

**STATE OF MICHIGAN  
EMPLOYMENT RELATIONS COMMISSION  
LABOR RELATIONS DIVISION**

In the Matter of:

CITY OF GRAND RAPIDS,  
Public Employer,

Case No. UC04 A-004

-and-

GRAND RAPIDS EMPLOYEES INDEPENDENT UNION,  
Labor Organization - Petitioner,

-and-

ASSOCIATION OF PUBLIC ADMINISTRATORS OF  
GRAND RAPIDS,  
Labor Organization - Interested Party.

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**APPEARANCES:**

Nantz, Litowich, Smith & Girard, by John H. Gretzinger, Esq., for the Public Employer

Kalniz, Iorio & Feldstein Co., L.P.A., by Krista B. Durchik, Esq., for the Petitioner

Vaughn Humphrey, for the Association of Public Administrators of Grand Rapids

**DECISION AND ORDER**

Pursuant to Section 12 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.212, this case was heard in Detroit, Michigan, on June 12, 2005, by Roy L. Roulhac, Administrative Law Judge for the Michigan Employment Relations Commission. Based on the record and briefs filed by the Employer and Petitioner by August 24, 2005, we find as follows:

**The Petition and Positions of the Parties:**

On January 27, 2004, Petitioner Grand Rapids Employees Independent Union (GREIU) filed a petition to clarify its bargaining unit by adding a plans examiner I position, which it claims was created in October 2003. The Employer, City of Grand Rapids, asserts that the unit clarification petition is inappropriate because the plans examiner I position is not a new or recently changed position. Rather, the City argues that it is a renamed administrative analyst I position which was created in July 2001 and placed in a managerial/supervisory bargaining unit represented by the Association of Public Administrators of Grand Rapids (APAGR).

Facts:

Petitioner represents approximately 700 non-supervisory employees of the City of Grand Rapids. The bargaining unit consists of a wide range of classifications, from those involving manual labor to classifications that require highly skilled/technical qualifications.

In 1998, the Employer consolidated all of its inspection functions into a Development Center in order to provide a single location for people interested in developing projects within the City. At that time, there were two building inspector II positions responsible for inspecting new and renovated construction projects for compliance with building codes and standards. GREIU bargaining unit members Jack Kleinheksel and John Johnson occupied those positions. When Johnson developed a medical condition that prevented him from performing building inspector II duties outside of the office, the Employer relieved him of those duties and assigned him to a variety of tasks in the office related to plan review, development, and code consulting.

When Johnson retired in January 2000, his position was not filled. In July 2001, the Employer created a new administrative analyst I position. An existing administrative analyst I position was already included within the APAGR's bargaining unit, but the nature of the work of that position was substantially different from that of the new position which incorporated many of the duties that Johnson had performed in the office as a building inspector II. The new administrative analyst I position was posted, filled on an acting basis by David Barbour, and placed in the managerial/supervisory bargaining unit represented by the (APAGR). Barbour was assigned to the position on a permanent basis on October 1, 2002.

In July 2003, following Barbour's promotion to the position of building inspector supervisor, the Employer initiated steps to reclassify the administrative analyst I position, and in October 2003, the Civil Service Commission approved the creation of a plans examiner I position to replace the administrative analyst I position. The work of the plans examiner I position was the same as the work of the administrative analyst I position that it replaced.

In October 2003, the Employer and the APAGR entered into an agreement to place the plans examiner I position in the APAGR's bargaining unit. The plans examiner I position was posted on March 18, 2004 and filled on June 28, 2004. In the meantime, on January 27, 2004, Petitioner had filed its unit clarification petition.

Discussion and Conclusions of Law:

The Employer takes the position that the unit clarification petition is inappropriate and untimely. According to the Employer, the plans examiner I position is the renamed administrative analyst I position without substantial changes in duties; that position was appropriately placed in the APAGR bargaining unit because it possesses supervisory authority and shares a community of interest with other managerial employees. Although we agree with Petitioner that there are many similarities in duties, skills, and working conditions between the former building inspector II position and the positions of administrative analyst I and plans examiner I, we find that Petitioner's challenge to the unit placement of the plans examiner I is untimely.

It is well settled that a unit clarification petition is only appropriate when there have been recent substantial changes in a position's job duties and responsibilities. *Lapeer Co*, 1993 MERC Lab Op 649; *Washtenaw Cmty College*, 1993 MERC Lab Op 781; *Port Huron Area Sch Dist*, 1989 MERC Lab Op 763; *Genesee Co*, 1978 MERC Lab Op 552, 556. The record establishes and the GREIU acknowledges that the position at issue is not new. In July 2001, the newly created administrative analyst I was placed in a bargaining unit represented by the APAGR. In October 2003, the position was renamed as plans examiner I position. Therefore, we find that plans examiner I is not a newly created position and is not a position that has undergone recent, substantial change. The unit clarification petition is untimely and inappropriate because it was filed more than two years after the position was created. Compare *Macomb Co Cmty College*, 2000 MERC Lab Op 165. Accordingly, we issue the order set forth below:

**ORDER**

Petitioner's request to clarify its bargaining unit to include the plans examiner I position is denied.

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: \_\_\_\_\_