

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	:	
	:	
PIERCE COUNTY DEPUTY SHERIFFS	:	Case XIII
	:	No. 20320 ME-1310
For Clarification of a Bargaining	:	Decision No. 14739
Unit Consisting of Certain Employes of	:	
	:	
PIERCE COUNTY	:	
	:	

Appearances:

Mr. Tom Weishaar, appearing on behalf of the Deputy Sheriffs.
Mr. Dale Jurgensen, Attorney at Law, appearing on behalf of the
Municipal Employer.
Mr. Guido Cecchini, appearing on behalf of the Intervenor.

ORDER CLARIFYING BARGAINING UNIT

Mr. James Hines, on behalf of the Pierce County Deputy Sheriffs, having on March 26, 1976, filed a petition with the Wisconsin Employment Relations Commission, requesting that the Commission clarify a certified unit of certain employes employed by Pierce County; and a hearing regarding said petition having been held at Ellsworth, Wisconsin on May 14, 1976, Sherwood Malamud, Hearing Officer, being present; 1/ and during said hearing Pierce County Courthouse Employees, Local 556-A, AFSCME, AFL-CIO, having been permitted to intervene; 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, since the occupants of the positions of Law Enforcement Secretary/Matron and Traffic Clerk/Matron have the authority and power to make arrests, said positions therefore shall be, and hereby are, excluded from the collective bargaining unit consisting of all regular full-time and regular part-time courthouse employes, excluding all elected officials, supervisors, professional and confidential employes, and are hereby included in the unit consisting of non-supervisory and non-confidential law enforcement personnel employed in the Pierce County Sheriff's Department.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Morris Slavney
Morris Slavney, Chairman

Herman Torosian
Herman Torosian, Commissioner

1/ Petitioner, the Municipal Employer and Intervenor waived, in writing, the preparation of a transcript of the proceeding and the provisions of Section 227.12 of the Wisconsin Statutes.

MEMORANDUM ACCOMPANYING
ORDER CLARIFYING BARGAINING UNIT

The petition initiating the instant proceeding was filed by Mr. James Hines on behalf of the "Pierce County Deputy Sheriffs." In the petition said Petitioner contended that "Karen Buck and Joyce Lamberg presently members of 556-A are duly appointed Deputy Sheriffs for Pierce County Sheriff's Dept. Have arrest powers and feel that they should be in the same bargaining unit as the other deputies in Pierce County." During the course of the hearing the Municipal Employer adopted the petition as its own. Pierce County Courthouse Employees Local 556-A, AFSCME, AFL-CIO, was permitted to intervene on the basis that it is presently the certified collective bargaining representative of all regular full-time and part-time courthouse employes in the employ of the Municipal Employer. 2/

The Law Enforcement Secretary, Joyce Lamberg, prepares legal process and billings for service of process, and performs many other clerical functions in the Sheriff's Department. The Traffic Clerk, Karen L. Buck, answers the phone, twice monthly prepares traffic tickets for the Clerk of Courts office, and performs other office clerical and typing duties. Both Lamberg and Buck are deputized and have the power to make arrests. They both serve as matrons when there are female adult or juvenile prisoners in the jail. Lamberg, assists in drug investigations and interrogation of female juveniles and rape victims. However, neither Lamberg nor Buck carry a weapon.

Lamberg was employed in the Sheriff's Department at the time the Commission conducted an election in the courthouse unit in 1970, and she participated in that vote. However, after the conduct of that vote, the occupants of the Traffic Clerk and Law Enforcement Secretary positions were deputized and issued uniforms.


It is to be noted that, as stated previously herein, the petition set forth an existing bargaining unit consisting of deputies in the employ of the Municipal Employer. None of the parties questioned the existence of such a unit.

It is to be noted that under Section 111.77 of the Municipal Employment Relations Act representatives of law enforcement personnel, who have the power to make arrests, as well as municipal employers, who reach an impasse in bargaining over wages, hours and working conditions of law enforcement personnel, have the right to proceed to final and binding arbitration to resolve such impasses. Therefore, the Commission will not include law enforcement personnel, having the power to make arrests, in collective bargaining units consisting of other employes. Since the occupants of the positions involved herein have the power to make arrests, they cannot be included in the general courthouse employes unit, but rather, are properly included in the unit consisting of law enforcement personnel having the power to make arrests.

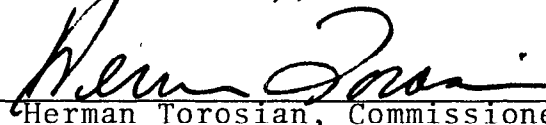
Dated at Madison, Wisconsin, this 24th day of June, 1976.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Morris Slavney, Chairman



Herman Torosian, Commissioner