

**STATE OF MICHIGAN  
BUREAU OF EMPLOYMENT RELATIONS  
LABOR RELATIONS DIVISIONS**

In the Matter of:

UNIVERSITY OF MICHIGAN,  
Public Employer,

Case No. R04 F-084

-and-

UNIVERSITY OF MICHIGAN SKILLED TRADES UNION,  
Petitioner-Labor Organization.

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APPEARANCES:

David J. Masson, Esq., Assistant General Counsel, for the Public Employer

Gallagher & Gallagher, P.L.C., by Paul Gallagher, Esq., for the Labor Organization

**DECISION AND DIRECTION OF ELECTION**

Pursuant to Section 13 of the Public Employment Relations Act (PERA), 1965 PA 379 as amended, MCL 23.213, this case was heard in Detroit, Michigan on February 7, 2005, by Administrative Law Judge Roy L. Roulhac for the Michigan Employment Relations Commission. Based on the record, including briefs filed by the parties on or before May 2, 2005, the Commission finds as follows:

The Petition and Positions of the Parties:

On June 14, 2004, Petitioner University of Michigan Skilled Trades Union filed a petition seeking to accrete the classification of facility systems technician I to its bargaining unit of skilled trades employees. There are currently seven employees in this classification. The Employer maintains that the petition is inappropriate because the facility systems technicians do not perform the same type or scope of work as the skilled trades employees. In addition, the Employer asserts that the facility systems technicians I share a community of interest with a residual unit of unrepresented technical employees and contends that Petitioner is seeking to accrete only a fragment of this unit. The Employer asserts that there are twenty classifications in its technical job family sharing a community of interest with the facility systems technicians.

Facts:

Petitioner's bargaining unit is composed of approximately 480 employees who work in buildings at all of the University's campuses and are responsible for remodeling, renovations, and repairs. The unit

includes employees in thirty-three classifications, including: electricians; sheet metal workers; roofers; painters; masons; plasterers; carpenters; pipe fitters; sheet metal helpers; communications workers; heavy equipment operators; high voltage electricians; HVAC control specialists; plumbers; telecommunication specialists; telephone installer/repair persons; welders; construction laborers; material expeditors; sanitary and storm water systems specialists; air conditioning and refrigeration mechanics; industrial electricians; industrial machinists; fire alarm electricians; elevator mechanics; central power plant electricians; glaziers; sign painters; laborers; and apprentices.

Most of the classifications in the bargaining unit are considered traditional skilled building trades positions, which require a four to five-year apprenticeship. Prior to being hired by the University, applicants for an apprenticeship are interviewed by a committee of union and management employees. Once accepted, they must complete a four to five-year combination of course work and on the job training in their particular trade. They then move into a journey level skilled trades position, in which they are expected to perform an entire spectrum of mechanical repairs and construction that is within their field of expertise. There are certain employees in the unit, such as material expeditors, telephone installer/repair persons, and laborers, who assist the trades employees at the job site and are not required to serve an apprenticeship.

The University maintains a job classification system that groups employees into job families. The technical job family includes over 500 unrepresented employees in approximately 150 job classifications. The technical job family classification is defined in the Employer's Personnel Standard Practice Guide as follows:

This group includes occupations concerned with the theoretical or practical aspects of fields of endeavor that require rather extensive education or practical experience, for the proper performance of the work; the need for initiative and judgment in dealing with complicated work situations is considerably less than in those fields which are considered as "professional". Technical occupations are typically confined to relatively restricted fields of activity, many of them being concerned with the technical or mechanical aspects of broader theoretical fields of endeavor, and knowledge of which is characteristically acquired through appropriate experience or formal education beyond high school.

The seven facility systems technicians sought by Petitioner are included in the technical job family. They perform work on the University's water treatment, heating and air conditioning, and electrical systems. The facility systems technicians are required to have a high school education and additional specialized training and/or experience. The facility systems technicians do not participate in an apprenticeship program. Most of their training is on the job.

The job responsibilities of the facility systems technicians are varied. One facility systems technician tests water samples in air conditioning systems to prevent biological contamination. If a chemical imbalance exists, the technician adjusts the calibration of the pumps or contacts an air conditioning mechanic to make repairs. Another facility systems technician inspects the University's emergency lighting systems to

determine if the system switches to battery power and produces the necessary lighting. If repairs are needed, the technician submits a work order for an electrician, a skilled trades employee, to make the repairs. A third facility systems technician installs vibration sensors on mechanical equipment, including pumps, motors, and fans. If extensive repairs are needed, the technician prepares a work order for a skilled trades employee to perform the repairs. The facility systems technician assigned to the Mental Health Research Institute fabricates and repairs lab and building equipment. In some cases, skilled trades persons historically performed some of the duties of the facility systems technicians. Many of the technicians report to the same work locations and to the same supervisors as employees in Petitioner's unit.

Within the group of technical employees there are twenty classifications which the Employer claims share a community of interest with the facility systems technicians: allied health tech specialists; senior allied health tech specialist; media engineers I, II and III; draftspersons I and II; senior draftspersons; engineering technicians I, II and III; senior engineering technician; biomedical engineering technicians; instrument maker II; instrument analysts I and II; electronics technicians II and III and senior electronics technician. The job descriptions for these positions indicate that employees in these classifications perform a wide variety of duties. They provide technical expertise in the maintenance and use of complex equipment; install, adjust, monitor, and repair various equipment, including radio and/or television equipment, specialized scientific or engineering equipment, computerized medical or clinical equipment, and scientific instrumentation systems, such as electron microscopes, spectrometers, and x-ray diffraction units; perform architectural or engineering drafting and design work; and perform complex analyses using specialized testing and calibration equipment and procedures. Some work on electrical wiring, motors, pumps, meters, vacuum tubes, microphones, video monitors, and various pieces of lab equipment utilizing hand and power tools.

Most of the positions among these twenty technical classifications require only a high school education. However, some are required to supplement their high school education by up to two years of course work in a wide range of subjects, such as electronics, drafting, mechanical drawing, applied mathematics, physics, chemistry, or engineering. A few of the positions require associate's or bachelor's degrees or equivalent experience.

#### Discussion and Conclusions of Law:

The University opposes the accretion of the facility systems technicians to the Skilled Trades bargaining unit, contending that Petitioner seeks only a fragment of a residual unit of technical employees who share a community of interest. The Employer asserts that employees in the twenty technical classifications are responsible for routine inspecting and repairs and, therefore, share a community of interest with the facility systems technicians.

The Employer points to a long line of cases in which the Commission has held that employees in the technical job family at the University share a community of interest and that a petition seeking to organize a fragment of that job family is inappropriate. See *Univ of Michigan*, 1990 MERC Lab Op 29 (utility system technicians and biomedical engineering technicians have skills and training similar to classifications in the technical unit); *Univ of Michigan*, 1977 MERC Lab Op 655 (licensed practical nurses are only a

fragment of an appropriate unit of technical employees); *Univ of Michigan*, 1975 MERC Lab Op 687 (licensed practical nurses should be included in a unit of all technical employees); *Univ of Michigan*, 1975 MERC Lab Op 176 (proposed unit of health care employees omitted numerous classifications with comparable training and technical duties).

However, in *Univ of Michigan*, 1993 MERC Lab Op 479, aff'd unpublished opinion of the Court of Appeals, issued April 13, 1995 (Docket No. 167048), we rejected the employer's assertion that a labor organization seeking to represent some of the employees that the employer included in a group of unrepresented technical employees must seek to represent the entire unorganized group. Noting that while we must "make the bargaining unit as large as possible consistent with community of interest," we rejected the employer's assertion that positions shared a community of interest merely because the employer chose to include them in its technical job grouping. *Univ of Michigan*, 1993 MERC Lab Op at 483, citing *Hotel Olds v State Labor Mediation Board*, 333 Mich 382 (1952). We noted that the obvious disparity of technical training and the diversity of work locations would create an impossible burden for a labor organization and would deny public employees the opportunity to be represented. In the 1993 *Univ of Michigan* case, the petitioner represented employees who maintained the University's heating, ventilation, and air conditioning systems (HVAC) and sought to accrete utility system technicians who monitored and assisted in repairing these systems. We declined to adopt the employer's argument that the utility system technicians were appropriately included in the unrepresented 150-classification technical family, which included such diverse positions as piano tuners, cyclotron operators, bartenders, licensed practical nurses, respiratory therapists, draftspersons, model makers, and glassblowers. Rather, we found that they shared a community of interest with the petitioner's bargaining unit since they were all engaged in the operation of the HVAC systems; they worked on the same equipment in the same locations, had similar training, and utilized comparable skills.

As noted above, the Employer also claims that the representation petition in this matter should be denied because Petitioner only seeks to represent a fragment of the residual unit of technical employees. However, rather than contending that the facility systems technicians share a community of interest with employees in the entire 150-classification technical family, the Employer claims that they share a community of interest with employees in twenty classifications in the technical group who are responsible for inspecting and repairing various pieces of hospital, laboratory, and audio-visual equipment. The record establishes that these employees provide technical expertise in the maintenance and use of complex equipment, including installing, adjusting, monitoring, and repairing radio and/or television equipment, specialized scientific or engineering equipment, computerized medical or clinical equipment, and scientific instrumentation systems, such as electron microscopes, spectrometers and x-ray diffraction units. While the level of skill and education of these employees may be similar to the facility systems technicians, the type of work they perform and the instrumentation used is entirely different. Further, they have no contact with the facility systems technicians and work at separate locations under different supervision.

In contrast, like members of Petitioner's bargaining unit, the facility systems technicians perform work on the University's water treatment, heating and air conditioning, and electrical systems. Most of them report to the same work locations and to the same supervisors as employees in Petitioner's unit. In some

cases, skilled trades employees historically performed some of the duties that are now performed by the facility systems technicians. While many of the employees in the skilled trades bargaining unit have greater expertise and training due to their involvement in the apprenticeship program, this is not true of all employees in the unit. The bargaining unit includes employees, such as material expeditors and laborers, who provide assistance to the skilled trades employees, but do not share their training and expertise. Based on the above factors, we find that the facility systems technicians share a community of interest with employees in Petitioner's bargaining unit and lack a community of interest with the group of technical employees suggested by the Employer. We therefore issue the following Order:

**ORDER DIRECTING ELECTION**

Based on the foregoing, we find that a question of representation exists within the meaning of Section 12 of PERA and direct an election in which the facility systems technicians I shall vote to determine whether they wish to be represented by Petitioner. A vote for the University of Michigan Skilled Trades Union, in accordance with the attached Direction of Election, shall indicate their desire to be accreted to Petitioner's bargaining unit.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

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Nora Lynch, Commission Chairman

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Nino E. Green, Commission Member

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Eugene Lumberg, Commission Member

Date: \_\_\_\_\_