

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of

GENERAL DRIVERS & HELPERS UNION,
LOCAL 662, affiliated with INTER-
NATIONAL BROTHERHOOD OF TEAMSTERS,
CHAUFFEURS, WAREHOUSEMEN AND HELPERS
OF AMERICA

Involving Certain Employees of

TREMPEALEAU COUNTY (SHERIFF'S
DEPARTMENT)

Case VIII
No. 16834 ME-943
Decision No. 12005

Appearances:

Mr. Donald J. Burger, Vice-President, for the Petitioner.

Mr. Roman W. Feltes, District Attorney, for the Municipal
Employer.

DIRECTION OF ELECTION

General Drivers & Helpers Union, Local 662, affiliated with International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America having filed a petition with the Wisconsin Employment Relations Commission requesting that the Commission conduct an election pursuant to Section 111.70 of the Wisconsin Statutes, among law enforcement personnel in the employ of Trempealeau County Sheriff's Department; and hearing on such petition having been held at Whitehall, Wisconsin, on July 18, 1973, Douglas V. Knudson, 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 shall 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 regular full-time and part-time law enforcement personnel of the Trempealeau County Sheriff's Department but excluding the Sheriff, the Undersheriff and all other employees of the Municipal Employer, who were employed by said Municipal Employer on the date of this Directive, except such employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employees desire to be represented by General Drivers & Helpers Union, Local 662, affiliated

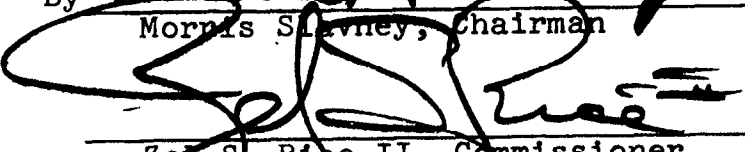
with International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, for the purposes of collective bargaining with the Municipal Employer on questions of wages, hours and conditions of employment.

Given under our hands and seal at the City of Madison, Wisconsin, this 16th day of July, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The parties stipulated to including the full-time radio operators and the special investigating deputy sheriff in the bargaining unit, and to excluding, as supervisors, the Sheriff and the Undersheriff from the bargaining unit.

The Union, contrary to the Municipal Employer, contends that the Department's two women employees -- one part-time matron and one part-time secretary -- should be excluded from the bargaining unit. Both employees are deputized.

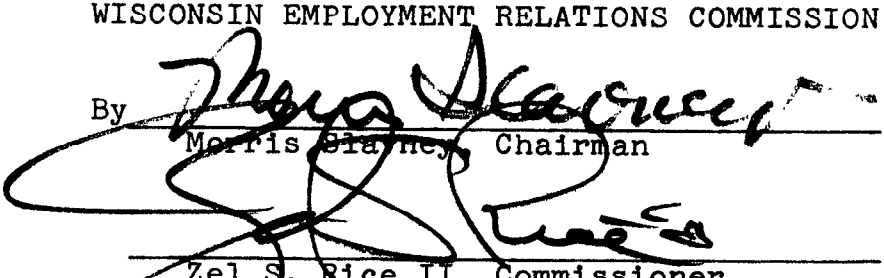
There is no evidence that either of said employees exercises any power of arrest, but they serve as the Department's jail matrons for female prisoners. The matron has no set work schedule, but is expected to perform the daily cooking, cleaning and laundry services for all prisoners. When there is a female prisoner, the matron normally stays at the jail around the clock to search the prisoner, to enter her cell when necessary and to accompany a male deputy in the transportation of the female prisoner. The secretary works at least twenty hours per week, more when necessary, and is mainly employed in department related clerical functions, occasionally performing the matron's duties, in her absence, with respect to the female prisoners.

The Commission, in establishing appropriate law enforcement units, considers the "power of arrest" to be the determinative factor for inclusion. 1/ In that both the matron and secretary do possess the power of arrest, the Commission is satisfied that said positions are properly included in the bargaining unit.

Dated at Madison, Wisconsin, this 16th day of July, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Blaney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner

1/ Douglas County (10993) 5/72; Jefferson County (11082) 6/72; City of Monroe (11580) 2/73.