### STATE OF WISCONSIN

#### BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	• •
GENERAL DRIVERS & HELPERS UNION, LOCAL 662	Case XVII : Case XVII : No. 17690 ME-1032 : Decision No. 13074-A
Involving Certain Employes of	:
ST. CROIX COUNTY	:
	: 

### Appearances:

Mr. Robert E. Stein, Business Agent, appearing for the Petitioner. Mulcahy & Wherry, S.C., Attorneys at Law, by Mr. James L. Everson, appearing for the Municipal Employer.

Herrick, Hart, Duchemin & Peterson, Attorneys at Law, by Mr. Webster A. Hart, appearing for the Intervenor.

# DIRECTION OF ELECTION

General Drivers & Helpers Union, Local 662 having petitioned the Wisconsin Employment Relations Commission to conduct an election pursuant to the Municipal Employment Relations Act among all dispatchers in the employ of the St. Croix County Sheriff's Department; and Attorney Webster A. Hart having been permitted to intervene in the proceeding as the representative of certain law enforcement employes of St. Croix County; and hearing in the matter having been held at Hudson, Wisconsin, on April 22, 1974, Marvin L. Schurke, Hearing Officer, being present; and the parties having filed written statements of their positions; and the matter having been held in abeyance pending the disposition of a complaint of prohibited practices filed by the Petitioner herein against the Municipal Employer; and the Commission having issued an Order Determining Scope of Bargaining Unit and Granting Leave to Amend Petition for Election, wherein it was determined that the unit claimed appropriate in the petition was not a unit appropriate for the purposes of collective bargaining, and that the unit appropriate for collective bargaining was a larger county-wide unit of law enforcement employes of the Municipal Employer; and the Petitioner having amended its petition herein to seek an election in the unit deemed appropriate; and, following the disposition of the aforementioned complaint of prohibited practices, the Commission having considered the amended petition and being satisfied that a question has arisen concerning representation for certain employes of said 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 thirty (30) days from the date of this Direction in the collective bargaining unit consisting of all law enforcement personnel employed by St. Croix County, excluding supervisors and all other employes of the Municipal Employer, who were employed by the Municipal Employer on the date of this Direction, 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 Drivers & Helpers

No. 13074-A

Union, Local 662 for the purposes of collective bargaining with the above named Municipal Employer on questions of wages, hours and conditions of employment.

> Given under our hands and seal at the City of Madison, Wisconsin, this 24 day of March, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney, Chairman

S. Bellman, Commissioner Howard Herman Torosian, Commissioner

No. 13074-A

# MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The instant proceeding was initiated by a petition filed on February 26, 1974, wherein General Drivers & Helpers Union, Local 662 requested an election in a unit consisting of Dispatchers employed by the St. Croix County Sheriff's Department. After several postponements granted at the request of the Municipal Employer, a hearing was held at Hudson, Wisconsin, on April 22, 1974; during the course of which the County acknowledged that all dispatchers were employes within the meaning of the Municipal Employment Relations Act and would be eligible to vote in a representation election conducted by the Commission, but contended that the election should be conducted in a larger county-wide unit of law enforcement employes. The representative of certain criminal investigators employed by the County then intervened in the proceeding. Evidence was taken on both the unit question and on eligibility questions, but Local 662 declined to take a position with respect to the eligibility of individuals, other than those employed as dispatchers, and the representative of the criminal investigators declined to take a position with respect to the eligibility of individuals other than those employed as criminal investigators.

On May 20, 1974, Local 662 filed a complaint with the Commission alleging that the County had committed certain prohibited practices. That complaint was docketed as <u>St. Croix County</u>, Case XVIII, and, upon the filing of that complaint, the Commission regarded the instant case as blocked. During the hearing in Case XVIII the parties stipulated that, in view of the interest and participation of the Intervenor herein, the Commission should proceed in the instant case with the determination of the unit question raised in both the instant case and in Case XVIII. Thereupon, the Commission took up the unit determination aspects of the instant case and, on October 7, 1974 issued an Order Determining Scope of Bargaining Unit and Granting Leave to Amend Petition for Election identified as Decision No. 13074 (10/74).

In its decision, the Commission accepted the arguments of the County, finding that the petitioned-for unit of dispatchers was an inappropriate fragmentation of an appropriate county-wide unit of law enforcement employes. Since neither of the claiming organizations had, up to that time, indicated any interest in representation of the employes in the county-wide unit, the Commission set a period of 14 days from the date of that Order for the Petitioner and/or Intervenor to notify the Commission of a continued desire to participate in an election. Within the allotted period, Local 662 requested an election in the unit deemed by the Commission to be appropriate. The Intervenor has not, either within the allotted period or subsequently, indicated any further interest in the proceedings.

The Examiner appointed by the Commission in Case XVIII issued his Findings of Fact, Conclusions of Law and Order on December 6, 1974, in which violations of MERA were found and a remedy ordered, including the posting, for a period of 60 days, of a notice to all employes. No petition for review was filed and, on December 30, 1974, the Commission affirmed and adopted as its own, the Findings of Fact, Conclusions of Law and Order of the Examiner. The Commission has subsequently received notice of compliance with its Order.

During the course of the hearing, the County orally produced a listing of the then-employed law enforcement employes of the County. As previously noted, no stipulations could be obtained as to the eligibility of any individual. Considerable time has elapsed while the instant matter was blocked by the complaint of prohibited practices, and the Commission has therefore established the date of this Direction as the eligibility date for the election. The County is directed to submit to the Commission, within ten days of the date of this Direction, a list of all of its law enforcement personnel (those having power of arrest), and their positions, and indicate thereon which, if any, are claimed by the County to be supervisory, managerial, executive or confidential. A copy of said list shall be sent to General Drivers & Helpers Union, Local 662 at the same time the list is submitted to the Commission. Each of the parties shall instruct its observer at the election to be prepared to challenge the ballot of any individual whom that party contends should be ineligible to vote because of status as a supervisory, confidential, managerial or executive employe of the County. In the event the challenged ballots affect the results, or upon the request of either party for a determination of the status of individuals whose ballots are challenged, the Commission may hold a hearing to obtain a current record on the employment status of such individuals.

Dated at Madison, Wisconsin, this 24 day of March, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney, Chairman SRW S. Bellman, Commissioner

Torosian, Commissioner

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