

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

In the Matter of the Petition of
SHOREWOOD FIRE FIGHTERS
LOCAL 808, AFL-CIO

Involving Employees of
VILLAGE OF SHOREWOOD, Employed
in the FIRE DEPARTMENT

Case I
No. 9291 ME-117
Decision No. 6552

Appearances:

Mr. Richard Gramza, Mr. Richard Schultz, Mr. Marvin P. Rosin,
for the Union.
Mr. Alvin R. Meyer, Village Attorney, Mr. Robert W. Duncan,
Village Manager, Mrs. Grace Abramson, Trustee of Shore-
wood Village Board and Chairman of Police and Fire
Committee, for the Employer.

DIRECTION OF ELECTION

Shorewood Fire Fighters Local 808, AFL-CIO, having petitioned the Wisconsin Employment Relations Board to conduct an election pursuant to Section 111.70 of the Wisconsin Statutes among certain employees of the Village of Shorewood, employed in its Fire Department, and a hearing on such petition having been conducted at the Village of Shorewood, Wisconsin, on August 2, 1963 at the Village Hall by an Examiner, Robert M. McCormick, and the Board having considered the evidence and being satisfied that questions have arisen concerning the representation for certain employees of the Municipal Employer;

NOW, THEREFORE, it is

DIRECTED

That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Board within ninety (90) days from the date of this Directive in the collective

bargaining unit consisting of all firemen of the Village of Shorewood, employed in its Fire Department, excluding the Chief, Assistant Chief, and Senior Fire Captain, who were employed by said Municipal Employer on November 15, 1963, except such employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether or not a majority of such employees desire to be represented by Shorewood Fire Fighters Local 808, AFL-CIO, for the purposes of conferences and negotiations with the above named Municipal Employer on questions of wages, hours and conditions of employment.

Given under our hands and seal at the City of Madison, Wisconsin this 15th day of November, 1963..

WISCONSIN EMPLOYMENT RELATIONS BOARD

By Morris Slavney, Chairman

Arvid Anderson
Arvid Anderson, Commissioner

Zel S. Rice II
Zel S. Rice II, Commissioner

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MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

In its petition the Shorewood Fire Fighters Local 808, AFL-CIO, claimed the appropriate unit to consist of all firemen and fire equipment operators, excluding the Chief and Assistant Chief. During the course of the hearing the Municipal Employer raised objections to the claimed bargaining unit contending that the Senior Fire Captain, the two Fire Captains, and two Fire Lieutenants all perform supervisory duties and therefore should be excluded from the unit.

The Board has reviewed the job descriptions for said three classifications and the evidence presented by the parties with respect to the issues. There is but one station, out of which two shifts of eight men, below the level of Captain, operate. The Chief, Assistant Chief, and the Senior Fire Captain for a substantial period of the day are present with a Captain in directing the daily operations of the department. The Senior Fire Captain exercises the command and control over 20 to 23 employees, including two Captains and two Lieutenants. He exercises direct control over housekeeping functions, generally directs the firefighters and equipment operators in fighting fires except where a serious conflagration demands the presence of the Chief, or Assistant Chief. The Senior Captain has the responsibility of preparing reports of the complete activities of the department. In matters of discipline, the Senior Fire Captain, Fire

Captain and Fire Lieutenant all may, in the face of serious infractions, suspend an employe, but the ultimate authority to give an employe time off or rescind a "silly" day is vested in the Chief as is the power to discharge. When the occasion demands, the Senior Fire Captain may assign overtime on his own initiative.

Because of the authority to direct the firefighters, the responsibility for commanding, the authority and responsibility to evaluate the men under his command, the level of his supervision and the number of men under his supervision, we conclude that the Senior Fire Captain classification is supervisory and therefore is to be excluded from the eligibles. By applying the same criteria, we have concluded that the Fire Captains and Fire Lieutenants do not perform such supervisory duties so as to exclude them from the eligibles. There being but one station, and with the close inter-related supervisory function of the Chief, Assistant Chief, and the Senior Fire Captain, the exclusion of the Senior Fire Captain classification from the eligibles discloses a realistic ratio of supervisory to non-supervisory positions in the department. When questions arise over the supervisory status of employes, the Board will look behind the job titles used by the Municipal Employer to determine which classifications are supervisory within the meaning of the statute. To exclude Fire Captains and Lieutenants as supervisory would create an unreasonable ratio of supervisors to non-supervisory positions.^{1/}

Dated at Madison, Wisconsin, this 15th day of November, 1963.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By Morris Slavney
Morris Slavney, Chairman

David Anderson
David Anderson, Commissioner

Zel S. Rice II
Zel S. Rice II, Commissioner