

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of :  
OAK CREEK PROFESSIONAL FIRE FIGHTERS :  
ASSOCIATION LOCAL 1848 : Case XX  
Involving Certain Employes of : No. 19575 ME-1238  
CITY OF OAK CREEK : Decision No. 14254  
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Appearances:  
Mr. Ed Durkin, International Vice President, for the Petitioner.  
Mulcahy & Wherry, Attorneys at Law, by Mr. Michael Roshar, 1/

ORDER CLARIFYING BARGAINING UNIT

Oak Creek Professional Fire Fighters Association Local 1848, herein referred to as Petitioner, having filed a petition with the Wisconsin Employment Relations Commission requesting that an election be conducted among certain fire fighting employes of the City of Oak Creek in a collective bargaining unit consisting of the presently recognized collective bargaining unit of such employes plus those firefighters with the rank of Captain; and hearing 2/ on such petition having been held December 23, 1975 in Milwaukee, Wisconsin before Stanley H. Michelstetter II, Hearing Officer, during the course of which the parties having stipulated to all relevant facts and agreed that should the Commission find the requested unit appropriate that it should clarify the existing unit rather than direct an election; and the Commission having considered the evidence and the arguments of the parties and being fully advised in the premises, makes and issues the following

ORDER

That the appropriate collective bargaining unit of fire fighting personnel in the employ of the fire department of the City of Oak Creek consists of all regular fire fighting personnel employed by the City of Oak Creek, including probationary, Lieutenants, and Captains, excluding supervisory, managerial, and confidential employes.

Given under our hands and seal at the  
City of Madison, Wisconsin this 15th  
day of January, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney  
Morris Slavney, Chairman  
Howard S. Bellman  
Howard S. Bellman, Commissioner

1/ Attorney Frederick A. Miller appeared for the Municipal Employer on October 28, 1975 for an informal conference on the matter. Thereafter, but prior to December 23, 1975, Mr. Miller withdrew and Mr. Roshar notified the Hearing Officer that he had been retained.

2/ The parties executed a written stipulation waiving a Transcript and the Commission's compliance with Section 227.12 of the Wisconsin Statutes.

MEMORANDUM ACCOMPANYING  
ORDER CLARIFYING BARGAINING UNIT

Petitioner is the voluntarily recognized representative of the Municipal Employer's firefighters, excluding inter alia the Captains, Assistant Chief and Chief. On September 15, 1975, the Association filed a petition with the Commission requesting the Commission to conduct an election among firefighter personnel in an alleged appropriate bargaining unit consisting of firefighters, Fire Lieutenants, Fire Inspectors and Fire Captains, excluding Assistant Chief and Chief. During the course of the hearing the parties stipulated to all relevant facts and further stipulated that should we find the sought unit to be appropriate that we should clarify the existing unit rather than direct an election.

The Municipal Employer has two fire stations. The Chief and Assistant Chief are located at one of the stations. Captains perform the function of shift commander at each station. 3/ We conclude that the Captains are not "supervisors" within the meaning of Section 111.70(1)(c)2 of the Municipal Employment Relations Act and have today clarified the existing unit to include the captains therein.

Dated at Madison, Wisconsin this 15th day of January, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney -  
Morris Slavney, Chairman

Howard S. Bellman  
Howard S. Bellman, Commissioner

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3/ City of Janesville (12460-A), 5/74; City of Waukesha Fire Department (11342), 11/72; Fire Department of the City of Wauwatosa (10956-A) 6/72.