

**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.

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
ON MOTION FOR RECONSIDERATION**

On May 17, 2006, we issued our Decision and Order in the above-captioned matter dismissing the unit clarification petition filed by Grand Rapids Employees Independent Union. We found that although there are many similarities in the duties, skills, and working conditions of the former building inspector II position and the plans examiner I position, Petitioner's challenge to the placement of the plans examiner I position in a unit of employees represented by the Association of Public Administrators of Grand Rapids (APAGR) was untimely. On June 9, 2006, Petitioner filed a timely motion for reconsideration of our Decision and Order. The Employer, the City of Grand Rapids, filed a timely response to Petitioner's motion on June 21, 2006.

In its post-hearing brief to this Commission, Petitioner had argued that because the positions of building inspector II and plans examiner I were substantially similar, the two positions share a community of interest, and because the building inspector II position had been

included in Petitioner's bargaining unit, the plans examiner I also should be included in Petitioner's bargaining unit.

We agreed that the two positions shared many similarities. However, in the course of the transition from building inspector II to plans examiner I, while the position was labeled administrative analyst I, it was placed in the APAGR bargaining unit. Although this occurred in 2001, it was not until 2004, after the position was renamed plans examiner I, that Petitioner sought to have it placed in its bargaining unit. According to Petitioner's post-hearing brief, "Dave Barbour, as Administrative Analyst, performed the exact same job duties John Johnson performed as Building Inspector II." Consequently, we denied Petitioner's request as untimely.

Petitioner has moved for reconsideration, arguing that the plans examiner I position is a substantially new position. This is contrary to Petitioner's prior claim that the duties assigned to the plans examiner are "indistinguishable" from the job duties of the building inspector II position. We find no palpable error in our acceptance of Petitioner's original representation and, therefore, we decline to reconsider our decision.

ORDER

The motion for reconsideration is denied.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Nora Lynch, Commission Chairman

Nino E. Green, Commission Member

Eugene Lumberg, Commission Member

Date: _____