

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of :

WILLIAM G. CHRISTENSEN, MELVIN G. :
PETERSON, ROBERT L. ROHNER, KNUD O. :
HESTHAVEN, CHARLES A. BULLIS, GORDON :
A. MAUSING, RALPH E. MAINLAND :

Case XVI
No. 15799 ME-811
Decision No. 11257

Involving Certain Employees of :

RACINE COUNTY (SHERIFF'S DEPARTMENT) :

Appearances:

Mr. Melvin G. Peterson, Mr. Robert L. Rohner, Mr. Knud O. Hesthaven, Mr. Gordon A. Mausing and Mr. Ralph E. Mainland,
for the Petitioners.

Mr. Rob Weber, Assistant Corporation Counsel, for the Municipal Employer.

Schwartz, Schwartz, Roberts & Cairo, Attorneys at Law, by
Mr. Jay Schwartz, for Racine County Deputy Sheriffs Association.

ORDER HOLDING PETITION
FOR CLARIFICATION OF BARGAINING UNIT IN ABEYANCE

Sergeants William G. Christensen, Melvin G. Peterson, Robert L. Rohner, Knud O. Hesthaven, Charles A. Bullis, Gordon A. Mausing and Ralph E. Mainland, employed by Racine County Sheriff's Department, having filed a petition with the Wisconsin Employment Relations Commission requesting the Commission to clarify an existing recognized collective bargaining unit consisting of certain employees of Racine County Sheriff's Department, Racine, Wisconsin; and hearing in the matter having been conducted at Racine, Wisconsin, on August 15, 1972, Herman Torosian, Hearing Officer, being present; and the Commission having considered the evidence and arguments of the parties and being fully advised in the premises, makes and issues the following

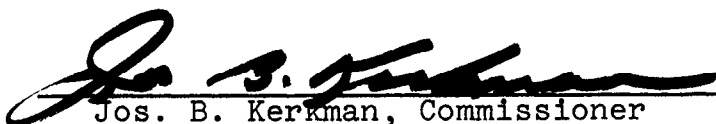
ORDER

That the instant matter be, and the same hereby is, held in abeyance until such time as Racine County has completed staffing its newly created captain and lieutenant positions.

Given under our hands and seal at the
City of Madison, Wisconsin, this 30th
day of August, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Morris Slavney, Chairman


Jos. B. Kerkman, Commissioner

MEMORANDUM ACCOMPANYING ORDER HOLDING
PETITION FOR CLARIFICATION OF BARGAINING UNIT IN ABEYANCE

The Petitioners in the instant matter are all Sergeants who claim they should be excluded from the recognized unit consisting of "all regular Deputy Sheriffs in the Sheriff's Department, Racine County, Wisconsin, excluding the Sheriff, Chief Deputy, Lieutenants, Sergeant of Detectives, and all other employees", on the basis that they are supervisory employes.

The County made an appearance at the hearing but did not take a position concerning the supervisory question at issue. The Racine County Deputy Sheriffs Association was allowed to intervene on the basis of its claim that it presently represents the Petitioners who seek to be excluded. The Association first argues that there is presently a collective bargaining agreement in effect and therefore the Sergeants' claim is barred by said agreement. Since the instant matter is not a petition for an election, but rather a clarification of an existing unit, the Commission concludes the existing collective bargaining agreement is not a bar to the instant petition.

As to the merits, it is the Association's position that the Sergeants in question are not supervisors and therefore should not be excluded from the existing unit.

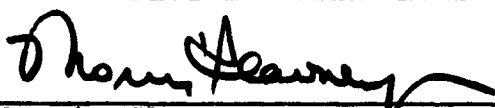
The present organization structure of Racine County Sheriff's Department has one Chief Deputy reporting to the Sheriff; one Lieutenant reporting directly to the Chief Deputy; four Desk Sergeants and one Court Sergeant reporting directly to the Lieutenant; one Detective Sergeant and one Planning and Training Sergeant reporting directly to the Chief Deputy; and one Jail Sergeant reporting directly to the Sheriff. This structure, however, is in the process of being changed. A new position of Captain and three additional Lieutenant positions have been created and authorized. The Captain will report to the Chief Deputy and the three additional Lieutenants along with the existing Lieutenant will report directly to the Captain. Two of the Lieutenants will be in charge of work shifts and one of the new Lieutenants will be in charge of the Court Bailiffs. Once a Lieutenant has been appointed to direct the efforts of the Court Bailiffs, the current Court Sergeant position will be eliminated. It appears all Desk Sergeants will report to the Lieutenants.

The County is currently in the process of hiring employes to fill the newly created Captain and Lieutenant positions. Hiring should be completed in the very near future and since the Sergeants' duties may very well change due to the newly created positions, the Commission will hold the instant matter in abeyance pending notice that said positions have been filled, and that said Captain and Lieutenants have begun performing their duties. At that time the Commission will set the matter for further hearing, and will be better able to determine whether Sergeants are supervisors within the meaning of Section 111.70(1)(o) of the Municipal Employment Relations Act.

Dated at Madison, Wisconsin, this 30th day of August, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


J. B. Kerkman, Commissioner