



# POLICE OFFICERS ASSOCIATION OF MICHIGAN

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I am in receipt of a letter authored by Union Steward Len Wolons given to many Wayne County Deputies regarding POAM's advocacy of HB 6112 which would allow correction officers to utilize compulsory arbitration in contract negotiations. I believe his response actually established compelling reasons why every one of you needs POAM. Although Mr. Wolons is inaccurate in many of his statements, I will concentrate on the ones that are of most importance to the members.

Wolons: We are considered "Public Safety" employees by the State of Michigan and MERC, therefore, automatically entitled to Act 312 arbitration.

TRUTH: Not so. There are dozens of decisions at MERC and in the courts to the contrary and none that affirm his statement. Although it has been successfully argued that CO's perform many police and specialized law enforcement services, to the extent that they are "subject to the hazards of police work," the second half of the Act 312 litmus test has always proved to be the stumbling block for CO's entitlement to statutory compulsory arbitration. That is: if a labor strike occurs can emergency personnel fill in to perform CO duties? Unfortunately, in every decision, MERC has ruled "yes". The most recent case was presented by the "independent" Oakland County Deputy Sheriffs Association. OCDSA spent well over \$100,000 on its attorneys, only to get the same result, reaffirming MERC's previous clear-cut decisions. This information can be verified by calling MERC directly at 313-456-3510.

Wolons: Mr. Jacques did not read Article 1 Recognition, Sec. 04 in our Collective Bargaining Agreement that allows for 1969 PA 312 for the Resolution of Disputes.

Truth: Of course I did. But, what Mr. Wolons fails to realize, is that particular issue is a "permissible" subject of bargaining, not "mandatory" and can be eliminated by the Employer at the expiration of the contract without remedy. This was explained to your leadership when POAM General Counsel Frank

Guido worked with the Deputy Sheriffs Association of Michigan (DSAM) on appropriate language for HB 6112. Local 502 wanted us to include an exemption for Wayne County Deputies because they believed those privileges were already spelled out in their CBA. POAM, through DSAM, informed Local 502 of these facts and strongly recommended that they receive the superior protection of a statutory right to compulsory arbitration through HB 6112, coupled with their current contract language. POAM stopped Local 502 from putting its members in a weak position, and possibly losing compulsory arbitration in the future!

There is no statutory mechanism to enforce the direct application of PA 312 to otherwise ineligible correction officers, even if the Employer has contractually agreed to participate in compulsory arbitration. Being classified or certified as police officers does not change one's 312 status if your duties are similar to correction officers. However, there are many internal factors that would make that an unattractive and risky move on the part of Wayne County.

The assertions made by Len Wolons on behalf of Local 502 and/or the "independent" WCDSA should make you realize just how poorly versed they are on Michigan labor law. Please call your State Senator and encourage them to support professional law enforcement and pass HB 6112.

*Ed Jacques*