

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
GREENDALE PROFESSIONAL POLICEMEN'S
ASSOCIATION
Involving Certain Employees of
VILLAGE OF GREENDALE

Case III
No. 15450 ME-769
Decision No. 11214

Appearances:

Mr. Donald Bergman, Representative, appearing on behalf of the
Petitioner.
Mr. James Burns, Village Attorney, appearing on behalf of the
Municipal Employer.

ORDER DISMISSING PETITION FOR ELECTION AND CLARIFYING
BARGAINING UNIT

Greendale Professional Policemen's Association having, on March 21, 1972, filed a petition with the Wisconsin Employment Relations Commission requesting the Commission to conduct an election pursuant to Section 111.70, Wisconsin Statutes among certain employees of the Village of Greendale (Police Department); and a hearing on such petition having been conducted at Milwaukee, Wisconsin, on April 7, 1972, Marvin L. Schurke, Hearing Officer, being present; and during the course of the hearing, the Municipal Employer having indicated that it would recognize the Petitioner as the exclusive bargaining agent for employees in a unit consisting of Police Department personnel without need for an election conducted by the Commission; however, during the course of such hearing a dispute having arisen as to whether Patrol Sergeants and Administrative Sergeant should be excluded from the unit as supervisors; and the Commission having considered the evidence and being satisfied that no question concerning representation exists and that the bargaining unit should be clarified;

NOW, THEREFORE, it is

ORDERED

1. That the petition for election filed in the instant matter be, and the same hereby is, dismissed.
2. That the unit appropriate for the purposes of collective bargaining is hereby clarified and consists of:

All law enforcement personnel in the employ of the Village of Greendale Police Department having power of arrest, but excluding the Chief of Police, Lieutenant, Detective Sergeant and all other employees.

Given under our hands and seal at the City of Madison, Wisconsin, this 11th day of August, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Zel S. Rice II
Zel S. Rice II, Commissioner

No. 11214

MEMORANDUM ACCOMPANYING ORDER DISMISSING PETITION
FOR ELECTION AND CLARIFYING BARGAINING UNIT

In its petition the Greendale Professional Policemen's Association indicated a claimed appropriate unit of police personnel, excluding the Chief of Police, Lieutenant and Detective Sergeant. The Petitioner stated further that, "Traditionally the Village of Greendale and the Greendale Professional Policemen's Assn. have agreed on the wage requests but have never had a contract". During the course of the hearing the following exchange took place between the Hearing Officer and the Village Attorney:

"HEARING OFFICER: Mr. Burns, does the Employer decline to recognize the Petitioner as the exclusive bargaining agent for the employees in the unit described until such time as it has been certified after an election conducted by the Commission?

MR. BURNS: No, we don't decline. We will recognize it.

HEARING OFFICER: Okay. Then do I take it that the only issue before the Commission in this case would be the eligibility of the Sergeants for inclusion in the bargaining unit?

MR. BURNS: That's right."

Since the Municipal Employer has indicated voluntary recognition of the Greendale Professional Policemen's Association as the exclusive bargaining representative in the unit involved, there is presently no question concerning representation and no need for the Commission to conduct an election among the employees in the unit.

Testimony was taken concerning the duties and authority of the Detective Sergeant and the two Patrol Sergeants. Following the hearing, the Village supplied the Commission and the Petitioner with copies of the proposed job description for the proposed new position of Administrative Sergeant. The Police Department is headed by the Chief of Police. Immediately below the Chief in rank, and reporting directly to him, is the Lieutenant. The Lieutenant also heads the Training Bureau, in which one patrolman is employed, and the Patrol Division, in which two Patrol Sergeants and 13 patrolmen are employed. The table of organization establishes a separate Detective Bureau, headed by the Detective Sergeant, in which a Detective, a Juvenile Officer and a Matron are employed. The Administrative Sergeant would head the Bureau of Services, in which three civilian radio/switchboard operators and one building custodian are employed.

The Detective Bureau is located in quarters which are physically separate from the rest of the Police Department, and the activities of the Detective Bureau personnel are considerably different from the activities of the Patrol Division personnel. Cases are referred to the Detective Bureau by the Chief of Police or the Lieutenant, but all cases

The Patrol Sergeants work under the supervision of the Lieutenant. The Association contends that these two employees do not have supervisory authority to any great extent, that their duties during working hours are identical to the duties of Patrolmen, and that their position is more one of assistance than one of supervision. The Village argues that the Patrol Sergeants, as shift commanders, have supervisory authority equivalent to the Lieutenant, at least as to the shift on which they are employed. The evidence in the record supports the position of the Association. The Lieutenant schedules employees, disciplines and rewards employees, adjusts grievances and transfers employees. By contrast, the Sergeants patrol in squad cars, handle routine police calls and traffic patrol, and have little or no authority in the areas over which the Lieutenant has authority. When a Sergeant is absent, his functions concerning beat assignment are covered by the senior Patrolman on duty. The Commission concludes that the Patrol Sergeants do not have supervisory authority within the meaning of Section 111.70(1)(o)(1) of the Municipal Employment Relations Act, and therefore, they are included in the bargaining unit.

The Administrative Sergeant position is also known as the "Administrative Assistant to the Chief". The Village has proposed that the position would be held by a police officer as an appointive position at the pleasure of the Chief of Police. The pay range for the position would be the same as for Sergeants. The job description provided by the Village states:

"To be responsible for:

1. Bureau of Identification: The photographs, fingerprints, and measurements of persons, and all records pertaining to same kept for and submitted to our department, State of Wisconsin and FBI.
2. Property Bureau: Provide a means for the safekeeping of all lost, stolen and unclaimed property, prisoner's property, or property required as evidence, coming into the possession of the department and records therein necessary.
3. Communications Bureau: Installation, servicing and maintaining all radio and phone equipment in the mobile units and base station. All necessary for broadcasting police alarms and other needed information to the various radio equipped squad vehicles of the department.
4. Vehicle Service Bureau: Be responsible, under the Chief, to care for all department vehicles. Maintain records on the use of gas and oil, mileage of vehicles and nature of repairs to same. Keep continuous check on equipment, vehicles, repairs, bills, etc.."

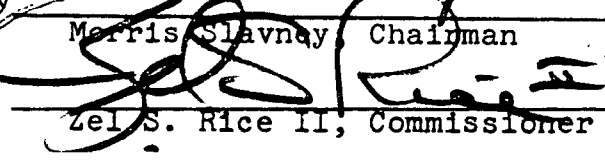
None of the functions outlined in this job description indicate that the occupant of the position will have any significant managerial or executive authority, nor does it indicate access to confidential information concerning the labor relations policies of the Municipal Employer. The organization of the Municipal Employer indicates that four civilian employees would be employed in the "Bureau of Services", but the job description does not detail the authority of the Administrative Sergeant concerning those employees. The position remained unoccupied at the time of the hearing in this matter and, without some evidence of actual exercise of authority in addition to that indicated in the job description, the Commission does not find sufficient basis to remove the position from the bargaining unit.

Dated at Madison, Wisconsin, this 11th day of August, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner