

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of :  
RIVER HILLS POLICEMEN ASSOCIATION :  
Involving Certain Employes of :  
VILLAGE OF RIVER HILLS :  
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Case II  
No. 15408 ME-766  
Decision No. 10972

Appearances:

Mr. Harold D. Krause, for the Petitioner.  
Mr. Tom E. Hayes, Attorney at Law, and Mr. John Fredrickson,  
Village Manager, for the Employer.

ORDER CLARIFYING BARGAINING UNIT

The River Hills Policemen Association having filed a petition with the Wisconsin Employment Relations Commission wherein it requested an election among the employes of the Public Safety Department of the Village of River Hills; and a hearing on such petition having been held at Milwaukee, Wisconsin, on April 13, 1972, Commissioner Zel S. Rice II being present; and during the course of the hearing the parties having agreed that the matter involved concerned itself with a clarification of an existing collective bargaining unit rather than a question of representation; and the Commission having considered the evidence and arguments of counsel, and being fully advised in the premises, issues the following

ORDER CLARIFYING BARGAINING UNIT

That the appropriate collective bargaining unit of the employes employed by the Village of River Hills in its Public Safety Department includes patrolmen and sergeants, but excludes lieutenants and the Chief.

Given under our hands and seal at the  
City of Madison, Wisconsin, this 27th  
day of April, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Zel S. Rice II, Commissioner

MEMORANDUM ACCOMPANYING  
ORDER CLARIFYING BARGAINING UNIT

The police and firefighting services of the Village of River Hills are performed by individuals employed in the Public Safety Department. The Department is headed by a Chief, who is primarily responsible for the supervision of the employees in said Department in law enforcement and firefighting services. There are eleven public safety officers employed in the Department who engage in the police and firefighter functions. Twenty volunteer firefighters assist in fighting fires. Of the eleven public safety officers, two are lieutenants, three are sergeants and the remaining six are patrolmen. The work of the Department is performed on three basic eight-hour shifts. The Chief, one sergeant and two patrolmen are assigned to the first shift. A lieutenant, a sergeant and two patrolmen are assigned to the second shift. The remaining lieutenant and the remaining sergeant and the two remaining patrolmen are assigned to the third shift. However, the number of employees on any one shift may vary when the circumstances require, but in no case is there less than two individuals on any particular shift.

While the Chief is on duty during his first shift, he is the commanding officer, and as such he makes the various assignments to the various shifts. In his absence on the first shift, the sergeant acts as the officer in command, and when neither the Chief nor the sergeant is on duty during the shift, the senior patrolman becomes the commanding officer. When neither lieutenant is on duty on the second or third shifts, either a sergeant or the senior patrolman becomes the commanding officer. The duties of the commanding officer, regardless who is occupying the position at the time, give some direction and supervision to any other officer on duty. Further, the commanding officer, whether he is the Chief, the lieutenant, a sergeant, or the senior patrolman, remains in the station during his shift and maintains radio contact with the other officers who are on duty on said shift.

All public safety officers are hired, after written and oral examinations, on the recommendation of the Village Manager or the Chief. The oral examination is conducted by the Chief and the two lieutenants. Discharge can only be invoked by the Village Manager; however, in that regard he does so on the recommendation of the Chief, and the latter may confer with lieutenants and sergeants prior to making his recommendation. While there is no formal procedure for the evaluation of employees, the Chief may discuss the work performance of the employees with the lieutenants or the sergeants. In matters of discipline the Chief gathers the evidence and presents a report thereon for the Village Manager. The 1971 annual salaries for the positions in the Department were as follows:

Chief:	\$13,786.00
Lieutenant:	12,286.40
Sergeant:	11,505.00
Patrolman:	10,575.00

In the event of a fire, the commanding officer is in charge until a senior officer arrives at the fire scene. On occasions, in a police matter, the commanding officer on duty, if the incident requires his presence, would leave the station and go to the scene. The commanding officer on duty on his particular shift has the authority to call in additional men if they are needed. In most cases, where the conditions warrant it, if the Chief is not on duty, the commanding officer would contact the Chief in regard to the matter involved. We are satisfied that the only supervisory employees in the Department of Public Safety is the Chief and the two lieutenants. While the fact that a sergeant or a patrolman, on occasion, may act as a commanding officer is not sufficient to convince the Commission that they are supervisors within the meaning of the Municipal Employment Relations Act. For the most part, sergeants perform duties similar to those of patrolmen. Sergeants have no authority to effectively recommend hiring, promotions, transfers, discipline or discharges. Furthermore, the sergeants exercise little independent judgment or discretion in whatever supervision they perform. Therefore, we are satisfied that the appropriate unit of employees employed in the Department of Public Safety of the Village of River Hills consists of patrolmen and sergeants, but excludes lieutenants and the Chief.

Dated at Madison, Wisconsin, this 27th day of April, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Slavney, Chairman

  
Zel S. Rice II, Commissioner