

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

BUREAU OF EMPLOYMENT RELATIONS

PETITIONING PARTY:
Police Officers Labor Council

And

RESPONDING PARTY:
Hillsdale County Sheriff Department

MERC CASE NO.: L 17 H-0798 (Act 312)

COMPULSORY ARBITRATION

Pursuant to Public Act 312 of 1969, as amended
[MCL 423.231, *et seq*]

Arbitration Panel

Chair: William E. Long
Employer Delegate: Gary P. King
Union Delegate: Brendan J. Canfield

PETITION FILED: January 22, 2018
PANEL CHAIR APPOINTED: February 7, 2018
SCHEDULING CONFERENCE HELD: February 14, 2018
HEARING DATE Scheduled: July 10, 2018 – Parties reached agreement July 6, 2018.
AWARD ISSUED: July 12, 2018

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1. 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 Arbitrator 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.

Prior to the hearing date the parties notified this Act 312 Arbitrator 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 Arbitrator that they had reached a settlement. (See attachment A - e-mail exchange dated July 6, 2018).

2. STATUTORY CRITERIA

When considering the economic issues in this proceeding, Section 8 of Act 312 guided the Panel. The section provides that "As to each economic issue, the arbitration panel shall adopt the last offer of settlement which, in the opinion of the arbitration panel more nearly complies with the applicable factors prescribed in section 9. The findings, opinions and order as to all other issues shall be based upon the applicable factors prescribed in section 9." Section 9(1) and (2) states "(1) the arbitration panel shall base its findings, opinions, and order upon the following factors:

- (a) *The financial ability of the unit of government to pay. All of the following shall apply to the arbitration panel's determination of the ability of the unit of government to pay:*
 - (i) *The financial impact on the community of any award made by the arbitration panel.*
 - (ii) *The interests and welfare of the public*
 - (iii) *All liabilities, whether or not they appear on the balance sheet of the unit of government.*
 - (iv) *Any law of this state or any directive issued under the local government and school district fiscal accountability act, 2011 PA 4, MCL 141.1501 to 141.1531, that places limitations on a unit of government's expenditures or revenue collection.*
- (b) *The lawful authority of the employer*
- (c) *Stipulations of the parties.*
- (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 in both of the following:*
 - (i) *In public employment in comparable communities.*
 - (ii) *In private employment in comparable communities.*

- (e) *Comparison of the wages, hours, and conditions of employment of other employees of the unit of government outside of the bargaining unit in question.*
 - (f) *The average consumer prices for goods and services, commonly known as the cost of living.*
 - (g) *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.*
 - (h) *Changes in any of the foregoing circumstances during the pendency of the arbitration proceedings.*
 - (i) *Other factors that 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.*
- (2) *The arbitration panel shall give the financial ability of the unit of government to pay the most significance, if the determination is supported by competent, material, and substantial evidence.”*

Where not specifically referenced, the above factors were considered but not discussed in the interest of brevity.

3. STIPULATIONS AND PRELIMINARY RULINGS

As noted previously, 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.
- That the external comparable communities would be the Counties of Branch, Gratiot, Ionia and Tuscola.

4. COMPARABLES

The parties agreed and the panel accepted the external comparable communities as being the Counties of Branch, Gratiot, Ionia and Tuscola.

Therefore, as a result of the parties’ agreement to stipulate to the following communities as comparable communities to Hillsdale County, the Panel chooses the following communities as comparable to Hillsdale County in this proceeding: the Counties of Branch, Gratiot, Ionia and Tuscola.

5. ISSUES BEFORE THE PANEL

- 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 members of the bargaining unit eligible for Act 312 will or will not be applied retroactively.

Discussion and Findings

Discussion

As noted previously, following the July 3, 2018 exchange of last offers of settlement, on July 6, 2018 the parties' notified this Arbitrator that they had reached a settlement on the issue of wages (See attachment A - e-mail exchange dated July 6, 2018) and agreed that the Panel should issue a Stipulated Award in this 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 through December 31, 2019

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

Findings

Therefore, on the issue of wages, the Panel finds the parties' request that the Panel issue a stipulated award (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, and " Wages: January 1, 2019 through December 31, 2019 Increase wages set forth in the applicable wage scale in Article 13 by 1.00%" more nearly complies with the applicable factors prescribed in Section 9 of Act 312.

Effective Date: Date of the Award.

Employer: Agree _____ Disagree _____

Union: Agree _____ Disagree _____

Impartial Arbitrator: Agree _____

Employer: Agree  Disagree
 Union: Agree  Disagree
 Impartial Arbitrator: Agree  Disagree

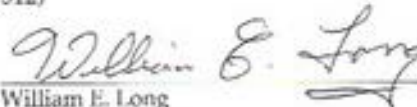
6. SUMMARY OF AWARD

ISSUE	AWARD
Wages	<p>January 1, 2018 through December 31, 2018</p> <p>Increase wages set forth in the applicable wage scale in Article 13 by 1.50%, retroactive to January 1, 2018.</p>
Wages	<p>Wages: January 1, 2019 through December 31, 2019</p> <p>Increase wages set forth in the applicable wage scale in Article 13 by 1.00%.</p>

SUMMARY

This concludes the award of the Panel. The signature of the delegates herein along with the signature of the Independent Arbitrator below indicates that the Award as recited in this Opinion and Award is a true restatement of the Award.

Re: Hillsdale County Sheriff Department & Police Officers Labor Council (involving the Road Deputies and Dispatchers)
 MERC Case No. 1. 17 H-0798 (Act 312)

Date: July 12, 2018 
 William E. Long
 Arbitrator/Chair

Attachment # 1

Brendan Canfield
Re: Hillsdale Co. Sheriff Dept & POLG Merit Act 312 case L 17 H-0798 & Fact Finder case L 17 H 0690
July 6, 2018 at 3:57 PM
Gary P. King
Bill Long
Greenough, Maria (LARA)

Arbitrator Long,

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

Brendan Canfield

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 at the Hillsdale County Courtroom 100 West Front St., Hillsdale, MI.