
In the Matter of the Petition of :
:

INTERNATIONAL BROTHERHOOD OF ELECTRICAL :
WORKERS, LOCAL UNION NO. 276, AFL-CIO :

Case XXX
No. 15085 ME-721
Decision No. 11164

Involving Certain Employees of :
:

DOUGLAS COUNTY (and CITY OF SUPERIOR) :

Appearances:

Mr. Kenneth Harvey, Business Representative, and Mr. E. J. Bailey,
International Representative, I.B.E.W., for the Petitioner.

Mr. William Hammann, City Attorney, for the City of Superior.

Mr. Robert Klosnya, Attorney at Law, for Douglas County.

Mr. Orval F. Anderson, Representative for General Drivers Local 346.

Mr. Bernard O'Connell, President, for the Superior Police Association.

Mr. Richard Erickson, Representative, for Wisconsin Council of
County and Municipal Employees, AFSCME, AFL-CIO

ORDER OF DISMISSAL

International Brotherhood of Electrical Workers, Local Union No. 276, AFL-CIO, hereinafter referred to as I.B.E.W., having filed a petition with the Wisconsin Employment Relations Commission, requesting that the Commission conduct an election, pursuant to Section 111.70(4)(d) of the Municipal Employment Relations Act among "all employees of Douglas County and City of Superior employed as dispatchers" to determine whether said employees desired to be represented for the purposes of collective bargaining by I.B.E.W.; and hearing on such petition having been conducted on December 7, 1971, and March 1, 1972, at Superior, Wisconsin, before Robert M. McCormick, Hearing Officer, and during the course of the hearing, General Drivers Local 346; the Superior Police Association; and Wisconsin Council of County and Municipal Employees, AFSCME, having been permitted to intervene on the basis that the employees involved in the petition may be possibly included in existing collective bargaining units separately represented by said three labor organizations; and the Commission having considered the evidence and the arguments of the parties, and being fully advised in the premises, and being satisfied that the dispatchers involved are in the employ of the City of Superior and that said dispatchers have the power of arrest, and further being satisfied that the dispatchers should be included in the collective bargaining unit consisting of law enforcement personnel in the employ of the City of Superior, which unit is presently represented by the Superior Police Association; and therefore, the Commission being satisfied that the unit as petitioned for the I.B.E.W. is an inappropriate unit,

NOW, THEREFORE, it is

ORDERED

That the petition filed in the instant matter be, and the same hereby is, dismissed.

Given under our hands and seal at the
City of Madison, Wisconsin, this 24th
day of July, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


J. B. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

MEMORANDUM ACCOMPANYING
ORDER OF DISMISSAL

The evidence adduced during the course of the hearing indicated that the dispatchers were, at the time of the hearing, employed jointly by the City of Superior and Douglas County in the Communication Center of the City-County Building. During the course of the hearing, Counsel for the City of Superior stated that within a relatively short time, the dispatchers would become solely employees of the City of Superior and would be treated as police officers and that the City would adopt a resolution in that regard. After the close of the hearing and on March 7, 1972, the Common Counsel of the City of Superior took the following action:

"Minority report of Labor, Wage and Classification Committee recommending that City take on members of Communications Center in City-County Building, for purposes of salary and bargaining on condition that workers be accepted by Police and Fire Commission as sworn police officers and are duly sworn as police officers."

"Moved by Alderwoman Hill, seconded by Alderman Stroozas and carried, report adopted."


Thus, we are satisfied that the dispatchers are now employees of the City of Superior and that they are police officers having the power of arrest. Therefore, the dispatchers cannot constitute a unit separate and apart from other law enforcement personnel of the City of Superior. There presently exists a collective bargaining unit of law enforcement personnel of the City of Superior and, therefore, we consider the dispatchers to accrete to the already existing unit of law enforcement personnel in the employ of the City of Superior. Since the employees covered in the petition do not constitute an appropriate unit, the petition filed herein has been dismissed.

Dated at Madison, Wisconsin, this 24th day of July, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slawey, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner