

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

Case IV
No. 10729 ME-234
Decision No. 7560

Mr. Robert Ruf, President, and Mr. Ray Kirsch, for the Petitioner.
Mayor Rueben Krause, and Gus Winter, City Attorney, for the Municipal Employer.

The above named Petitioner 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 Fire Department of the City of Antigo; and a hearing on such petition having been conducted at Antigo, Wisconsin on April 13, 1966, by Zel S. Rice II, Commissioner; and the Board having considered the evidence and being satisfied that a question has arisen concerning representation for the employees of the Fire Department of the City of Antigo;

DIRECTED


That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Board within sixty (60) days from the date of this Directive in the collective bargaining unit consisting of all employees in the Fire Department of the City of Antigo, except the Chief, Assistant Chief and Captain (Night Shift), who were employed by the

Municipal Employer on April 21, 1966, except such employes 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 employes desire to be represented by Antigo Fire Fighters Local 1000, International Association of Fire Fighters, 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 21st day of April, 1966.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By


Morris Slavney
Morris Slavney, Chairman

Arvid Andersen
Arvid Andersen, Commissioner

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

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS BOARD

In the Matter of the Petition of

ANTIGO FIRE FIGHTERS LOCAL 1000,
INTERNATIONAL ASSOCIATION OF FIRE
FIGHTERS, AFL-CIO

Involving Employees of

CITY OF ANTIGO

Case IV
No. 10729 ME-234
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MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

During the course of the hearing an issue arose with respect to whether certain classifications should be excluded from the appropriate unit consisting of employees employed in the Fire Department of the Municipal Employer. The Municipal Employer contended that the positions of Chief, Assistant Chief, Captain (Night Shift), Captain (Day Shift) and Lieutenant performed supervisory duties and therefore should be excluded from the unit. The Petitioner contests the position of the Municipal Employer with respect to the two captains and the Lieutenant.

The entire Fire Department of the Municipal Employer consists of seventeen employees stationed at the Fire Station. The station is manned at all times by two shifts of employees. The Chief is in charge of the entire department and is responsible for its final supervision and operation. He reports to the Police and Fire Commission. He is present during the day shift and has his office in the station. The Assistant Chief is also present on the day shift and he is primarily responsible for the day shift since the Chief performs many administrative duties. The Captain (Day Shift), Clinton Remington, has no supervisory duties as such except he relieves the Assistant Chief when the latter has a day off or is on vacation. However, the Captain (Night Shift), which at the time of the hearing was temporarily being filled by Robert A. Ruf, is in charge of the night shift. The Captains do not exchange shifts.

Neither the Chief nor the Assistant Chief are ordinarily present at the night shift. The Captain (Night Shift) has the primary responsibility for the operation of that shift.

The Assistant Chief and the Captain (Night Shift) have the power to effectively recommend discipline, promotion or discharge subject to the approval of the Chief and the Police and Fire Commission. While the Captain (Day Shift) is occupied by an employe with greater seniority than the Captain (Night Shift) and may receive additional compensation as a result of his longevity, he does not perform the supervisory duties performed by the Captain (Night Shift).

Ordinarily, especially in previous cases involving Fire Departments, the Board has excluded certain entire classifications as being supervisory for the reason that the classification has been given supervisory duties by the Municipal Employer. This was the case involving the City of Milwaukee^{1/}. However, for some reason or other, the Municipal Employer herein has imposed supervisory duties upon the Captain (Night Shift) and has not imposed the same supervisory responsibilities on the Captain (Day Shift).

We are further satisfied that the Lieutenant, who is employed on the Night Shift, does not perform any supervisory duties except in the absence of the Captain (Night Shift). Our determination therefore excludes the Chief, Assistant Chief and Captain (Night Shift) from the unit as being supervisory and they are therefore not eligible to participate in the election.

Dated at Madison, Wisconsin, this 25th day of April, 1966.

WISCONSIN EMPLOYMENT RELATIONS BOARD

By Morris Slavney
Morris Slavney, Chairman

Arvid Anderson
Arvid Anderson, Commissioner

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

1/ City of Milwaukee, Dec. No. 6476, 8/63