

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of  
POLICE PATROLMEN'S ASSOCIATION OF  
BELOIT  
For Clarification of the Bargaining  
Unit for Certain Employees of  
CITY OF BELOIT (POLICE DEPARTMENT)  
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Case XXVII  
No. 19800 ME-1259  
Decision No. 14282

Appearances:

Noll, Donovan, Bolgrien & Ruth, Attorneys at Law, by Mr. William F. Donovan, appearing on behalf of the Police Patrolmen's Association of Beloit.

Mr. Neil M. Gundermann, appearing on behalf of the City of Beloit.

ORDER CLARIFYING BARGAINING UNIT

The Police Patrolmen's Association of Beloit having, on November 12, 1975, filed a petition with the Wisconsin Employment Relations Commission, wherein it requested that the Commission clarify an existing recognized collective bargaining unit consisting of law enforcement personnel employed by the City of Beloit; and a hearing having been held in the matter at Beloit, Wisconsin, on December 16 and 31, 1975, Peter G. Davis, Hearing Officer, being present; and the Commission having considered the evidence and arguments of the parties, and being fully advised in the premises, makes and issues the following

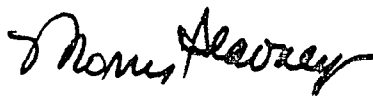
ORDER

That the classifications of Sergeant I and Sergeant II, with the exception of the Sergeant II employed in the Detective Division, Second Shift, shall be, and hereby are, included in the collective bargaining unit consisting of certain law enforcement personnel of the City of Beloit, while Captains are excluded therefrom.

Given under our hands and seal at the  
City of Madison, Wisconsin, this 28th  
day of January, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

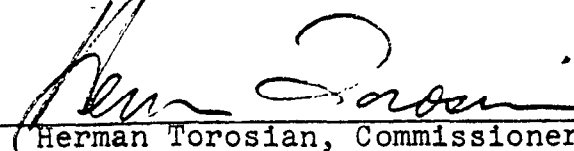
By



Morris Slavney, Chairman



Howard S. Bellman, Commissioner

  
(Herman Torosian, Commissioner

MEMORANDUM ACCOMPANYING  
ORDER CLARIFYING BARGAINING UNIT

In July 1975, the City of Beloit, referred to herein as the Municipal Employer, reorganized its Police Department. The Police Patrolmen's Association of Beloit, referred to herein as the Association, contends that said reorganization removed supervisory authority from the positions of Sergeant I, Sergeant II and Captain, and thus urges that said positions, currently excluded from the collective bargaining unit, should be included in said unit. The Municipal Employer urges that the above positions should continue to be excluded from the bargaining unit. During the course of the hearing, the parties stipulated that the position of Sergeant III was supervisory in nature, and thus was to be excluded from the bargaining unit. Having examined the record, the Commission accepts the parties' stipulation with regard to the position of Sergeant III.

The Beloit Police Department, headed by the Chief of Police, operates with a framework of three basic shifts and is divided into Operations, Detective and Staff Services Divisions, each headed by an Inspector. The Department employs one Police Chief, three Inspectors, three Captains, fifteen Sergeants, and forty-five Patrolmen.

CAPTAIN

Prior to the July 1975 departmental reorganization, Captains functioned as Patrol Commanders and thus occupied the supervisory position now held by Sergeant III's. The Association contends that due to the reorganization, Captains no longer possess supervisory authority and thus should now be included in the collective bargaining unit. The Municipal Employer urges that the reorganization has not altered the Captains' supervisory and managerial status and therefore contends that Captains should continue to be excluded from the bargaining unit.

Captains are identified in the Department's organizational scheme as Watch Commanders and as such are held accountable for the total operation of the Department during their tour of duty. Operating almost exclusively from the Department's headquarters, they are responsible for the coordination of patrol units and routinely brief officers coming on duty regarding potential problems or assignments. A substantial portion of the Captain's time is spent reviewing patrol officer's reports and determining which reports require follow-up investigations. The remainder of their time is generally occupied by the investigation of citizen complaints and the supervision of civilian dispatchers. Captains also participate in the formulation of departmental policy and procedure and have evaluated the performance of other officers within the Department.

The record does substantiate the Association's contention that Captains lack any significant role in the supervision of the day-to-day operation of patrol shifts. While Captains retain the theoretical ability to discipline subordinate officers or to direct field operations, the departmental reorganization has limited the opportunity for the exercise of such authority. However, the removal of primary supervisory responsibility from the position of Captain does not allow its inclusion in the bargaining unit, if the position retains significant managerial responsibilities. The record indicates that Captains are held accountable for the Department's total operation and have a policy-making role. On this basis, the Commission concludes that the position is managerial, and said status, combined with the residual supervisory authority over both officers and dispatchers, requires that Captains are excluded from the bargaining unit.

### SERGEANT II

The three Sergeant II positions within the Department are all located within the Detective Division. The incumbent in one position functions as an investigator, with primary responsibility in the areas of intelligence and vice. As the position has no supervisory or managerial responsibilities, the Commission concludes that it should be included in the bargaining unit.

The individual occupying the second Sergeant II position within the Detective Division is responsible for the operation of the Department's identification system. He establishes his own operating procedure, has substantial budgetary input regarding the needs of the intelligence system and effectively recommends the purchase of necessary supplies and equipment. He is aided by a secretary but lacks authority to discipline the employee, to grant her time off, to authorize overtime or to adjust grievances. During the occasional absence of the Detective Inspector, he is responsible for the direction and supervision of two first shift investigators. The Commission concludes that the infrequent nature of these supervisory responsibilities prevents the position from being deemed supervisory and that its procedural and budgetary responsibilities are not exercised at a level which is high enough to be indicative of managerial status. Thus, the Commission concludes that the position should be included in the bargaining unit.

The incumbent in the third Sergeant II position is assigned to the Detective Division, Second Shift, and is directly responsible for the training and direction of Patrolmen who serve as investigators on a temporary rotating basis. He has partial authority to determine work assignments and full authority to evaluate work performance, recommend discipline and authorize overtime or time off from duty. He spends approximately two thirds of his time training the Patrolmen and aiding them in their investigations. The remainder of his time is consumed by his own caseload. The Commission concludes that this position is supervisory and thus should be excluded from the bargaining unit.

### SERGEANT I

A Sergeant I position exists within both the Detective and Staff Services Divisions of the Department. The Sergeant I in the Detective Division functions exclusively as an investigator of criminal activity. The Sergeant I in the Staff Services Division fills the position of Court Sergeant and is responsible for the processing of arrest reports as well as the conduct of prisoners while in court. Neither position has any supervisory or managerial responsibility. The Commission can find no basis for the exclusion of either position from the collective bargaining unit.

Dated at Madison, Wisconsin, this 28th day of January, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney  
Morris Slavney, Chairman

Howard S. Bellman  
Howard S. Bellman, Commissioner

Herman Torosian  
Herman Torosian, Commissioner