

STATE OF MICHIGAN
COURT OF APPEALS

MICHIGAN EDUCATION ASSOCIATION,

Petitioner-Appellee,

v

ALPENA COMMUNITY COLLEGE,

Respondent-Appellant.

UNPUBLISHED
November 8, 1996

No. 180695
LC No. 93-000179

Before: White, P.J., and Sawyer and R.M. Pajtas,* JJ.

PER CURIAM.

Respondent appeals from a decision of the Michigan Employment Relations Commission ordering it to accrete all full-time and regular part-time unrepresented, nonsupervisory, nonfaculty employees to an existing unit of clerical employees represented by petitioner. We reverse.

Petitioner filed a petition seeking to have the unrepresented full- and part-time professional and technical employees accreted to an existing unit of clerical employees represented by the Alpena Community College Education Support Personnel MEA/NEA bargaining unit. The petition listed twenty-nine specific positions sought to be accreted. A hearing was conducted before a referee, with respondent objecting on four grounds: (1) no community of interest of the employees, (2) the petition included supervisory employees, (3) the petition included a confidential employee, and (4) the petition covers a fragment of the unrepresented residual unit. Only the first two issues are relevant on appeal.

Job descriptions for the positions were admitted at the hearing. The positions initially sought to be accreted consisted of: instructional and student services evening technician, bookstore manager, developmental studies technician, library technician, volunteer coordinator, learning center technician/coordinator, biology lab assistant, admissions/activities technician, economic development technician, administrative assistant, mail processing/distribution technician, volunteer center coordinator, youth corps program coordinator and service learning coordinator, volunteer center coordinator, data processing lab technician, senior parking attendant, tutor coordinator/technician, tool crib persons in automotive and machine tool, assistant bookstore manager, job development specialist, learning

* Circuit judge, sitting on the Court of Appeals by assignment.

resources center media technician, director of public information, resource foundation development director, upward bound student advocate, developmental studies technician, financial aid and student services technician, student learning coordinator, switchboard operator, art technician, library technician, and placement coordinator.

Respondent's first two issues are variations on the same theme and, we believe, are dispositive. Respondent argues that the employees do not enjoy a community of interest. We agree.

Pursuant to § 13 of the public employment relations act, MCL 423.213; MSA 17.455(13), MERC must determine the unit appropriate for collective bargaining purposes. The basis for determining an appropriate bargaining unit is a finding that all of the members have a common interest in the terms and conditions of their employment, justifying their inclusion in a single bargaining unit. *Michigan Ass'n of Public Employees v Michigan AFSCME Council 25*, 172 Mich App 761; 432 NW2d 748 (1988).

Respondent notes that the employees have different duties, educational requirements, pay and benefits. While we recognize the MERC policy towards achieving the largest compatible bargaining units, we must agree with respondent that the employees sought to be accreted are simply too diverse to be considered to have a community of interest. A mere reading of the job titles demonstrates this. They work in a variety of different areas of the college in numerous different tasks. Some are technicians, while others are managers and directors. There are administrative support employees, student activities employees, bookstore employees, and even parking lot employees. The only commonality we see among these employees is that they have the same employer. Accordingly, we conclude that the trial court erred in its conclusion. See *Muskegon Co Professional Command Ass'n v Muskegon Co*, 186 Mich App 365; 464 NW2d 908 (1990).

In light of this conclusion, we need not address the remaining issues raised by respondent.

Reversed. Respondent may tax costs.

/s/ David H. Sawyer

/s/ Richard M. Pajtas