

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The proposed unit consists of 24 law enforcement personnel, including clerical employees, all who have the power of arrest, who are employed in the Clark County Sheriff and Traffic Departments. 1/ Although, the Clark County Board separately funds the Sheriff and Traffic Departments, both departments are subject to and operate under the supervision of the Sheriff and direction and control of the Clark County Law Enforcement Committee of the Clark County Board. There is a high degree of integration of function and personnel which makes one law enforcement unit, the unit agreeable to the parties, the appropriate unit herein.

However, the parties could not agree as to the supervisory status, or lack thereof, of four employees:

Don Patey - Special Investigator (Traffic)
David Tellock - Juvenile Officer
Walter Oldham - Desk Sergeant
Leonard Sundermeyer - Desk Sergeant

Eleven of the 24 deputy sheriffs in the proposed unit are employed in the Traffic Department. Nine are traffic officers and two are desk sergeants. The traffic officers perform patrol duties and investigate automobile accidents. Although the two desk sergeants Oldham and Sundermeyer make up the daily schedules and assignments for their respective shifts, these schedules are coordinated with the Sheriff's Department through the "Chief Deputy" and Special Investigator, Don Patey, and approved by the Sheriff and Law Enforcement Committee of the County Board. The latter committee reviews day-to-day operations of both the Sheriff and Traffic Departments on a regular basis. The desk sergeants take directives and orders from the Sheriff. The Sheriff is the individual who normally determines whether an off-duty officer is to be called in when either the Traffic or Sheriff Departments are short of manpower. It is the Sheriff who retains the primary responsibility for the initiation of discipline; however, it is the Law Enforcement Committee which ultimately determines matters of discipline. In the area of hiring, the Law Enforcement Committee of the County Board, permits members of the department, the Sheriff and desk sergeants to participate in job interviews with applicants, and the Law Enforcement Committee permits all those participating, officers and Sheriff alike, to state their opinions concerning the applicants. However, it is the Sheriff who narrows the field of applicants to three choices from which the Law Enforcement Committee makes its selection. Furthermore, due to the small complement of the two departments, the Sheriff does not engage in formal, written evaluations of an officer's work.

In determining the supervisory status of an individual, the Commission must evaluate his responsibilities in light of the statutory definition of a supervisor. Section 111.70(1)(o)1 of the Municipal Employment Relations Act defines the term "supervisor", as follows:

"As to other than municipal and county firefighters, any individual who has authority, in the interest of the municipal employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or to adjust their grievances or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment."

1/ Jefferson County (11082) 6/72.

Oldham was formerly the Coordinator of the Traffic Department. The occupant of said position under the rules and regulations of the Clark County Traffic Department, was responsible for the supervision of Traffic Department personnel. However, as desk sergeants, the actions of Oldham and Sundermeyer in coordinating schedules and compiling statistics for budget purposes are routine in nature, and their involvement in the hiring process or in disciplinary matters is equal to the involvement of all members of the unit in such matters. Since Oldham and Sundermeyer do not exercise independent judgment in carrying out their duties of assigning work and establishing schedules, the Commission has determined that Desk Sergeants Oldham and Sundermeyer are not supervisors within the meaning of Section 111.70(1)(o) of the Municipal Employment Relations Act, and thus they are included in the unit and are eligible to participate in the election.

Don Patey - Chief Deputy

Mr. Patey's duties, relative to assigning work, establishing work schedules, and assisting in the compilation of a budget, are quite similar to those performed by Oldham and Sundermeyer. Patey assigns work to the two other special investigators and six jailor/operators. All disciplinary action taken in the Sheriff's Department is initiated by the Sheriff and approved by the Law Enforcement Committee. Although Patey has access to officers' personnel files, much of his work is routine in nature and subject to the Sheriff's and Law Enforcement Committee's approval.

Patey is the highest paid officer in either the Sheriff or Traffic Departments. He is the second in command under the Sheriff. Yet, Patey does not exercise authority or independent judgment in matters of hiring, firing, discipline, or the assignment of work that would justify his exclusion from the unit.

David Tellock

Tellock is the Juvenile Officer. He has his own office, and maintains his own files. He operates with a greater degree of independence in his work assignments than other deputy sheriffs. It may be said that Tellock supervises an activity, but does not supervise any employees other than himself. Therefore, Tellock is not a supervisor as that term is defined under 111.70(1)(o)1 of the Municipal Employment Relations Act. 2/

For the reasons stated above, the Commission has concluded that all four individuals whose eligibility is in dispute are employees within the meaning of the Act and are thus in the unit and are eligible to participate in the election.

Dated at Madison, Wisconsin this 23rd day of October, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Howard S. Bellman
Howard S. Bellman, Commissioner