

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of  
Certain Employees in the Employ of

FIRE DEPARTMENT OF THE CITY OF  
WAUWATOSA

For Clarification of Bargaining Unit  
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Case XXVI  
No. 15525 ME-778  
Decision No. 10956-A

ORDER CLARIFYING BARGAINING UNIT

Nine Captains in the employ of the Fire Department in the City of Wauwatosa having filed a petition requesting the determination as to whether they should be included in a presently certified collective bargaining unit consisting of firefighting personnel employed in the Fire Department in the City of Wauwatosa, Wisconsin; and a hearing on the matter having been conducted on May 25, 1972, Commissioner Zel S. Rice II being present; and the Commission having considered the evidence and the arguments of the parties and being fully advised in the premises makes and issues the following

ORDER

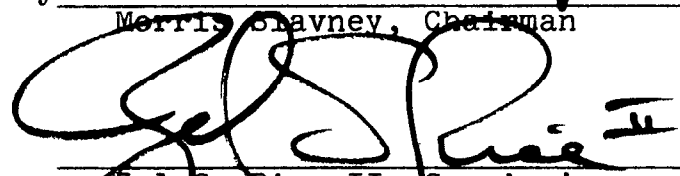
That the appropriate collective bargaining unit of firefighting personnel in the employ of the Fire Department of the City of Wauwatosa consists of "all the employees of the Fire Department of the City of Wauwatosa, excluding the Chief, Assistant Chief, Fire Inspector, Assistant Fire Inspector, Training Officer, Assistant Training Officer, Master Mechanic, Alarm Operator, clerical and janitorial employees".

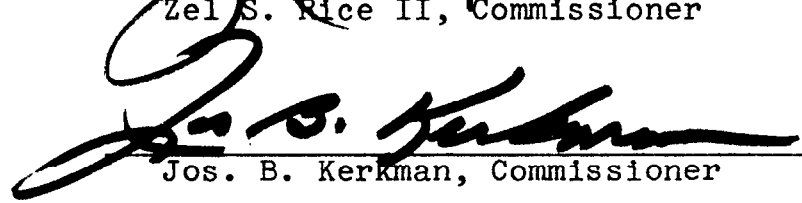
Given under our hands and seal at the  
City of Madison, Wisconsin, this 5th  
day of June, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Zel S. Rice II, Commissioner

  
Jos. B. Kerkman, Commissioner

No. 10956-A

MEMORANDUM ACCOMPANYING ORDER CLARIFYING BARGAINING UNIT

The City of Wauwatosa has three fire stations employing one-hundred six men, eight of whom hold the rank above Captain and two of whom are Assistant Fire Inspectors not actively engaged in firefighting. A trio of Captains is assigned to each station to man the various shifts at each station.

In October, 1970, in an election conducted by the Commission, the Captains were considered supervisors and were not included in the bargaining unit.

The Municipal Employment Relations Act, which became effective November 11, 1971, specifically in Section 111.70(1)(o)2 sets forth that in a municipality having more than one fire station "the term supervisor shall include all officers above the rank of the highest ranking officer at each single station". Each of the Captains, in their particular tour of duty, is the highest ranking officer at the particular station involved. Therefore, in accordance with the above cited statutory provision, the Captains involved herein are not to be considered supervisors, and therefore, are properly included in the bargaining unit consisting of fire-fighter personnel in the employ of the Fire Department of the City of Wauwatosa.

Dated at Madison, Wisconsin, this 5th day of June, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney  
Morris Slavney, Chairman

Del S. Rice II  
Del S. Rice II, Commissioner

Jos. B. Kerkman  
Jos. B. Kerkman, Commissioner