

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

In the Matter of:

22<sup>nd</sup> JUDICIAL DISTRICT COURT, CITY OF INKSTER,  
Public Employer,

-and-

Case No. R00 A-7

22<sup>nd</sup> DISTRICT COURT EMPLOYEES ASSOCIATION,  
Petitioner.

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**APPEARANCES:**

Chui Karega, Esq., for the Public Employer

Frank Guido, Esq., for the Petitioner

**DECISION AND DIRECTION OF ELECTION**

Pursuant to the provisions of Section 12 of the Public Employment Relations Act (PERA), 1947 PA 336, as amended by 1965 PA 379 and 1973 PA 25, MCL 423.212; MSA 17.455(12), this matter came on for hearing at Detroit, Michigan, on March 6, 2000, before Nora Lynch, Administrative Law Judge for the Michigan Employment Relations Commission. Based upon the entire record, including a brief filed by the Employer on March 29, 2000, the Commission finds as follows:

**The Petition and Background Matters:**

A petition was filed on January 18, 2000, by the Police Officers Association of Michigan (hereafter "POAM"), seeking a bargaining unit described as all employees of the 22<sup>nd</sup> Judicial District Court, excluding judges and confidential employees.<sup>1</sup> Because the showing of interest required under Section 12 of PERA was made in the name of the 22<sup>nd</sup> District Court Employees Association, the petition was amended on February 3, 2000, to reflect the name of that POAM affiliate as Petitioner.

The Employer raises several objections to the petition. The Employer claims that no valid showing of interest has been made and objects to the conduct of the Commission elections agent in allowing amendment of the petition. The Employer also asserts that Petitioner has the burden of establishing that it is a labor organization and that the unit sought is appropriate. Finally, the Employer maintains that there is a conflict of interest in allowing an organization which represents

police officers to represent court employees; specifically, the Employer alleges that allowing an executive branch organization to represent employees of the judiciary violates the constitutional separation of powers doctrine. Because there is established precedent on each of these issues, the ALJ restricted the Employer to oral argument and an offer of proof. For reasons discussed below, we affirm the rulings of the ALJ and grant the petition.

Discussion:

We have consistently maintained that the showing of interest required under Section 12 of PERA is an administrative matter for the use and benefit of the Commission and is not subject to attack once established, *Detroit Public Schools*, 1994 MERC Lab Op 1047,1053, nor is it subject to inspection or employer subpoena. *Broadstreet Medical*, 1967 MERC Lab Op 592; *Harper Hospital*, 1966 MERC Lab Op 116. Furthermore, it is within the discretion of the elections agent to allow Petitioner to correct a technical defect by amending the petition to name the affiliate rather than the parent organization, so that the authorization cards and petition are in conformance. *Lakeville Com Schools*, 1969 MERC Lab Op 605,608.

With respect to the status of Petitioner as a labor organization, we have never required that a group which seeks to represent employees have any specific form of organization or formal structure. See *City of Flint (Mass Transportation Auth)*, 1979 MERC Lab Op 796, 799; *Glen Oaks Community College*, 1978 MERC Lab Op 811, 813; *Henry Ford Community College*, 1969 MERC Lab Op 64,68. Nor have we imposed any restrictions on law enforcement unions seeking to represent non-police employees on conflict of interest or other grounds. See *Township of Redford*, 1984 MERC Lab Op 397, 410; *Village of Fowlerville*, 1971 MERC Lab Op 462; *City of Escanaba*, 1967 MERC Lab Op 701, *aff'd* 19 Mich App 273 (1969). The argument that the separation of powers doctrine limits the Commission's jurisdiction over court employees has been rejected in numerous cases. See e.g. *Judges of the 74<sup>th</sup> Judicial District v Bay County*, 385 Mich 710 (1971); *Livingston County v Livingston Circuit Judge*, 393 Mich 265 (1975); *Monroe County Bd of Comm*, 1971 MERC Lab Op 554, 559-563.

With respect to the composition of the bargaining unit, the Employer raised several objections at hearing with respect to the inclusion of certain employees. In response to these objections, Petitioner amended the unit description to exclude the court administrator and temporary employees, in addition to judges and confidential employees. We find that the all-inclusive unit sought by Petitioner is presumptively appropriate and that the burden of going forward with evidence of appropriateness has been met. *University of Michigan*, 1970 MERC Lab Op 754, 762. See also *Muskegon County Sheriff*, 2000 MERC Lab Op \_\_\_ (3/29/00) (discussing comprehensive or wall-to-wall units). Given that the Employer has raised no issue which would preclude our conducting an election in the unit described below, we conclude that the unit of nonsupervisory employees of the district court sought by Petitioner is appropriate and grant the petition.

**DIRECTION OF ELECTION**

Based upon the foregoing, we find that a question concerning representation exists within the meaning of Section 12 of PERA, and that the unit set forth below is appropriate for purposes of collective bargaining within the meaning of Section 13 of PERA:

All employees of the 22<sup>nd</sup> District Court, but excluding judges, court administrator and confidential and temporary employees.

These employees shall vote in accordance with the attached Direction of Election whether or not they wish to be represented for purposes of collective bargaining by the 22<sup>nd</sup> District Court Employees Association.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

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Maris Stella Swift, Chair

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Harry W. Bishop, Commission Member

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C. Barry Ott, Commission Member

DATED: \_\_\_\_\_

<sup>1</sup> This unit had previously been represented by the American Federation of State, County, and Municipal Employees, Council 25. By letter of March 3, 2000, AFSCME Council 25 disclaimed interest in the unit.