

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CITY OF GREEN BAY

No. 9834-B

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	:	
	:	
CITY OF GREEN BAY POLICE	:	
BARGAINING UNIT	:	Case XXIV
	:	No. 13982 DR(M)-14
Involving Certain Employees of	:	Decision No. 9834-B
	:	
CITY OF GREEN BAY	:	
	:	

MEMORANDUM ACCOMPANYING
ORDER DISMISSING PETITION FOR DECLARATORY RULING

The Findings of Fact, Conclusions of Law, Order Determining Certain Preliminary Issues and Order for Further Hearing issued by the Commission on February 1, 1971, ordered that a further hearing be held on March 2, 1971, at Green Bay, Wisconsin, for the purpose of taking additional evidence regarding whether or not Sergeants and Lieutenants should be excluded from the bargaining unit of police personnel for the purpose of exercising their rights under Section 111.70 of the Wisconsin Statutes. The Commission determined that the evidence of record was insufficient for deciding whether or not some of the Sergeants and all of the Lieutenants were serving in supervisory positions. The hearing was postponed until March 16, 1971 at the request of the Petitioner. Prior to March 16, 1971, the City of Green Bay, by its attorney, stated that the petition could be disposed of by entering into a "consent order" defining the City of Green Bay Police Bargaining Unit as follows:

"That the Bargaining Unit of the Green Bay Police Department include all full-time police personnel having powers of arrest employed by the City but excluding the Police Chief, Deputy Chiefs, Captains and Lieutenants."

The Petitioner, by its counsel, replied that the unit description proposed by the Municipal Employer was agreeable to the Petitioner. However, the Petitioner reserved the right to redefine the City of Green Bay Police Bargaining Unit in the event that legislation was passed affecting the allowable compositions of bargaining units of police personnel.

Because the petition involves police personnel who have limited rights under Section 111.70 of the Wisconsin Statutes, the Commission has no authority to issue an Order certifying a bargaining unit of such personnel. The Commission merely has the authority under Section 227.06 of the Wisconsin Statutes, to issue a Declaratory Ruling regarding the eligibility of certain police personnel, in this case Sergeants and Lieutenants, to invoke the fact finding machinery contained in Section 111.70 of the Wisconsin Statutes. Therefore, it would be inappropriate

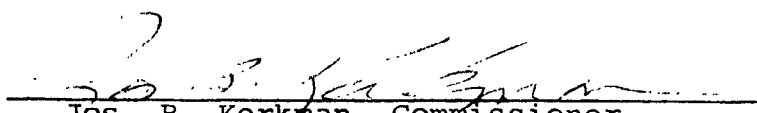
the Commission has dismissed the petition herein since the agreement entered into by the parties makes it clear that they are in agreement that Sergeants should be included and Lieutenants should be excluded from the City of Green Bay Police Bargaining Unit for the purpose of exercising their right to initiate the fact finding procedures outlined in Section 111.70 of the Wisconsin Statutes.

Dated at Madison, Wisconsin, this 23rd day of March, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Jos. B. Kerkman, Commissioner