

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

In the Matter of:

DETROIT PUBLIC SCHOOLS,  
Public Employer,

Case No: UC04 L-042

-and-

ORGANIZATION OF SCHOOL ADMINISTRATORS  
AND SUPERVISORS (OSAS),  
Labor Organization-Petitioner,

-and-

INTERNATIONAL UNION OF OPERATING  
ENGINEERS (IUOE), LOCAL 547,  
Labor Organization-Intervenor.

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APPEARANCES:

Gordon Anderson, Esq., for the Public Employer

Mark H. Cousens, Esq., for the Petitioner

J. Douglas Korney, Esq., for the Intervenor

**DECISION AND ORDER ON  
MOTION FOR RECONSIDERATION**

On May 15, 2008, we issued our Decision and Order in the above case dismissing a petition for unit clarification filed by Petitioner Organization of School Administrators and Supervisors (OSAS). Petitioner sought to add the position of zone building supervisor (ZBS) to its unit of supervisory employees after the Employer, the Detroit Public Schools, placed the position in the supervisory unit represented by the Intervenor, International Union of Operating Engineers (IUOE), Local 547. Petitioner asserted that the ZBS position lacks the required community of interest with the IUOE's unit because the ZBS supervises another position in that unit, the zone custodial supervisor (ZCS).

On June 4, 2008, Petitioner filed a timely motion for reconsideration of that decision. Neither the Employer nor the Intervenor filed a response to the motion.

In its motion, Petitioner argues that we disregarded our own precedent by finding that the ZBS was appropriately placed in the IUOE unit, a unit that includes the ZCS position. Petitioner contends that a supervisory position cannot be placed in a bargaining unit that includes a position that it supervises. That contention is true with respect to nonsupervisory bargaining units; however, it does not apply to supervisory units. See *City of Grand Rapids*, 1992 MERC Lab Op 339, 351; 5 MPER 23051. Petitioner does not dispute that the ZCS is a supervisory position or that the IUOE unit is a supervisory unit.

But for Petitioner's assertion that the presence of the ZCS in the IUOE unit creates a conflict of interest, there is no contention that the ZBS does not share a community of interest with that unit. As we noted in our May 15, 2008 Decision and Order, we have a longstanding policy of approving the inclusion of different levels of supervision in supervisory bargaining units, even though some members of the unit exercise supervisory authority over other members of the unit. In *Wayne Co Sheriff Dep't*, 1972 MERC Lab Op 103, two competing unions sought to represent a group of supervisory employees. One union sought to represent the employees as a separate bargaining unit; the other sought to accrete the employees into its existing supervisory unit, which contained positions subordinate to the positions at issue. There, the Commission ordered an accretion election to allow the employees to decide if they wanted to be part of the existing supervisory unit containing subordinate supervisory positions. In *City of Bay City*, 2001 MERC Lab Op 250, 254, we held "upper level supervisors will not be denied rights under PERA, or placed in separate units because of intra-unit relationships between levels of supervision." See also *Univ of Michigan*, 1997 MERC Lab Op 635, 647; 11 MPER 29013; *Fairview Medical Care Facility*, 1988 MERC Lab Op 962, 966; 2 MPER 20007; *Marquette Bd of Light and Power*, 1983 MERC Lab Op 814, 818.

As Petitioner has noted, here we have the unusual circumstance of two competing supervisory units. Inasmuch as the ZBS shares a community of interest with the unit in which the Employer has placed it, we defer to the Employer's reasonable decision. See *City of Bay City*, 16 MPER 31 (2003); *Swartz Creek Cmty Sch*, 2001 MERC Lab Op 372; *City of Lansing*, 2000 MERC Lab Op 380; *Genesee Co (Friend of the Court)*, 1995 MERC Lab Op 223.

Rule 167 of the Commission's General Rules, 2002 MR R 423.167, governs motions for reconsideration and states in pertinent part:

A motion for reconsideration shall state with particularity the material error claimed . . . . Generally, and without restricting the discretion of the commission, a motion for reconsideration which merely presents the same issues ruled on by the commission, either

expressly or by reasonable implication, will not be granted.  
(Emphasis added)

In the motion for reconsideration, Petitioner raises the same issue it presented in its post-hearing brief. In our May 15, 2008 Decision and Order, we carefully considered and discussed the arguments on that issue. Therefore, Petitioner has not set forth grounds for reconsideration. See *Wayne Co Airport Auth*, 20 MPER 58 (2007); *Wayne Co Cmty Coll*, 16 MPER 50 (2003).

**ORDER**

For the reasons set forth above, the motion for reconsideration filed by Petitioner Organization of School Administrators and Supervisors is hereby denied.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

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Christine A. Derdarian, Commission Chair

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Nino E. Green, Commission Member

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Eugene Lumberg, Commission Member

Dated: \_\_\_\_\_