

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of	:	
	:	
FOX POINT PROFESSIONAL POLICEMEN'S ASSOCIATION	:	Case VI
	:	No. 23342 ME-1567
Involving Certain Employes of	:	Decision No.16831
	:	
VILLAGE OF FOX POINT (POLICE DEPARTMENT):	:	
	:	

Appearances:

Herbon & McLaughlin, Attorneys at Law, by Mr. Mark T. Baganz, appearing on behalf of the Association.
 Hayes & Hayes, Attorneys at Law, by Mr. Tom E. Hayes, appearing on behalf of the Village.

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER CLARIFYING BARGAINING UNIT

Fox Point Professional Policemen's Association having filed a petition on October 19, 1978 with the Wisconsin Employment Relations Commission requesting that the Commission clarify a voluntarily recognized collective bargaining unit of its law enforcement personnel, and a hearing on said petition having been held at Fox Point, Wisconsin, on October 30, 1978 before James D. Lynch, Examiner, and the Commission having reviewed the evidence and arguments, and being fully advised in the premises, makes and issues the following Findings of Fact, Conclusion of Law and Order Clarifying Bargaining Unit.

FINDINGS OF FACT

1. That the Village of Fox Point has voluntarily recognized the Fox Point Professional Policemen's Association as the exclusive collective bargaining representative of its police personnel.
2. That on October 19, 1978, the Fox Point Professional Policemen's Association filed the instant petition seeking to clarify the status of individuals occupying the positions of sergeant. 1/
3. That the Commission on February 2, 1971 clarified the instant bargaining unit to exclude, inter alia, sergeants on the basis that they are supervisors.
4. That there has been no substantial change in job duties performed by sergeants since the February, 1971 unit clarification.

1/ An amended petition subsequently filed herein by the Association sought to clarify the status of lieutenants as well. At hearing, the Petitioner withdrew its amended petition.

Based upon the above and foregoing Findings of Fact, the Commission issues the following

CONCLUSION OF LAW

The positions with the rank of sergeant in the Village of Fox Point Police Department continue to be supervisory positions within the meaning of Section 111.70(1)(o)1, Wis. Stats.

Based upon the above Findings of Fact and Conclusion of Law, the Commission issues the following

ORDER CLARIFYING BARGAINING UNIT

That the position of sergeant is properly excluded from the collective bargaining unit consisting of police officers in the employ of the Village of Fox Point.

Given under our hands and seal at the City of Madison, Wisconsin this 9th day of February, 1979.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney

Morris Slavney, Chairman

Marshall L. Gratz

Marshall L. Gratz, Commissioner

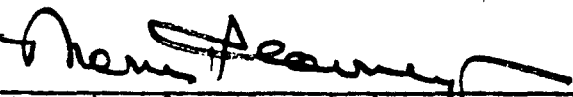
MEMORANDUM ACCOMPANYING FINDINGS OF FACT,
CONCLUSION OF LAW AND ORDER CLARIFYING BARGAINING UNIT

The record testimony amply establishes that occupants of the positions in question, sergeants, exercise supervisory authority in sufficient kind and degree to exclude them from the bargaining unit. ^{2/} In this respect, it should be noted that these positions were excluded from the bargaining unit by this Commission six years ago, ^{3/} and Petitioner neither claimed nor demonstrated any change of job duties which would warrant upsetting that earlier determination. For reasons set forth more fully in that decision, we find that the individuals occupying the positions of sergeant are supervisors within the meaning of the act and are, therefore, properly excluded from the bargaining unit.

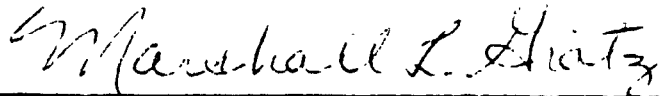
Dated at Madison, Wisconsin this 9th day of February, 1979.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Morris Slavney, Chairman



Marshall L. Gratz, Commissioner

^{2/} Sergeants, who act as shift commanders on the second and third shifts perform the following supervisory duties, in addition to routine patrol functions: (1) are responsible for assignment and supervision of patrol officers assigned to their shift; (2) performance evaluation reports of patrolmen whom they supervise; (3) handle employe grievances as first line supervisors; and (4) impose employe discipline.

^{3/} Village of Fox Point (Police Department), No. 9959-A (2/71).