

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 *24th* day of March, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By *Morris Slavney*
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner

Herman Torosian
Herman Torosian, Commissioner

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 employees 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 employees. 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 St. Croix County, 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 employees. Since neither of the claiming organizations had, up to that time, indicated any interest in representation of the employees 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 employees. 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 employees 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 ^{24th} day of March, 1975.

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