

STATE OF MICHIGAN
COURT OF APPEALS

SEAN WERDLOW, CHIEF FINANCIAL
OFFICER/FINANCE DIRECTOR; ROGER
SHORT, BUDGET DIRECTOR; RUTH
CARTER, CORPORATION COUNSEL; ROGER
CHEEK, MAYOR'S DESIGNATED
REPRESENTATIVE; and CITY OF DETROIT,

Plaintiffs-Appellants,

v

CITY OF DETROIT POLICEMEN AND
FIREMEN RETIREMENT SYSTEM BOARD OF
TRUSTEES, DETROIT FIRE FIGHTERS
ASSOCIATION LOCAL 344, I.A.F.F., and
DETROIT POLICE COMMAND OFFICERS
ASSOCIATION,

Defendants-Appellees.

FOR PUBLICATION
January 12, 2006
9:00 a.m.

No. 254516
Wayne Circuit Court
LC No. 03-333681-CL

Official Reported Version

Before: Cooper, P.J., and Fort Hood and R.S. Gribbs*, JJ.

COOPER, P.J. (*concurring*).

I agree with the majority that we should affirm the trial court's order granting summary disposition in defendants' favor. I write separately, however, as I do not want any of the gratuitous comments in the majority's lengthy analysis to be considered rulings or dicta in this case. The resolution of this case is, in fact, very simple—we do not have jurisdiction. Therefore, this Court must enter a clear and affirmative order remanding this dispute for grievance arbitration that includes the union defendants.

Our review of an arbitration award is very limited. As noted by the majority, we may only examine jurisdictional issues; review the evidence to determine whether the arbitrator's order was supported by competent, material, and substantial evidence on the record; and

determine whether the award was procured by fraud or collusion.¹ Plaintiffs asked the trial court, and this Court on review, to interpret undefined terms and provisions in the DPCOA and DFFA collective bargaining agreements, including the parity provisions. However, those interpretations are within the purview of a 1969 PA 312 arbitration. No other comment is necessary.

I also agree with the majority that we must remand to allow the trial court to clarify its order granting defendants' motion for summary disposition. While inartfully worded, it appears that the trial court intended to impose a restraining order to prevent the modification of the board composition without an agreement among all affected parties or a resolution from the arbitration panel.

/s/ Jessica R. Cooper

¹ See MCL 423.241.