

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Case XII
No. 18185 ME-1092
Decision No. 12974

Mulcahy & Wherry, Attorneys at Law, by Mr. Michael Van de Kerckhove,
appearing on behalf of the Municipal Employer.

NOW, THEREFORE, it is

That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days from the date of this Directive in the collective bargaining unit consisting of all regular full-time and all regular part-time law enforcement personnel of the City of Two Rivers employed in its Police Department, excluding Chief of Police, Inspector, Captain and employees not having the power of arrest, supervisory, managerial and confidential employees and all other employees of the City of Two Rivers who were employed by the Municipal Employer on August 22, 1974, 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 the Wisconsin


No. 12974

Council of County and Municipal Employees, AFSCME, AFL-CIO for the purpose of collective bargaining with the City of Two Rivers, Wisconsin, on the question of wages, hours and conditions of employment.

Given under our hands and seal at the
City of Madison, Wisconsin this 27th
day of August, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Howard S. Bellman, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, hereinafter referred to as the Petitioner, filed its petition on July 25, 1974 for an election in a unit described as:

"All employees of the Two Rivers Police Department excluding the Chief of Police, Inspector, Captain and employees who do not have the power of arrest."

Said unit is currently represented by a voluntarily recognized bargaining representative, the Two Rivers Professional Policemen's Association, Local 13 of the Wisconsin Professional Policemen's Association, hereinafter referred to as Local 13.

During the course of the hearing, Mr. Lloyd Wilda, the Secretary-Treasurer of Local 13, moved and was granted permission to intervene for the purpose of disclaiming interest in appearing on the ballot in any election conducted among employees, of the Police Department. Therefore, the Commission has directed an election among the law enforcement personnel, wherein the employees will be permitted to choose whether they desire to be represented by the Petitioner or have no representation.

Also, during the course of the hearing, the parties stipulated to the following description of the bargaining unit:

"All regular full-time and regular part-time employees of the City of Two Rivers Police Department, excluding Chief of Police, Inspector, Captain and employees not having the power of arrest, the Secretary, the stenographer-dispatchers, the clerical employees and supervisory, managerial and confidential employees."

It is the intent of the parties by so describing the unit to include all law enforcement personnel who have the power of arrest. The parties list in the exclusion the positions with managerial or supervisory responsibilities which should be excluded from the unit, and the positions without the power of arrest are specifically listed in order to avoid any confusion or misunderstanding between the parties. The unit described in the Direction of Election conforms to the Commission's description for units comprised of officers who have the power of arrest, and thus also conforms to the intent of the parties as reflected in their stipulated description.

Dated at Madison, Wisconsin this 27th day of August, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slawney
Morris Slawney, Chairman

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

Howard S. Bellman
Howard S. Bellman, Commissioner