

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

POLICEMEN'S PROTECTIVE AND
BENEVOLENT ASSOCIATION

Involving Certain Employees of

VILLAGE OF WHITEFISH BAY

Case XIII
No. 15526 ME-779
Decision No. 11045

ORDER CLARIFYING BARGAINING UNIT

Policemen's Protective and Benevolent Association having filed a petition with the Wisconsin Employment Relations Commission requesting the Commission to clarify a voluntarily recognized collective bargaining unit consisting of certain law enforcement personnel employed in the Police Department of the Village of Whitefish Bay, more specifically whether Sergeants should or should not be included with Patrolmen and the Detective in said voluntarily recognized unit; and a hearing in 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 and being satisfied that Sergeants perform supervisory duties, makes and issues the following

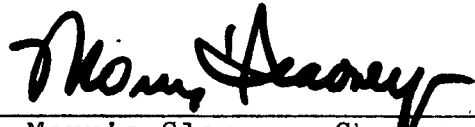
ORDER

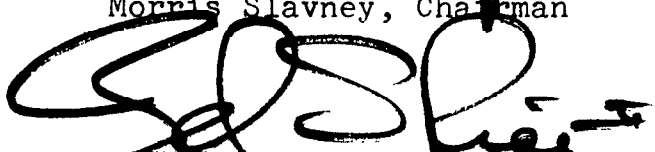
That the appropriate collective bargaining unit of law enforcement personnel in the employ of the Police Department of the Village of Whitefish Bay consists of all Patrolmen and the Detective but excluding the Sergeants, Lieutenants and the Chief of Police.

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. 11045

MEMORANDUM ACCOMPANYING ORDER CLARIFYING BARGAINING UNIT

In the past, the Municipal Employer herein has recognized the Policemen's Protective and Benevolent Association, hereinafter referred to as the Association, as the bargaining representative for all law enforcement personnel including the positions of Patrolmen, Detective and Sergeants but excluding the positions of Chief and Lieutenant. On April 17, 1972, the Association filed a petition with the Commission wherein it set forth, among other things, that an issue arose as to whether Sergeants in the employ of the Police Department of the Municipal Employer are or are not supervisors within the meaning of Section 111.70 (1)(o) of the Municipal Employment Relations Act.

The Police Department consists of twenty Patrolmen, one Detective two Sergeants, three Lieutenants and one Chief. During the course of the hearing, the parties stipulated that the Sergeants perform such supervisory duties to exclude them from the unit as supervisors. The evidence produced at the hearing disclosed that the Sergeants spend a majority of their time in supervising other Police Department personnel. They make assignments to the twenty Patrolmen and the Detective, and they supervise the performance of duties so assigned. The Sergeants can effectively recommend discipline of the Patrolmen and the Detective and the Sergeants exercise discretion and use their independent judgment in the performance of their supervisory duties.

Since we are satisfied from the record that the Sergeants are performing supervisory duties, the Commission accepts the stipulation of the parties to that effect, and therefore, we have found that the appropriate collective bargaining unit of law enforcement personnel in the employ of the Village of Whitefish Bay consists of Patrolmen and the Detective but excludes Sergeants, Lieutenants and the Chief of Police.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

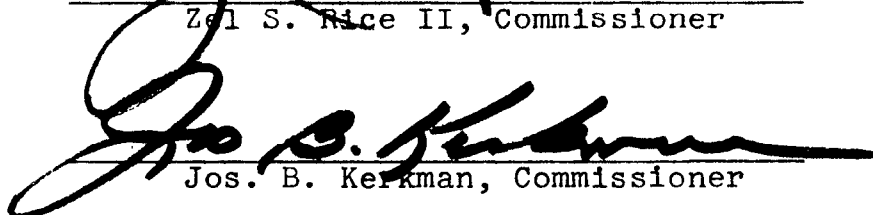
By



Morris Slavney, Chairman



Zel S. Rice II, Commissioner



Jos. B. Kerkman, Commissioner