

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	:	
	:	
CITY OF JANESVILLE	:	
	:	
Involving Certain Employes of the	:	Case V
	:	No. 17473 ME-1010
CITY OF JANESVILLE	:	Decision No. 12371-A
	:	
	:	

ORDER CLARIFYING COLLECTIVE BARGAINING UNIT

The City of Janesville, Wisconsin, having on December 20, 1973, filed a petition with the Wisconsin Employment Relations Commission, wherein it requested the Commission to clarify an existing recognized collective bargaining unit of law enforcement personnel employed by the City of Janesville; and a hearing on said petition having been held at Janesville, Wisconsin, on January 29, 1974, before Howard S. Bellman, Commissioner; and the Commission having considered the evidence, arguments and briefs of the parties and being fully advised in the premises, makes and issues the following

ORDER

That the classifications of Line Sergeants and Records Sergeant shall be, and hereby are, excluded from the collective bargaining unit consisting of certain police officers of the City of Janesville Police Department.

Given under our hands and seal at the City of Madison, Wisconsin this 1st day of May, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

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

Howard S. Bellman
Howard S. Bellman, Commissioner

MEMORANDUM ACCOMPANYING ORDER CLARIFYING
COLLECTIVE BARGAINING UNIT

The Police Department is headed by the Chief. In addition to the Chief, the parties have agreed to exclude the Inspector, Captain and Lieutenant positions from the bargaining unit. Also employed in the Department are six Line Sergeants, one Records Sergeant, four Detective Sergeants, forty-eight police officers and five civilian employes. At issue is the supervisory status of the Line Sergeant and Records Sergeant positions. It is apparently agreed that the Detective Sergeant position is properly included in the bargaining unit.

The Department operates on three eight-hour shifts. A Captain and two Line Sergeants are assigned to each shift. Normally, excluding vacations, illness, etc., two of those three employes are on-duty on each shift. When on-duty, the Captain serves as the Shift Commander. In his absence, which is approximately forty percent of the time, one of the Line Sergeants, generally the more senior Line Sergeant, serves as Shift Commander. ^{1/} In such instances the authority and duties of the Line Sergeants are substantially identical to those of the Captain. Each shift is staffed by fourteen to seventeen police officers who are assigned to patrol geographic areas for the purposes of investigating calls, handling traffic control, etc.

The Line Sergeants and Captain spend the majority of their shift in the office preparing the daily in-service training format, talking to members of the general public and completing a variety of paperwork and reports. The remainder of their time is spent patrolling in the field to oversee the work of the police officers on patrol, to assist on calls or investigations or to give advice in unusual situations. They are not assigned to any specific geographic area and are not expected to answer routine calls.

The Sergeants have the authority to call in off-duty police officers in emergencies and, on at least two occasions during 1973, exercised said authority. The Sergeants conduct monthly interviews of new police officers and semi-annual interviews of other police officers. Based on these interviews, they prepare written evaluations for the Captains. One Sergeant initiated a revised interview format.

Like the Captains and Inspector, the Sergeants have the authority to issue verbal and written reprimands or to send an officer home without prior approval of the Chief. However, the Chief retains final authority in all suspension and discharge cases. Recently, one Sergeant was assigned to investigate the conduct of an officer on his shift. Following the Sergeant's recommendation of discipline beyond a written reprimand, the Chief suspended said officer for ten days. On at least one occasion, a Sergeant has given the Employer's reply to a grievance at the first step. The Sergeants meet monthly as a group with the Chief to discuss departmental problems, policies and operating

^{1/} It is noted that unlike City of Madison (Dec. No. 11087-A) wherein Sergeants were found not to be supervisory employes, the present case involves no intermediate rank, i.e. Lieutenant, between Captain and Sergeant.

procedures; topics for discussion are raised by Sergeants as well as by the Chief. The Chief holds an annual staff meeting attended by the Inspector, Captains, Lieutenant and Sergeants.

The Records Sergeant heads the Records Division of the Police Department, which is staffed by one police officer and four civilian employes, and he reports directly to the Chief. The Records Sergeant assigns those employes as he sees fit in order to complete the Division's work satisfactorily, schedules their vacations and imposes discipline up to suspensions. Suspensions are cleared with the Chief prior to implementation. The Records Sergeant has participated in the interviewing of applicants for the civilian positions, although the final determination has been made by the Chief.

Based on the above, it is the Commission's conclusion that the Line Sergeants and Records Sergeant exercise sufficient authority and perform duties sufficiently differentiated from those of the police officers and civilian employes to justify their exclusion from the collective bargaining unit as supervisors.

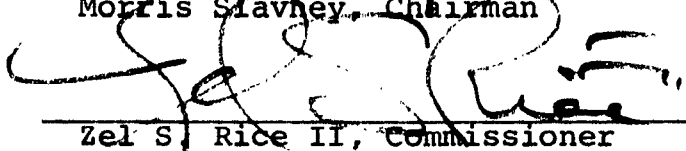
Dated at Madison, Wisconsin, this 1st day of May, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

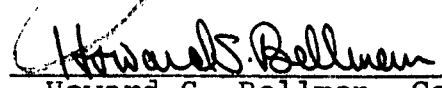
By



Morris Slavney, Chairman



Zel S. Rice II, Commissioner



Howard S. Bellman, Commissioner