set forth in the applicable wage scale in Article 13 by 1.00%, effective with the ratification of the new contract by the Hillsdale County Board of Commissioners.</p>
<p>Wages January 1, 2019 to December 31, 2019</p>	<p>Increase wages set forth in the applicable scale in Article 13 by 1.00%.</p>

Dated: July 10, 2018

Respectfully submitted,



 William E. Long
 Fact Finder

Attachment FE - pg 1

Brendan Confield
Re: Hillsdale Co. Sheriff (Dept. & P.O.'s) Merit Act 312 case L 17 H 0798 & Fact Finder case L 17 H 0890
July 6, 2018 at 3:57 PM
Gary P. King
Bill Long
Greensburgh, Maria (LARA)

Arbitrator Long

Mr. King has accurately set forth the parties' agreement. Please let me know if you have any questions.

Brendan Confield

On Fri, Jul 6, 2018 at 3:25 PM, Gary P. King < > wrote:

Good afternoon Arbitrator Long.

I am pleased to report that the parties have reached a settlement based on not having to appear for the hearing on July 10th in Hillsdale.

We have agreed that the Panel is to issue a Stipulated Award in the Act 312 case (involving the Road Deputies and Dispatchers) as follows:

Wages: January 1, 2018 through December 31, 2018

Increase wages set forth in the applicable wage scale in Article 13 by 1.50%, retroactive to January 1, 2018.

Wages: January 1, 2019 to December 31, 2019

Increase wages set forth in the applicable wage scale in Article 13 by 1.00%.

We have also agreed that you, as Fact Finder, issue the following Recommendation as to the positions in the bargaining unit not

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eligible for Act 312 Arbitration (Corrections Officers):

Wages: From Date of Ratification to December 31, 2018

Increase wages set forth in the applicable wage scale in Article 13 by 1.00%, effective with the ratification of the new contract by the Hillsdale County Board of Commissioners.

Wages: January 1, 2019 to December 31, 2019

Increase wages set forth in the applicable wage scale in Article 13 by 1.00%.

I would ask that Mr. Canfield as counsel for POLC confirm the foregoing by way of response email.

Thanks.

Gary King.

From: Bill Long [mailto:]
Sent: Tuesday, July 03, 2018 11:03 AM
To: Gary P. King; Brendan Canfield
Cc: Greenough, Maria (LARA)
Subject: Hillsdale Co. Sheriff Dept. & POLC Merc Act 312 case L 17 H-0798 & Fact Finder case L 17 H 0990

Just a reminder: The hearing in the above cases is set for Tuesday, July 10, 2018. The parties have exchanged Last Offers of Settlement FOR THE ACT 312 case July 3, 2018.

In the event settlement discussions occur between the parties following the exchange of LOS which result in a tentative agreement, please notify me not later than Noon Monday, July 9, 2018 so that I can advise the court reporter of a cancellation of the hearing. If I do not receive communication by the parties by that time I will look forward to seeing you all on Tuesday, July 10, 2018 at 10:00 AM in the Hillsdale County Board of Commissioners. Let Me Know Please. Thank you.