

The Michigan State Police Troopers Association and the Quest for Collective Bargaining

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On January 30, 1964, formal articles of incorporation were filed forming the Michigan State Police Troopers Association Incorporated.¹ In May of the same year officers were sworn in. The first President, Howard Kelly from the Newaygo Post, was sworn in by the Honorable Chief Justice of the Michigan Supreme Court.² The original articles declared the following purposes for the organization:

1. To organize and maintain an organ of representation between members of this association and the commissioner in command of the Michigan State Police and the Civil Service Commission;
2. To maintain an avenue of direct, respectful communication between the members of this Association and the Commissioner in command of the Michigan State Police and the Civil Service Commission;
3. To secure and insure the rightful respect for the dignity of an individual for every police officer of this department;
4. To promote a spirit of cooperation through social fellowship and develop a high regard for the dignity and the vocation of the Michigan State Policeman;
5. To prevent any undesirable individual or organizational influence from within or without our department from suggesting, organizing or coercing our members into actions which are repugnant to the dedicated work of police officers which service the people of the State of Michigan; and to uphold the police officers pledge not to strike;
6. To gather, receive and disseminate such information concerning police service and employment standards as may be helpful to the membership in the pursuit of their calling;
7. To give full cooperation to and arrange unified action with the administrative heads of the Department for the betterment of the Department;
8. To develop pride and morale in our membership and the Department, so that the image projected by our members, to the people we serve, is an honest picture of dedicated policemen exemplifying the best in all standards of the police profession.³

Although the above language could not be characterized as radical in the private sector environment, within the Department of State Police it was a revolutionary statement. The State Police were and still are a semi-military organization, as is any police department. However, the State Police in Michigan, as well as many other states, tend to emphasize the military structure more than city and county police organizations. This is best demonstrated in the training State Troopers receive. The State Police, since their inception in 1917, have trained their officers in their own academy. It is run in the style of a military "boot" camp. The training has been characterized at one extreme as

brainwashing, and at the other a fair test of an individual's mental and physical ability. Regardless of one's opinion, the result is a strong orientation toward a military command structure.⁴ It is evident in the articles of incorporation that the respect instilled during recruit school was still very important to the officers who established the M.S.P.T.A. Particularly the no strike language and reference to "undesirable individual or organizational influence...."

What were the reasons for the organizing of a Troopers Association? The answer lies in the first three articles quoted above: (1) Representation; (2) Communication; and (3) Individual Dignity. The need for these three items led to the establishment of the M.S.P.T.A. The major catalyst was the work schedule. In the early 1960's State Troopers worked a six-day week at a minimum of nine hours a day. Troopers were paid a salary with no overtime or holiday pay. Days off in which an officer was subpoenaed to court were not compensated and days off were routinely cancelled to boost manpower on holidays. A classic example was related by Gordon Gotts, current President of the M.S.P.T.A. As a Trooper at Jackson in 1961, he and his partner worked twenty-two straight hours in the apprehension of a large burglary ring. Upon completion of the twenty-two hours, the shift commander (a Corporal) stated they were due to report for work at their regular time two hours hence. Gotts emphasized there was no special need for them to work; it was merely standard operating procedure. This situation came to a conclusion when Trooper Charles Webber of Romeo filed a lawsuit, claiming violation of equal protection rights. All other state employees were working a forty-hour week; Webber was simply requesting a five-day work week.⁵ Webber sent out a request for funds to help in litigating the matter. About seventy-five percent of the Troopers responded with cash donations. The result was a fifty-four work week for State Troopers. To quote Gotts, "It was a dream come true."

The second problem the Association sought to resolve concerned communication. Since the department was structured on a military command system, any contact with upper level management had to proceed through channels. The Troopers needed an advocate who could meet with the Director of the Department and convey the Troopers' needs to him.

The third article expressed the most important need Troopers were concerned about – dignity. There are literally thousands of individual incidents relating to officers being treated unfairly by superiors simply because "rules are rules and they must be obeyed." President Gotts related, "I vividly recall reading a Departmental policy to the effect that no post commander would alter the schedule of post personnel to allow them to attend college or to further their education. The reasoning was that they were police officers and should not be fooling around in school when they could be utilizing that time to do police work." Also related to this was the opportunity to redress grievances. To quote Gotts, "A minimal number of grievances were filed because it took a long time for the grievance to progress through the steps within the Department prior to reaching Civil Service. In a clear majority of the cases, except the most flagrant abuses, Civil Service denied grievances concerning working conditions and discipline. Some grievances took years to get a final settlement. During this time management could alter work schedules and work

locations of the grieving employee. It was soon learned that to suffer a cut finger was a better option than pursuing the cut finger and ending up with a broken leg.” The establishment of an Association at least provided some backing and moral support for the grievant.⁶

The Association idea arose from individual Troopers at the Newaygo Post, led by Howard Kelly. It was not greeted with enthusiasm by the Department. Within a short period the founding officers at Newaygo were all transferred to various locations. Of course, this tactic merely spread the gospel and the Association continued to grow, even though it was a strictly voluntary organization. It should be noted that pay was not an issue when the Association was founded. In 1964 the Troopers were the best paid police officers in the State of Michigan. This situation was to change at the end of the decade and bring the Troopers Association to the forefront of state employee groups.

In 1965 the Legislature passed the Public Employment Relations Act (PERA)⁷ which gave collective bargaining rights to public employees. However, state classified employees were not covered by the Act and so State Troopers were still covered by Civil Service rules and regulations. At the time of its passage PERA did not directly impact upon the Association. The Troopers Association was caught up in problems of an internal nature. For example, retaining presidents for more than one term (1 year) was virtually impossible. Five of the first six presidents are no longer employed by the State Police.⁸ Although the Association was dealing with many of the same problems it had in 1964, by the early 1970's new issues came to the forefront; i.e., pay. In 1969 the Trooper was no longer number one in pay. Still, a Trooper made \$10,000 per year compared to the state average of \$8,838 per year. The highest paid department was Grosse Pointe Woods at \$10,875 per year.

By 1973 (August) an M.S.P.T.A. pay survey showed State Police ranked 34th, making \$13,700 per year.⁹ The state average was \$13,238 per year and the leading department was Oak Park at \$15,529 per year.

Troopers salaries had risen 35% in four years, but the rest of the police officers in the state had seen their salaries rise an average of 48.3%. Detroit Police had been given a 45% increase and were at \$15,000 per year. The difference was caused by a combination of collective bargaining under PERA, the enactment of a compulsory binding arbitration law (1969, Public Act 312) for police and firefighters, and the Civil Service pay system. While local police officers were bargaining for wages and other working conditions, the State Troopers still dealt with the Civil Service system on a meet and confer basis.

The advent of compulsory and binding arbitration resulting in wage increases as well as cost of living adjustment plans, pushed police and firefighter salaries at the above rate. Troopers were not benefiting from this law and thus relatively they suffered. In the Troopers's minds the distinction is very important. The military training of recruit school and the official position of the Department echo the emphasis upon being the best in every aspect of the job. The Department of State Police justified many of the employee's hardships, i.e., weekly shift rotation, transfers without notice and voluntary work without

pay, on the argument that Troopers are the best and should be willing to endure any hardship to stay number one. However, the paycheck wasn't reflecting the status Troopers believe they have and this inconsistency drove the Association to seek collective bargaining rights.

First the Association attempted to attain the right to bargain through Civil Service. In 1964 the Commission first recognized the M.S.P.T.A. as the official representative of both Troopers and Sergeants. However, by 1971 little had changed – “Excluded for study by the Advisory Employment Relations Committee (AERC) were such twentieth century topics as: collective bargaining, impasse procedures, unfair labor practices and the right to strike.”¹⁰ The AERC was one of a number of panels which the Civil Service Commission impaneled throughout the 1970's to bring change to the Civil Service employee relations systems. Since no progress was being made, by early 1974 the Association decided to find another way to gain bargaining rights. In a press release of February 22, 1973, President Gene Wigglesworth stated, “Our break has to come now. The Civil Service Commission has ordered the Compensation Advisory Board (CAB) reinstated again this year. We believe the CAB serves primarily as a tool of management.”¹¹ Wigglesworth went on to say, “I'm not sure we would have to take this step if the Civil Service Commission had given us any encouragement over the past two years.”¹²

The Association planned to seek collective bargaining in two ways. First through the legislative action where a two-thirds vote of both legislative houses would amend the State Constitution. The other to collect signatures on petitions that guarantees a place on the ballot for the amendment. The amendment process was necessary because Civil Service is empowered to set rates of pay and conditions of employment of all state classified workers through Article XI Section 5 of the Michigan Constitution.¹³ Since Civil Service refused to grant collective bargaining rights, the Association decided to pursue them on their own. Everyone said it was impossible and they were almost right.

In May of 1974 the Association hired a new Executive Director, the late Mr. Doil C. Brown. His hiring was to have a tremendous impact upon the struggle³ for collective bargaining. It was through his perseverance that the Association came so far in such a short time. The position of Executive Director went beyond turning out the Trooper Magazine and running the office. With the Department's ability to transfer and in some cases harass Association officers, the Executive Director became the official spokesman of the Association. He was untouchable, except through internal political channels. While the Association struggled to achieve bargaining rights, there was continual internal turmoil over the actions and statements of the Executive Director.

However, according to various individuals, had it not been for Doil, success would not have been achieved.¹⁴ The Executive Director under Doil took on an increased presence in the Legislature, lobbying for improvement in pay and benefits for State Troopers. Mr. Brown worked continually in attempting to bring the Civil Service system in line with collective bargaining agreements in areas such as pay, fringes, grievance procedures and other working conditions.

The petition drive set forth in 1973 fell flat due to confusion over the time allowed to collect signatures and disorganization on the part of the Association. The Association tried another avenue – the Legislature. While the Troopers Association continued to move toward collective bargaining status, the Civil Service Commission continued on its course by establishing an employment relations task force in January 1975 to look into the following:

- “(a) Recognition and unit determinations;
- (b) Structure and scope of negotiation;
- (c) Methods of resolving impasse;
- (d) Conduct of disclosure;
- (e) Enforcement of fair labor practices;
- (f) Grievance procedure guidelines;
- (g) Administrative mechanism to regulate, enforce, and effectuate policy.”¹⁵

In March of 1975, Representative Ted Stopczynski of Detroit, drafted a bill calling for amendment of Article XI Section 5 of the Michigan Constitution. “It isn’t easy to change the constitution. However, we see this as the only way to get collective bargaining for State Police.”¹⁶ The Association pointed toward the General Election of November of 1976 with introduction of House Joint Resolution X calling for amendment to the Michigan Constitution (1963).¹⁷ The first hurdle met by the Joint Resolution was an announcement that Troopers were going to affiliate with the Teamsters Union. A group of dissident Association members from the Detroit area formed an organization called the Command Officers Association and made inquiries into affiliating with labor groups. The resulting confusion on the part of the public and the Legislature as to who represents the Troopers may have hurt the bill.¹⁸ By the fall of 1975 both the AFL-CIO and SEIU had voiced support for House Joint Resolution X.¹⁹ Unfortunately, this support was double-edged. While many politicians did not mind Troopers having bargaining rights, they had trouble giving all state employees the right to bargain. At the same time (September 1975) Civil Service issued another new employment relations policy. It covered everything not examined in January of 1975. However, in almost every aspect of employment relations, the Civil Service Commission retained its authority. This included the right to amend an arbitrator’s decision. The policy was one more move by Civil Service in its attempts to scuttle HJR X.²⁰ In November of 1975 the director of the Department came out against collective bargaining ... “it is my position that collective bargaining rights and procedures should not be established for state employees.”²¹ Just to add more confusion, in October AFSCME introduced House Joint Resolution EE giving collective bargaining rights to all state employees.

The Association continued to emphasize the pay differentials of Troopers and other officers. By January 1975 Troopers ranked 75th in the state, making \$14,281 per year compared to Detroit P.D. at \$17,280 per year.

In February of 1975 the Legislature began to tamper with HJR X. It came out of the House Committee as a constitutional revision with confusing amendments and HJR EE

slipped through with no hearing. In addition, Senator William Fitzgerald introduced a resolution urging Civil Service to reconsider pay levels of Troopers.²² While the House went through three votes on HJR X, the Civil Service Commission reconsidered and then recommended a \$1,000 pay raise for State Police Troopers and Sergeants.

Doil Brown reacted,

“The additional pay increase of \$1,000 will help State Police morale in the immediate future, but it is no long term substitute for changing the Constitution to allow collective bargaining for State Police Officer.”

Meanwhile the Civil Service Commission instituted another draft of the employee relations policy in May of 1976.²³

Finally, in the summer of 1976 HJR X died. It was apparent to the Association that the \$1,000 pay raise was the Governor’s political attempt to stop HJR X. In July of 1976 the Association decided to pursue a petition drive in order to put the constitutional amendment on the ballot in November 1978. Three hundred thousand signatures would be needed. It would be an immense task, however, the Troopers Association had come from relative obscurity into the political limelight as a leader in public employee organizations. From an article in the *Sentinel*, the in-house organ of Local 31-M of the Service Employees International Union, “When a pay increase like this one is passed, traditionally all the employee organizations get on the band wagon and claim the credit. And 31-M did push for the increase. However, the real credit must go to an organization not many MESOC people are aware of. That organization is the State Troopers Association.”²⁴

By October 1976 the petitions were ready and the language agreed upon to amend the constitution:

“State Police Troopers and Sergeants shall through their elected representative designated by 50% of such troopers and sergeants, have the right to bargain collectively with their employer concerning conditions of their employment, compensation, hours, working conditions, retirement, pensions, and other aspects of employment except promotions which will be determined by competitive examination and performance on the basis of merit, efficiency and fitness; and they shall have the right 30 days after commencement of such bargaining to submit any unresolved disputes to binding arbitration for the resolution thereof the same as now provided by law for public police and fire departments.”²⁵

The language was constructed in a manner to assure its best chance of being voted in. Civil Service was left complete control of promotions. The Association felt the Executive Branch would be the employer and the wording assured that binding arbitration would parallel Act 312 by using the wording “as now provided.” Doil Brown was very much aware that the Legislature could change or eliminate the Act.

The petition drive was formally launched in January of 1977. Two new factors entered the scene which affected the successful outcome of the petition drive. First, Gordon Gotts was elected President of the Association. The previous President, Gerald Zielinski, had been from Munising in the Upper Peninsula which made it difficult for him to participate in Lansing on a regular basis. Gotts, on the other hand, was stationed at Bridgeport (near Saginaw) and was able to devote more time to Association business. He caught from Doil Brown the belief that the signatures could be secured.²⁶ Second, the City of Detroit requested aid from the State to make the city's freeways safe. Governor Milliken dispatched the State Police. By February of 1977 approximately 120 Troopers were patrolling Detroit's freeways. The public exposure in metro Detroit and the influx of available petition gatherers certainly helped in the signature campaign. With the pay issue not as acute as in years past, the momentum among the Association membership might have disappeared, but it did not. When the Department assigned the officers to work on the freeway patrol in Detroit, a transfer of some 126 people occurred. As in the past, there was no stated reason for why one Trooper went versus another. The transfer issue struck everyone close to home. An officer could be transferred anywhere at anytime. I believe this one issue, transfer policy, brought the Association membership together as had the five day work week fifteen years earlier. This issue affected every Trooper and Sergeant in the Department. I personally heard Lieutenant Colonel Hassinger tell a Trooper at Detroit that if he did not like being sent there he should find another job. The Department's attitude had not changed since 1964 and many Troopers who had not been active in the Association before worked long and hard to get the required number of petitions.

On July 5, 1978, 298,000 signatures were turned in to the State Elections Commission.²⁷ The signatures were challenged by the elections staff of the Secretary of State. Last minute moves by the Association legal counsel prevented the Commission from denying the amendment a place on the ballot.²⁸ Proposal G appeared on the ballot and was passed on November 7, 1978, by a 56% to 44% margin.²⁹

The Association achieved the collective bargaining victory by presenting Proposal G as an equitable solution to the problem of unequal pay. Troopers stressed their belief that policemen should not strike, and that if other police officers had collective bargaining rights why shouldn't they. The battle to gain the right to bargain took five years, yet the battle to implement the amendment was still ahead.

The first disagreement arose over the issue of the employer. The Association requested an Attorney General's opinion which was issued on January 9, 1979. The Attorney General opined that the "employer" is the Governor's designated representative.³⁰ The Association's goal was to detach itself from the influence of Civil Service by using procedures of the Michigan Employment Relations Commission (MERC). Senate Bill No. 1733 of 1978 would have accomplished this, however, Governor Milliken vetoed the bill.³¹ The bill was reintroduced in the next session, passed, and then vetoed again. The Association marshaled its political forces and attempted to override the veto, however, the veto held.³² The Governor's position was that Civil Service by constitutional mandate

should establish procedures for unit determination and representation. The Association argued that the Civil Service Commission was not a neutral third party, but an arm of the employer, since the Commissioners are appointed by the Governor.

The Association sought relief in the Court of Appeals, as well as the Supreme Court of Michigan. Both courts refused petitions of mandamus which would have forced the Governor to recognize the Association and apply MERC rules and regulations. During the summer, private negotiations continued and appeared to be fruitful when suddenly the Governor's representative stated that the Sergeants and Troopers would have separate bargaining units.³³ These negotiations broke down August 3, 1979. On September 18, 1979, approximately forty Troopers and Sergeants picketed the Governor at the Capitol in Lansing. The signs stated, "Milliken Unfair to Troopers."

On October 3, 1979, Gordon Gotts met with the Governor. He agreed to submit the unit determination issue to the Attorney General. After further negotiations with the Governor's office it was decided that the American Arbitration Association would conduct the representation election. It was also agreed between the Association and counsel for the Department of State Police that an agreement for Sergeants would be negotiated on issues that only affect them.³⁴ It should be noted that management never brought up the issue again. The current contract covers both Troopers and Sergeants.

On February 26, 1980, the M.S.P.T.A. was certified by the American Arbitration Association as the exclusive representative of State Police Troopers and Sergeants by a vote of 1,922 to 35 who voted for no representation.³⁵ On March 3, 1980, the Association met with the Governor's representative, the Department of State Police and began negotiations. The morning of May 22, 1980, tentative agreement was reached and the contract was ratified on June 19, 1980, by the M.S.P.T.A.'s Executive Board. The first collective bargaining agreement between the State of Michigan and its classified employees took effect on July 1, 1980.

Despite the new employee relations policy recently adopted by the Civil Service Commission, "only Police Troopers among state employees have full collective bargaining rights, as a result of a constitutional amendment."³⁶

It has been a long struggle for the Troopers Association and it continues, for on June 11, 1979, in response to a Civil Service request the Attorney General advised, "(1) Civil Service has jurisdiction for representation elections; (2) Changes in benefits must match the time frame of other state workers; (3) All increases must be incorporated in the Governor's budget proposals."

The Attorney General argues that because the collective bargaining is contained in the Article of the Constitution establishing Civil Service, they have mandate to establish their employment relations policy.³⁷

This means that although the current agreement between the M.S.P.T.A. and the Department does not expire until September 30, 1982, economic negotiations for the next

contract must be completed by October 1, 1981 to keep in the correct time frame with other state workers and the legislative budget process.

Another unresolved issue is pensions. The Association is currently awaiting an Attorney General's opinion as to whether the Association can bargain the pension plan for State Troopers. Since pensions in State Police are established by law, there is uncertainty whether the parties have a right to bargain a change in the law.

Since its inception in 1964 the Association has continued to pursue the goals of representation, communication with management and most importantly, dignity for individual officers. Against the wishes of the Civil Service Commission, the Governor and the Department of State Police, the Troopers Association achieved collective bargaining rights by amending the Michigan Constitution. This was an unprecedented achievement. The reasons for the Association's success revolve around the close knit spirit Troopers have acquired from their academy training, the persistence of Mr. Doil Brown in the belief that the only way Troopers could achieve equity in the work place would be to disassociate from Civil Service as much as possible, and the dedication of individual Troopers and Sergeants like Gordon Gotts, who used all their free time for a four-year period to work for collective bargaining. The Association has risen to challenge the military structure of the Department, has gone to the electorate to establish collective bargaining that gives both parties equal status in the bargaining relationship and has set numerous precedents for State classified workers in the collective bargaining arena. The Association has led the way for 70,000 State workers into the collective bargaining arena.

The irony is that of all the workers employed by the State, the Troopers are by nature anti-union. The employment relations policies of the Civil Service Commission and the Department of State Police were so inequitable and hypocritical that the Troopers had to organize to retain their "individual dignity." And so the smallest employee group in the State classified service has been able to make the greatest gains in obtaining a voice in their wages, hours, and conditions of employment.

NOTES

1. Reisig, Donald R., Defendants Trial Brief. Floyd L. Milliken et al v. Michigan State Police Troopers Assn., Jackson County Circuit Court, April 20, 1981, p. 1.
2. Minutes of the M.S.P.T.A. Executive Board, May 22, 1964.
3. Article 3 M.S.P.T.A. Constitution, Adopted May 1964.
4. Op.Cit., Reisig, Donald R., p. 3.
5. Karnitz, Harold, Interview May 20, 1981, former Vice President of M.S.P.T.A.
6. Ibid.
7. Public Employment Relations Act 1947, PA 336 as amended by 1965 PA 379.
8. The one exception is Lt. Donald Pederson, one of the original members from Newaygo; he is now the Post Commander at Newaygo.
9. TROOPER Magazine, Feb. 1974, Vol. 12, No. 2, p. 38.

10. TROOPER Magazine, "Let us Alone, MSPTA tells Recognition Group," June 1973, Vol. 10, No. 6, p. 14.
11. TROOPER Magazine, "MSPTA asks for Collective Bargaining and Arbitration," February 1973, Vol. 10, No. 2, p. 3.
12. Ibid., p. 3.
13. Michigan Constitution Article XI Section 5 (1963).
14. Gotts, Gordon, Interview April 29, 1981.
15. TROOPER Magazine, "New Employee Relations Policy," January 1975, Vol. 13, No. 1, p. 19.
16. TROOPER Magazine, "Introduces Collective Bargaining Bill," March 1975, Vol. 13, No. 2, p. 3.
17. TROOPER Magazine, "Past Presidents Column," May 1975, Vol. 13, No. 5, p. 5.
18. Op.Cit., Gotts Interview
19. TROOPER Magazine, "AFL-CIO and SEIU Want Collective Bargaining," August 1975, Vol. 13, No. 8.
20. Brown, Doil, Discussions of July 8, 1979 at Quarterly MSPTA Board meeting.
21. Halverson, George L., Letter to Mr. Richard Ross, TROOPER Magazine, Nov. 1975, Vol. 13, No. 11.
22. through 37 missing.

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2. Government Employee Relations Report, No. 807:22, June 1979.
3. Government Employee Relations Report, No. 855:28, March 1980.
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5. Kelly, Frank, Attorney General Opinion No. 5430, January 9, 1979.
6. Michigan State Police Troopers Association Constitution.
7. Minutes of the M.S.P.T.A. Executive Board Meeting, May 22, 1964.
8. Reisig, Donald R., Trial Brief. Floyd L. Milliken et al v. Michigan State Police Troopers Association, Jackson County Circuit Court, April 20, 1981.
9. TROOPER, February 1974, Vol. 12, No. 2.
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15. TROOPER, "AFL-CIO and SEIU Want Collective Bargaining," August 1978, Vol. 13, No. 8.

16. TROOPER, "HJR 'X' Passes Committee," February 1976, Vol. 14, No. 2, p. 3.
17. TROOPER, June 1976, Vol. 14, No. 6, p. 8.
18. TROOPER, "278,000 Signatures Turned In," July 1978, Vol. 16, No. 6.
19. TROOPER, "Call us Proposal G," Sept., 1978, Vol. 16, No. 7.