

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

In the Matter of:

CITY OF GRAND RAPIDS, LABOR RELATIONS,  
Public Employer,

-and-

Case No. UC97 H-40

ASSOCIATION OF PROFESSIONAL ADMINISTRATORS,  
Intervenor-Labor Organization,

-and

GRAND RAPIDS EMPLOYEES INDEPENDENT UNION,  
Petitioner-Labor Organization.

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APPEARANCES:

Russell W. Claggett, Esq., Labor Relations Manager, for the Employer

Kalniz, Iorio & Feldstein Co., L.P.A., by Ted M. Iorio, Esq. for the Labor Organizations

**DECISION AND ORDER**  
**ON**  
**PETITION FOR UNIT CLARIFICATION**

Pursuant to Sections 12 and 13 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCLA 423.212 and 423.213, MSA 17.455(12) and (13), this case was heard in Lansing, Michigan, on July 29, 1998, by Administrative Law Judge Roy L. Roulhac for the Michigan Employment Relations Commission. Based on the record and post-hearing briefs filed by October 26, 1998, we find as follows:

The Petition and Issues Presented:

In 1997, the City of Grand Rapids created a cemetery sales and marketing coordinator position and placed it in the Association of Professional Administrators (APA) bargaining unit. On August 29, 1997, the Grand Rapids Employees Independent Union (GREIU or Petitioner) filed this petition with the Commission seeking clarification of that position. It contends that the new position shares substantially similar duties with other positions that are properly included in the GREIU unit.

Facts:

In the early 1990s, the City of Grand Rapids entered into a contract with L.F. Sloane Consulting Group, a firm specializing in cemetery operations and development, to suggest strategies to improve its operation of six city-owned cemeteries. The cemeteries constitute a sub-division of the parks and recreation department. In its executive summary, Sloane concluded that the city-owned cemeteries served only approximately 17% of the market and suffered severe shortfalls between operating revenues and costs. Subsequently, the City contracted with a company to perform in-house cemetery sales and marketing services. However, after two years of privatization, the City created the cemetery sales and marking coordinator position and placed it in the Grand Rapids Association of Public Administrators (APA) bargaining unit, a supervisory unit created pursuant to a Commission-ordered election. See 1992 MERC Lab Op 339.

The marketing aspects of the cemetery marketing and sales coordinator's position are similar to duties performed by the marketing and program specialist in the APA unit. The coordinator develops and implements sales plans; coordinates the production and dissemination of marketing information; provides sales and promotion information to customers; establishes and maintains contact with funeral directors and monument and vault companies; conducts evaluations for improvement and expansion of cemetery services; develops systems for recording sales agreements and inventories of cemetery properties; and plans, analyzes and recommends changes in cemetery fee structures. The program specialist is responsible for creating and disseminating public information and marketing programs and services for all of the parks and recreation department, except cemeteries. The parks and recreation director supervises the marketing aspects of the coordinator's position.

The sales responsibilities of the cemetery marketing and sales coordinator's position are similar to duties performed by employees in the GREIU, a unit of approximately 800 non-supervisory, technical, and professional employees. For example, the marketing coordinator, the financial assistant I, and grounds keeper III all work at the cemeteries and handle cemetery sales calls, sell grave sites, record receipts, lot cards, and inventory; distribute brochures, speak to funeral directors regarding grave sites, discuss genealogy with individuals, and talk to people about monument companies. The cemetery sales and marketing coordinator and the financial assistant provide backup assistance for each other. At the cemetery where the marketing coordinator works afternoons, she shares a desk with the grounds keeper III. The cemetery sales and marketing coordinator's sales functions are supervised by the cemetery supervisor who also supervises the financial assistant and grounds keeper. The pay range and fringe benefits for GREIU employees and the cemetery marketing and sales coordinator are similar.

#### Conclusions of Law:

The only issue presented is whether the cemetery marketing and sales classification shares a community of interest with the employees represented by the APA. *Genesee County (Friend of the Court)*, 1995 MERC Lab Op 223. Generally, we will not disturb an employer's unit placement unless it renders the unit inappropriate or the classification has an extreme divergency in community of interest. *City of Dearborn Ordinance Enforcement*, 1990 MERC Lab Op 449, 453. In the instant case, however, the Employer placed the disputed classification in a unit which we previously certified as supervisory. See 1992 MERC Lab Op 339. It is well-established that non-supervisory employees may not be included in the same bargaining unit as supervisory personnel. *Macomb County*, 1997 MERC Lab Op 233, 237-38; *Michigan State University*, 1984 MERC Lab Op 592, 596-7. We have

defined a supervisor as an individual having the authority to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, discipline, or responsibly direct employees, or to adjust grievances, provided this authority requires the use of independent judgement. There is nothing in the record to demonstrate that the cemetery sales and marketing coordinator possesses such authority. Accordingly, we find that she is not a supervisor under PERA and, thus, the Employer's placement of this non-supervisory classification in the supervisory APA unit is *per se* inappropriate.

We also find that the cemetery marketing and sales coordinator has a community of interest with employees in the GREIU unit. The coordinator shares the same office, has the same supervisor, performs similar duties, and receives similar pay and benefits as some GREIU-represented members. Therefore, we grant the petition to add the cemetery sales and marketing coordinator classification to the GREIU's existing non-supervisory unit.

### **ORDER**

Petitioner GREIU's request to clarify its non-supervisory bargaining unit is hereby granted and the cemetery sales and marketing coordinator classification is added to the unit.<sup>1</sup>

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

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Maris Stella Swift, Commission Chairman

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Harry W. Bishop, Commission Member

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

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<sup>1</sup> Commissioner Ott did not participate in this decision.