

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

-----  
In the Matter of the Petition of :

GENERAL TEAMSTERS, WAREHOUSE & :  
DAIRY EMPLOYEES UNION LOCAL NO. :  
126, AFFILIATED WITH THE IBTWC :  
& H OF A :

Case V  
No. 17744 ME-1037  
Decision No. 12625

Involving Certain Employes of :

MARQUETTE COUNTY :  
-----

DIRECTION OF ELECTION

The above named Petitioner having filed a petition with the Wisconsin Employment Relations Commission requesting that the Commission conduct an election among law enforcement personnel in the employ of the Marquette County Sheriff's Department and County Highway Patrol; and a hearing having been held in the matter on April 4, 1974, Thomas L. Yaeger, Hearing Officer, being present; and the Commission having 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 employes of the above named Municipal Employer;

NOW, THEREFORE, it is

DIRECTED

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 in the collective bargaining unit consisting of all regular law enforcement employes of Marquette County employed in the Marquette County, Sheriff's Department and County Highway Patrol, including Traffic Patrolmen, Radio Operators, Special Investigators, and Traffic Captain, but excluding the Sheriff, Chief Deputy, confidential employes, supervisory personnel, casual employes, and all other employes, who were employed by said Municipal Employer on April 4, 1974, except such employes as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employes desire to be represented by General Teamsters, Warehouse & Dairy Employees Union, Local No. 126, for the purpose of collective bargaining with said Municipal Employer on questions of wages, hours and conditions of employment.

Given under our hands and seal at the  
City of Madison, Wisconsin, this 15th  
day of April, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney  
Morris Slavney, Chairman

Howard S. Bellman  
Howard S. Bellman, Commissioner

No. 12625

MEMORANDUM ACCOMPANYING  
DIRECTION OF ELECTION

At the hearing, the County maintained that the Sheriff has and does deputize certain individuals as the need arises and that said individuals may or may not be paid for any act rendered in the capacity of deputy. Furthermore, the County maintains that these individuals should not be included within the unit of County law enforcement personnel.

Section 59.21(5), Wisconsin Statutes, authorizes a Sheriff or his Undersheriff to deputize persons other than his regular complement of deputies to perform certain acts. Since the aforesaid individuals serve only at the request of the Sheriff on an irregular basis the Commission finds that they are casual employees, and are, therefore, excluded from the bargaining unit consisting of Marquette County law enforcement officers. 1/

The Petitioner claims that Suzanne M. Peterson, a secretary in the Marquette County Sheriff's Department, should be included in the unit of law enforcement personnel. The evidence adduced at the hearing established that said secretary performed a clerical function and did not have the power of arrest. 2/ The Commission, therefore, concludes that said secretary employed should not be included in a unit of law enforcement personnel.

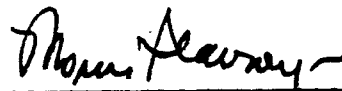
At the hearing, the County maintained that in the Fall of 1973 it had met with an attorney claiming to represent certain employees of the Marquette County Sheriff's Department. The County, therefore, claimed that said individual's name should appear on the election ballot.

The Commission presumes that any employee(s) desiring to be represented by said attorney would so indicate and ask said attorney to intervene on his (their) behalf. In the matter of the instant petition the Commission received no such notice, nor did aforesaid attorney come before the Hearing Officer with a motion to intervene on behalf of said employee(s). The Commission does not believe it is compelled to seek out any and all parties who may have an interest in or desire to intervene in any matter before it and, therefore, concludes that only the petitioning Union shall appear on the ballot.

Dated at Madison, Wisconsin, this 15th day of April, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Morris Slavney, Chairman



Howard S. Bellman, Commissioner

1/ City of Wausau (6276) 3/63; Oconomowoc Jt. School Dist. No. 3 (10388) 6/71.

2/ Sawyer County (12457) 1/74.