

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
WISCONSIN COUNCIL OF COUNTY AND
MUNICIPAL EMPLOYEES, AFSCME,
AFL-CIO
Involving Certain Employes of
VERNON COUNTY (SHERIFF'S DEPARTMENT)

Case XXII
No. 18761 ME-1150
Decision No. 13451

Appearances:

Mr. Walter J. Klopp, District Representative, appearing on behalf
of the Petitioner.
Steele, Smyth, Klos & Flynn, Attorneys at Law, by Mr. Jerome Klos,
appearing on behalf of the Municipal Employer.

DIRECTION OF ELECTION

Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, having petitioned the Wisconsin Employment Relations Commission to conduct an election pursuant to the Municipal Employment Relations Act among certain employes of Vernon County (Sheriff's Department); and a hearing on said petition having been conducted on February 25, 1975, at Viroqua, Wisconsin, Douglas V. Knudson, Hearing Officer, being present; and the Commission having considered the evidence, and being satisfied that a question has arisen concerning representation for certain employes of the Municipal Employer;

NOW, THEREFORE, it is

DIRECTED

That an election by secret ballot shall 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 law enforcement personnel employed by the Vernon County Sheriff's Department, excluding the Sheriff, Under-Sheriff, confidential employes and all other employes, who were employed by Vernon County on March 20, 1975, 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 the Wisconsin Council of County and Municipal Employees, AFSCME, AFL-CIO, for the purpose of collective bargaining with Vernon County, on the questions of wages, hours and conditions of employment.

Given under our hands and seal at the
City of Madison, Wisconsin, this 20th
day of March, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman
Herman Torosian
Herman Torosian, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

At the hearing, the Municipal Employer contended that two federally funded CETA employes, Norman Braaten and Errett Cox, should be excluded from the bargaining unit because the CETA funds may cease and, further, that its freedom, per the CETA program, to determine the continued employment of said employes would be limited by a collective bargaining agreement with the Union. Braaten and Cox perform the same functions as the other law enforcement employes of the Municipal Employer. The Commission has held that employes will not be excluded from a collective bargaining unit solely on the basis of the federal or state source of funding for those employes' positions. ^{1/} Accordingly, the Commission concludes that Braaten and Cox should be included in the collective bargaining unit and are eligible to participate in the election.

The Petitioner, in contrast to the Municipal Employer, claims that Joyce Banta, a deputized Matron, should not be eligible to participate in the election because she is the wife of the Sheriff, Geoffrey Banta. The Commission concludes that Joyce Banta's relationship as the spouse of the Sheriff is sufficient justification to exclude her from the collective bargaining unit and, therefore, she is not eligible to participate in the election.

The Municipal Employer moved to amend the Petitioner's description of the bargaining unit by adding confidential employes to the exclusions. The Petitioner opposed said unit modification because there are no confidential employes at present. The Commission is satisfied that the amended description proposed by the Municipal Employer is appropriate, and it is so reflected in the Direction.

Dated at Madison, Wisconsin, this 20th day of March, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Herman Torosian
Herman Torosian, Commissioner

1/ Weyerhauser Joint School District No. 3, (Dec. No. 13395) 2/75.