

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

 In the Matter of the Petition of
 MILWAUKEE PROFESSIONAL FIRE FIGHTERS'
 ASSOCIATION, LOCAL 215
 Involving Employees of
 CITY OF MILWAUKEE

Case LIX
 No. 11741 ME-345
 Decision No. 8253-A

ORDER OF DISMISSAL

Milwaukee Professional Fire Fighters' Association, Local 215, having filed a petition requesting the Wisconsin Employment Relations Commission to conduct an election pursuant to Section 111.70, Wisconsin Statutes, among all regular fire fighting employes, including captains, employed in the Fire Department of the City of Milwaukee, and excluding other employes, as well as the following claimed supervisory positions: chief, assistant chief, deputy chiefs and battalion chiefs; and hearing on such petition having been held at Milwaukee, Wisconsin, on November 17, 1967, where representatives of the parties were given the opportunity to present evidence and argument with respect to the petition; and the Commission having reviewed the evidence and arguments of counsel, and being satisfied that the unit set forth by the petitioner as being appropriate is not an appropriate collective bargaining unit within the meaning of Section 111.70, Wisconsin Statutes, since it includes captains who are, in fact, supervisory employes;

NOW, THEREFORE, it is

ORDERED

That the petition filed herein be, and the same hereby is, dismissed.

Given under our hands and seal at the City of Madison, Wisconsin, this 7th day of December, 1967.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Thomas Slayney
 Morris Slayney, Chairman

J. S. Rice
 J. S. Rice II, Commissioner

William R. Wilberg
 William R. Wilberg, Commissioner

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
MILWAUKEE PROFESSIONAL FIRE FIGHTERS'
ASSOCIATION, LOCAL 215
Involving Employes of
CITY OF MILWAUKEE

Case LIX
No. 11741 ME-345
Decision No. 8253-A

MEMORANDUM ACCOMPANYING ORDER OF DISMISSAL

Following a petition for an election filed by Milwaukee Professional Fire Fighters' Association, Local 215, in the summer of 1963, the Commission, in August 1963, issued a direction wherein it directed an election among certain fire fighting employes in the employ of the Fire Department of the City of Milwaukee. In that direction the Commission excluded, among others, captains employed in said Fire Department as being supervisory. Following the issuance of that direction, but prior to the conduct of the election, the City of Milwaukee, on October 16, 1963, adopted a resolution wherein it voluntarily recognized the Labor Organization as the exclusive collective bargaining representative for the employes employed in the unit found to be appropriate by the Commission, and since that time the City has bargained with said Labor Organization as the representative for the employes in said unit.

On October 17, 1967, the Labor Organization filed a petition requesting an election among a unit of fire fighters, and in said petition claimed the appropriate bargaining unit to include those classifications originally found to be in the appropriate unit but enlarged the claimed appropriate unit by including therein the captains in the employ of the Fire Department. During the course of the hearing on the instant petition, representatives of the Labor Organization admitted that there was no change in the duties of the captains as found in the original direction.^{1/} It predicates its position for the inclusion of captains in the unit on the basis that they do not perform

^{1/} (6476) 8/63.

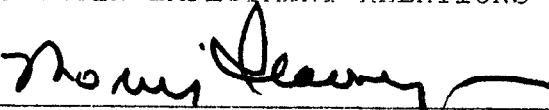
any administrative duties in connection with their supervisory function, and further it requested the Commission to change its policy with respect to excluding non-administrative supervisory employes from collective bargaining units.

Since there has been no change in the supervisory responsibilities of the captains since our original determination, we see no reason for considering them employes within the meaning of Section 111.70, Wisconsin Statutes, and, therefore, the unit desired by the petitioner in the instant petition is inappropriate, and we are dismissing the petition.

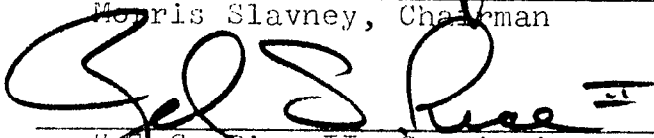
Dated at Madison, Wisconsin, this 7th day of December, 1967.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

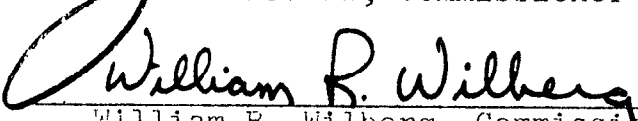
By



Morris Slavney, Chairman



Zel S. Rice II, Commissioner



William R. Wilberg, Commissioner