

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
WEST MILWAUKEE PROFESSIONAL FIRE
FIGHTERS' ASSOCIATION, LOCAL 1417
OF THE INTERNATIONAL ASSOCIATION
OF FIRE FIGHTERS

Involving Certain Employes of
THE VILLAGE OF WEST MILWAUKEE
West Milwaukee, Wisconsin

Case IV
No. 13079 ME-474
Decision No. 9576

Appearances:

Petrie, Stocking, Meixner & Zeisig, Attorneys at Law, by
Mr. John J. Romann, appearing on behalf of the Petitioner.
Quarles, Herriott, Clemons, Teschner & Noelke, Attorneys at
Law, by Mr. James C. Mallien, appearing on behalf of the
Municipal Employer.

DECLARATORY RULING

West Milwaukee Professional Fire Fighters' Association,
Local 1417 of the International Association of Fire Fighters
having petitioned the Wisconsin Employment Relations Commission
for a clarification with respect to whether Lieutenants in the
employ of the Fire Department of the Village of West Milwaukee,
West Milwaukee, Wisconsin, are to be included or excluded from
the certified collective bargaining unit consisting of all
regular fire fighters employed in said Fire Department, excluding
supervisory personnel; and a hearing on such petition having been
conducted in Milwaukee, Wisconsin, on November 6, 1969, by Robert B.
Moberly, Examiner; and the Commission having considered the evidence
and arguments of Counsel, and being fully advised in the premises,
makes and issues the following

DECLARATORY RULING


That the positions of Lieutenant in the employ of the Fire
Department of the Village of West Milwaukee, West Milwaukee,
Wisconsin, are not supervisory positions and therefore said

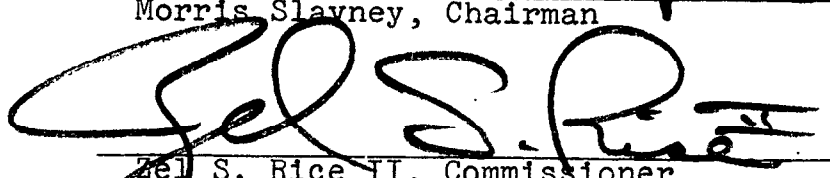
positions are to be included in the certified collective bargaining unit consisting of all regular fire fighters employed in the Fire Department of the Village of West Milwaukee, excluding supervisory personnel.

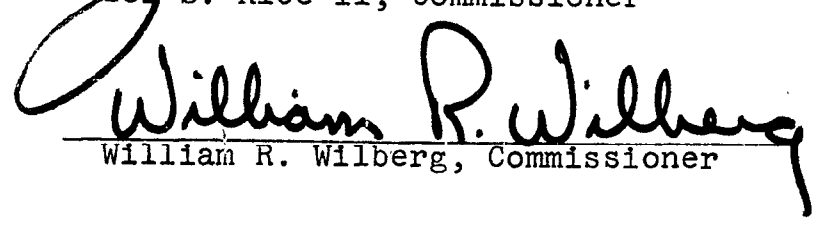
Given under our hands and seal at the
City of Madison, Wisconsin, this 1st
day of April, 1970.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


William R. Wilberg, Commissioner

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Employer contends that they are, while the Union contends that Lieutenants are non-supervisory employees and should be included in the bargaining unit with fire fighting personnel. Both parties agree that Captains are supervisors.

The fire fighting personnel consists of 1 Chief, 3 Captains, 6 Lieutenants, 26 Fire Fighters and 2 Inspector Fire Fighters.

There are three platoons of employees in the Fire Department, with the platoons each working alternate 24-hour shifts. On each 24-hour shift or platoon, there are normally present 1 Captain, 2 Lieutenants and 9 or 10 Fire Fighters. The Fire Chief is normally on duty from 8:00 a.m. to 5:00 p.m. and is in charge when he is present. When the Chief is not there, the Captain normally is in charge of the platoon. If for some reason neither the Chief nor the Captain is present (i.e., vacation, holiday or sickness), the most senior Lieutenant is in charge of the platoon. It appears from the record that the 3 senior Lieutenants are each in charge of a platoon approximately 16 shifts per year and that the junior Lieutenants are in charge of a platoon approximately one shift per year.

In responding to a fire, the Captain is normally in charge of a platoon and operates under the Chief if present. On serious matters the Chief is called to the scene of the fire even after 5:00 p.m.

The assignment of work is normally done by either the Chief or the Captain. The Lieutenants do not make recommendations in hiring employees, nor do they make vacation assignments or take sick calls. The grievances are submitted to the Platoon Commander. Lieutenants generally do not discipline or transfer employees, although on rare occasions they may recommend such action. The Lieutenants actively engage in physical fire fighting at the scene of a fire and also perform many other work duties which are not supervisory in nature.


The Lieutenants submit fitness and performance reports on Fire Fighters and occasionally instruct Fire Fighters how to perform their work. They keep time and attendance records, attend staff meetings with Captains and Lieutenants and engage in some direction of work in housekeeping or other minor chores. There is a distinction in the insignia and uniforms between Lieutenants and Fire Fighters, and Lieutenants do not receive additional compensation for working overtime. Lieutenants receive a monthly salary of \$823, while Fire Fighters receive a monthly salary of \$728.

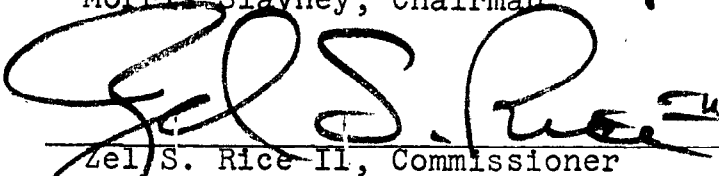
Upon consideration of the factors discussed above and the entire record as a whole, we conclude that the primary supervisory authority in the Fire Department of the Municipal Employer is exercised by the Chief and the Captains, and that the Lieutenants do not have significant supervisory responsibilities. None of the supervisory tasks performed by Lieutenants are major, nor do they require significant amounts of individual judgment or discretion. Rather, such tasks are mostly minor and routine in nature, and are in the nature of those performed by a working foreman. The duties and work assignments of the Lieutenants align them with the working force rather than with the management or supervisory staff. We therefore hold that the positions of Lieutenant are included in the certified bargaining unit.


Dated at Madison, Wisconsin, this *1st* day of April, 1970.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slayney, Chairman


Zel S. Rice II, Commissioner


William R. Wilberg, Commissioner