

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petitions of  
WISCONSIN COUNCIL OF COUNTY AND  
MUNICIPAL EMPLOYEES, AFSCME, AFL-CIO

and

DRIVERS, SALESMEN, WAREHOUSEMEN, MILK  
PROCESSORS, CANNERY, DAIRY EMPLOYEES  
AND HELPERS UNION LOCAL 695, affiliated  
with INTERNATIONAL BROTHERHOOD OF  
TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN  
& HELPERS OF AMERICA

Involving Certain Employees of  
JEFFERSON COUNTY (SHERIFF'S DEPARTMENT)

Case XIII  
No. 15431 ME-768  
Decision No. 11082

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Appearances:

Goldberg, Previant & Uelmen, Attorneys at Law, by Mr. John S. Williamson, Jr., for the Petitioner Local No. 695.

Mr. Darrell Lowe, Representative, for Petitioner WCCME, AFSCME, AFL-CIO.

Mr. Harold H. Eberhardt, Corporation Counsel, for the Municipal Employer.

DIRECTION OF ELECTION

Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO and Drivers, Salesmen, Warehousemen, Milk Processors, Cannery, Dairy Employees and Helpers Union Local 695, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America having filed separate petitions with the Wisconsin Employment Relations Commission requesting that the Commission conduct an election among law enforcement personnel in the employ of Jefferson County Sheriff's Department; and a consolidated hearing having been held in the matter at Jefferson, Wisconsin, on April 19, 1972, Howard S. Bellman, Hearing Officer being present; and the Commission having fully reviewed the evidence and arguments of the parties and being fully advised in the premises and being satisfied that a question has arisen concerning representation for certain employees of the above Municipal Employer;

NOW, THEREFORE, it is

DIRECTED

That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within sixty (60) days from the date of this directive in the collective bargaining unit consisting of all employees of the Jefferson County Sheriff's Department but excluding the Sheriff, the Chief Deputy Sheriff, the Deputy Lieutenant, the Sheriff's Sergeant II's,


clerical employes, cooks, and all other employes of the Municipal Employer, who were employed by said Municipal Employer on the date of this directive, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employes desire to be represented by Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, or by Drivers, Salesmen, Warehousemen, Milk Processors, Cannery, Dairy Employees and Helpers Union Local 695, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, or by neither of said organizations, for the purposes of collective bargaining with the Municipal Employer on questions of wages, hours and conditions of employment.

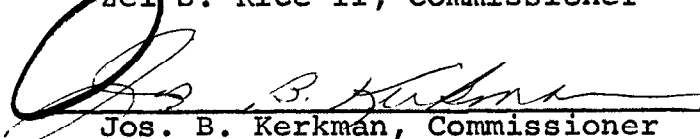
Given under our hands and seal at the City of Madison, Wisconsin, this 16th day of June, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Morris Flayney, Chairman

  
Zel S. Rice II, Commissioner

  
Jos. B. Kerkman, Commissioner

MEMORANDUM ACCOMPANYING  
DIRECTION OF ELECTION

The County, contrary to the two Unions, contends that the Department's four women employees - two clericals, one full-time cook and one part-time cook - should be excluded from the bargaining unit. All four are deputized. The clericals wear brown uniforms and badges. The cooks wear white clothing.

There is no evidence that any of said employees ever exercise any power of arrest, but they serve as the Department's jail matrons for women prisoners during the day. In fact, women prisoners are relatively rare at the Department's jail - approximately 20 per year, with stays of a few hours to up to three days. During the evening and night hours, the Sheriff's wife, who is an unpaid Undersheriff, acts as matron.

During the working hours of the women employees in question, the cooks, one of whom works six consecutive days and the other of whom works two consecutive days, are the principal matrons although their cooking, serving and cleaning duties constitute a full work schedule. The clericals, one of whom is mainly employed in jail related clerical functions and the other of whom is mainly employed in answering the telephone, responding to in-person inquiries, relieving the communications officers and secretarial functions, occasionally accompany male deputies in the transportation of prisoners.

It is the Commission's conclusion, based upon the foregoing and the record as a whole, that the aforesaid clerical and cook positions are sufficiently related to that of the male deputies to warrant their inclusion in the unit. Although these employees do not engage in arrests, their responsibilities are directly related to prisoner care and management and supportive of the functions of the male deputies. 1/ Furthermore, unlike the situation in Rock County (Dec. No. 10895 and 10352-A, 3/72) this case does not involve the fragmentation of an existing unit.

The County and the Petitioner Teamsters Union, contrary to Petitioner AFSCME, would exclude the classification Sheriff's Sergeant II from the bargaining unit. There are five employees in this classification and normally each is the shift commander of one of the Department's rotating shift. Usually the Sheriff, the Chief Deputy and the Lieutenant, who rank above the classification in issue, are present at the Department's headquarters only during the day shift, although on-call during other hours.

The Sergeant II's, as shift commanders, schedule and deploy the road patrols on their shifts and also are in authority over

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1/ Douglas County (10993) 5/72.

detectives, jail personnel and communications personnel at the headquarters. They are authorized to issue orders to the deputies on their shifts as well as to impose minor discipline and recommend more severe discipline. They engage in regular evaluations of some of their shift members as well as regular meetings with their superiors regarding such evaluations. Normally the Sergeant II's work at the headquarters.

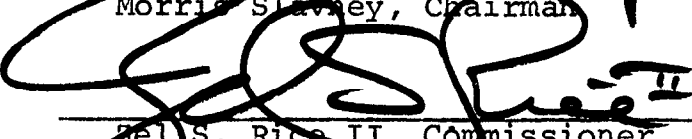
Based upon the foregoing and the record as a whole, it is the Commission's conclusion that the classification of Sheriff's Sergeant II is supervisory, and therefore should be excluded from the bargaining unit.

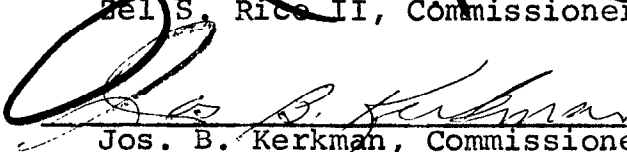
Dated at Madison, Wisconsin, this 16th day of June, 1972.

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By

  
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Mel S. Rice II, Commissioner

  
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