

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CITY OF WAUWATOSA

Case XXXII
No. 16854 ME-950
Decision No. 12032

Mr. Bruce K. Patterson, Employee Relations Director, appearing on behalf of the Municipal Employer.

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 among all Police Parkett; but excluding all other employees who were employed by City of Wauwatosa on July 11, 1973, except such employees who quit their employment or are terminated for cause prior to the date of the election, for the purpose of determining whether a majority of such employees desire to accrete to the existing collective bargaining unit consisting of all regular full-time employees of the City of Wauwatosa employed in the Street Department, Mechanical and Maintenance Department, Electrical Department Water Department, and Park and Recreation Department, excluding seasonal employees, craft employees occupying the Electrician and Sign Painter classifications, executives and the following supervisors: General Street Foreman, Assistant Street Foreman, Equipment Foreman, City Electrician, Water Superintendent, Water Foreman, Park Superintendent and Forestry Foreman.

MEMORANDUM ACCOMPANYING
DIRECTION OF ELECTION

In its petition, Local 305, affiliated with District 48, AFSCME, AFL-CIO, hereinafter referred to as the Petitioner, requested that the Commission conduct an election among the Police Parkettes employed by the City of Wauwatosa, hereinafter referred to as the Municipal Employer. During the hearing, the Petitioner expressed a desire that, in the event the Commission found the inclusion of said employees in an existing unit to be appropriate, an election be conducted among the Police Parkettes to determine whether they desire to accrete to the existing unit represented by the Petitioner.

The Petitioner is the certified collective bargaining representative of a unit consisting of: all regular full-time employees of the City of Wauwatosa employed in the Street Department, Mechanical and Maintenance Department, Electrical Department, Water Department, and Park and Recreation Department, excluding seasonal employees, craft employees occupying the Electrician and Sign Painter classifications, executives and the following supervisors: General Street Foreman, Assistant Street Foreman, Equipment Foreman, City Electrician, Water Superintendent, Water Foreman, Park Superintendent and Forestry Foreman. 1/

In addition, there are separate relevant collective bargaining units comprised of: all electricians and electrical technicians; all regular full-time and regular part-time Fire and Police Alarm Dispatchers; and sworn police officers of the Municipal Employer.

The duties of the three Police Parkettes, employed by the City of Wauwatosa, consist of issuing timed parking violation citations. Prior to January 1, 1973, the Police Parkettes were directly accountable to the Police-Fire Commission. In accordance with departmental rule established by the Police Chief, the Police Parkettes were sworn employees exercising limited powers of arrest.

Effective January 1, 1973, the City Council enacted an ordinance which abolished the sworn status of the Police Parkettes and placed them in the classified service subject to the rules and regulations of Civil Service.

The Municipal Employer argues that there is a possibility that the arrest powers of the Police Parkettes will be reinstated in accordance with the Police Chief's wishes. The Municipal Employer avers that it would be inappropriate to include sworn Police Parkettes in the existing collective bargaining unit represented by the Petitioner. Therefore, the Municipal Employer concludes that a unit consisting solely of Police Parkettes is the appropriate unit in which an election should be directed.

The Petitioner reasons that the Police Parkettes, as non-sworn employees, appropriately constitute either a separate unit or an accretion to the existing unit. The Petitioner argues that the Police Parkettes, possessing the power of arrest prior to January 1, 1973, were, thereby, ineligible for inclusion in the existing, overall unit initially established in 1962. The Commission is satisfied that a community of

1/ As of the date of hearing of the instant proceeding, the conduct of an election was pending to determine whether all regular part-time and regular seasonal employees of the City of Wauwatosa desire to accrete to said existing unit.

interest is present between the existing collective bargaining unit and the Police Parkette positions. Furthermore, the statutory directive to avoid fragmentation is a relevant consideration in light of the limited number of Police Parkette positions.

The Commission concludes that it is appropriate to grant the Police Parkette an opportunity to determine for themselves whether they desire to accrete to the existing unit represented by the Petitioner. Should the required number of employees vote in favor of such accretion, the Commission will subsequently amend the present certification to reflect the accretion of the Police Parkettes.

However, in the event that the employees vote against accretion to the existing unit, the Commission will determine the Police Parkettes to have rejected representation for the purposes of collective bargaining and, thereby, dismiss the instant petition.

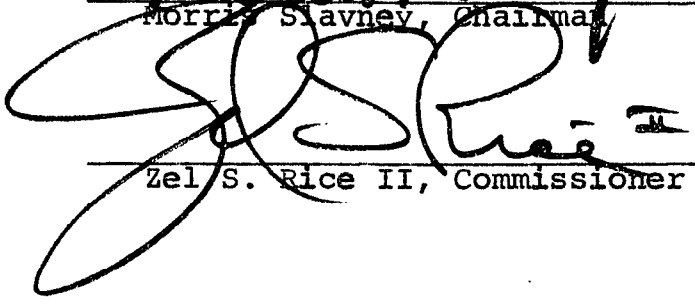
At such time as arrest powers are restored to the Police Parkettes, said positions shall automatically be excluded from the existing unit represented by the Petitioner. The Commission has consistently excluded sworn employees from inclusion in bargaining units with employees who do not possess the power of arrest. 2/

Dated at Madison, Wisconsin, this 20th day of July, 1973.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner

2/ City of Greenfield (7252), 8/65; City of Milwaukee (8605), 7/68;
Village of Fox Point (9959-A), 2/71; Douglas County (10993), 5/72;
City of Monroe (11580), 2/73.