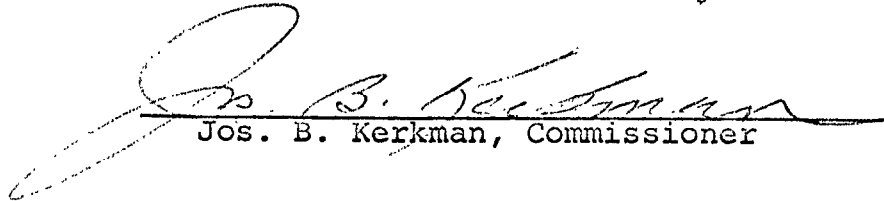


2. That the petition filed in the above entitled matter be, and the same hereby is, dismissed.

Given under our hands and seal at the City of Madison, Wisconsin, this 25th day of January, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman


Jos. B. Kerkman, Commissioner

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of :
GENERAL DRIVERS, DAIRY EMPLOYEES AND :
HELPERS, LOCAL UNION NO. 579 :
To Initiate Fact Finding Between : Case I
Said Petitioner and : No. 14085 FF-384
CITY OF EDGERTON : Decision No. 10134

MEMORANDUM ACCOMPANYING
ORDER DETERMINING BARGAINING UNIT
AND DISMISSING PETITION FOR FACT FINDING

The petition for fact finding in the instant matter was filed on September 23, 1970. Therein the Petitioner alleged that "the party other than the Petitioner has failed or refused to meet and negotiate at reasonable times in a bonafide effort to arrive at a settlement", and that a dispute existed between the parties as to whether the Municipal Employer should recognize the Petitioner as the representative of its police officers for the purposes of fact finding under Section 111.70. During the Commission's investigation of said allegations, the parties agreed that the Municipal Employer would so recognize the Petitioner, if the Commission's representative would interview the employees in question with regard to their desire to be so represented. They also agreed that the appropriate collective bargaining unit should include all police officers except the Chief and part time personnel; but the Petitioner, contrary to the Municipal Employer, contended that the Sergeant should be included in said bargaining unit.

On October 6, 1970, the Commission's representative conducted the stipulated interviewing procedure and determined that a majority of the police officers desired to be represented by the Petitioner, and that said majority could not be affected by the desires of the Sergeant. This result was announced to the parties, who then agreed that a hearing should be held with regard to the issue of the Sergeant's inclusion in the bargaining unit and that the Commission should make the required determination upon the evidence adduced at said hearing.

The hearing with regard to the Sergeant's status was held on October 16, 1970 and following its close and the issuance of the transcript, the parties were afforded an opportunity to file briefs. The record discloses that the Edgerton Police Department is comprised of one Chief, one Sergeant, and seven patrolmen. The patrolmen are assigned, two at a time, to three shifts and during most of the hours when they are working, either the Chief or the Sergeant is "in charge". There are gaps between the Sergeant's hours and the Chief's hours when, apparently, no one is in charge. When the Sergeant is on duty he devotes about half of his time to performing the same functions performed by the patrolmen. The remainder of his time is spent in more or less clerical functions having to do with record keeping and filing, and dispatching other officers. However, unlike the patrolmen, he has some authority with regard to assigning patrolmen, imposing minor disciplinary measures

against patrolmen, recommending retention of probationary patrolmen and training newly hired patrolmen.


It is also recognized, however, that the Sergeant is apparently the most senior and experienced member of the force who is relied upon as most expert, and that much of his responsibility involves transmitting decisions made by the Chief, rather than exercising his independent judgment, and that in situations of a more than routine nature he generally must refer to the Chief for determinations. It is also noted that he is paid very little more than are the patrolmen.

Based upon the foregoing, and the record as a whole, it is our conclusion that the functions and responsibilities of the Sergeant fail to meet the Commission's criteria for supervisory status in municipal employment. [City of Milwaukee, Dec. No. 6960, 12/64.]

Dated at Madison, Wisconsin, this 20th day of January, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman


Jos. B. Kerkman, Commissioner