

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

BARGAINING UNIT OF THE GREEN BAY
POLICE DEPARTMENT

To Initiate Fact Finding Between
Said Petitioner and

CITY OF GREEN BAY
Green Bay, Wisconsin

Case XXVII
No. 13249 PP-279
Decision No. 9363

FINDINGS OF FACT, CONCLUSION OF LAW,
CERTIFICATION OF RESULTS OF INVESTIGATION AND
ORDER INITIATING FACT FINDING AND APPOINTING FACT FINDER

The Bargaining Unit of the Green Bay Police Department having, petitioned the Wisconsin Employment Relations Commission to initiate fact finding pursuant to Section 111.70(4) of the Wisconsin Statutes on behalf of certain employees employed in the Green Bay Police Department; and the Commission by Robert B. Moberly, a member of its staff, having conducted an investigation on such petition at Green Bay, Wisconsin, on November 25 and December 1, 1969, and during the course of such investigation the parties having made known the facts material thereto, and the Commission being fully advised in the premises, makes and files the following Findings of Fact, Conclusion of Law, Certification of Results of Investigation and Order Initiating Fact Finding and Appointing Fact Finder.

FINDINGS OF FACT

1. That the Bargaining Unit of the Green Bay Police Department, hereinafter referred to as the Petitioner, is a labor organization and has its office at Green Bay, Wisconsin.
2. That the City of Green Bay, Wisconsin, hereinafter referred to as the Municipal Employer, has its offices at the Green Bay City Hall, Green Bay, Wisconsin; and that the Municipal Employer maintains and operates a police department.
3. That the Petitioner at all times material herein is the voluntarily recognized representative of all full-time police personnel having powers of arrest employed by the City of Green Bay Police Department, excluding the police chief, deputy chiefs, captains and lieutenants.

No. 9363

4. That, prior to the filing of the instant petition on October 30, 1969, representatives of the Petitioner and the Municipal Employer met on various dates during the year 1969 for the purpose of negotiating changes in wages and other conditions of employment affecting said employees in efforts to reach an accord on a collective bargaining agreement, and that, however, the parties were unable to reach an accord in their collective bargaining and remain in deadlock with respect thereto.

5. That the Municipal Employer has not established any fact finding procedures pursuant to Section 111.70(4)(m) of the Wisconsin Statutes.

Upon the basis of the above and foregoing Findings of Fact, the Commission makes the following.

CONCLUSION OF LAW

That a deadlock within the meaning of Section 111.70(4)(e) of the Wisconsin Statutes exists between the City of Green Bay and the Bargaining Unit of the Green Bay Police Department after a reasonable period of negotiations with respect to wages and other conditions of employment affecting all full-time police personnel having powers of arrest employed by the City of Green Bay Police Department, excluding the police chief, deputy chiefs, captains and lieutenants.

Upon the basis of the above and foregoing Findings of Fact and Conclusion of Law, the Commission makes the following

CERTIFICATION AND ORDER

IT IS HEREBY CERTIFIED that the conditions precedent to the initiating of fact finding, as required in Section 111.70(4)(e) of the Wisconsin Statutes with respect to negotiations by the Bargaining Unit of the Green Bay Police Department, in issues of wages and other conditions of employment of all full-time police personnel having powers of arrest employed by the City of Green Bay Police Department, excluding the police chief, deputy chiefs, captains and lieutenants have been met.

NOW, THEREFORE, IT IS

ORDERED

1. That fact finding be initiated for the purpose of recommending a solution to said dispute.

2. That David B. Johnson, Madison, Wisconsin, is hereby appointed as the fact finder to proceed forthwith in the matter pursuant to Section 111.70(4)(g) of the Wisconsin Statutes.

Given under our hands and seal at the City of Madison, Wisconsin, this 8th day of December, 1969.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney
Morris Slavney, Chairman

Zel S. Rhee II
Zel S. Rhee 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
BARGAINING UNIT OF THE GREEN BAY
POLICE DEPARTMENT

To Initiate Fact Finding Between
Said Petitioner and

CITY OF GREEN BAY
Green Bay, Wisconsin

Case XVII
No. 13249 FF-279
Decision No. 9363

MEMORANDUM ACCOMPANYING FINDINGS OF FACT, CONCLUSION OF LAW,
CERTIFICATION OF RESULTS OF INVESTIGATION AND
ORDER INITIATING FACT FINDING AND APPOINTING FACT FINDER

The instant petition set forth the bargaining unit involved consisted of "all officers of the Green Bay Police Department, excluding the Chief of Police and Deputy Chiefs." The Municipal Employer initially contended that captains, lieutenants, and some sergeants were supervisors and therefore not entitled to fact finding. Subsequently, the parties agreed that captains and lieutenants should be excluded from the bargaining unit. The Municipal Employer also agreed to withdraw, for the purposes of fact finding, its allegation with respect to the supervisory status of sergeants. It also stated that this withdrawal did not constitute a waiver of its right to assert the supervisory status of sergeants in a future proceeding separate from the fact finding proceeding.

The parties further agreed that the unit for which fact finding should be initiated is described as "all full-time police personnel having powers of arrest employed by the City of Green Bay Police Department, excluding the police chief, deputy chiefs, captains and lieutenants." Additionally, we are persuaded that the parties are deadlocked after a reasonable period of negotiation. Accordingly, we are today issuing an order initiating fact finding and appointing a fact finder in the dispute.

Dated at Madison, Wisconsin, this 8th day of December, 1969.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney
Morris Slavney, Chairman

John S. Rice II
John S. Rice II, Commissioner

William R. Wilberg
William R. Wilberg, Commissioner