

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

VILLAGE OF FONTANA (POLICE DEPARTMENT)

Appearances:

Morrissy, Morrissy & Race, Attorneys at Law, by Mr. John Race,
appearing for the Municipal Employer.

FINDINGS OF FACT

No. 16895

Employment Relations Act, and therefore such positions are included in the bargaining unit consisting of all regular full-time and regular part-time officers with the power of arrest in the employ of the Police Department of the Village of Fontana, excluding the Chief of Police.

Upon the basis of the above and foregoing Findings of Fact and Conclusion of Law, the Commission makes and issues the following


DIRECTION OF ELECTION

That an election by secret ballot shall be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days from the date of this Directive in the collective bargaining unit consisting of all regular full-time and regular part-time police officers with the power of arrest, including the Captain and the Sergeant, but excluding the Chief of Police, who were employed by the Village of Fontana on March 12, 1979, except such employees as may prior to the election quit their employment or be discharged for cause, for the purpose of determining whether a majority of such employees voting desire to be represented by the Walworth/Fontana Police Officers' Association for the purpose of collective bargaining with the Village of Fontana with respect to wages, hours and conditions of employment.

Given under our hands and seal at the
City of Madison, Wisconsin this 12th
day of March, 1979.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman



Herman Torosian, Commissioner


Marshall L. Gratz, Commissioner

MEMORANDUM ACCOMPANYING DIRECTION OF ELECTION

The small size of the police department, results in a sharing of duties uncommon to larger police departments. All officers, including the Chief, spend part of their working hours in squad cars on patrol. However, the Chief, Captain and Sergeant spend a smaller percentage of their duty time on patrol than do the four Patrolmen.

The Chief works from 8:00 a.m. to 4:00 p.m. Every three months, the Captain and the Sergeant rotate shifts, so that one works from 10:00 a.m. to 6:00 p.m., while the other works from 6:00 p.m. to 2:00 a.m. The Patrolmen work either from 6:00 p.m. to 2:00 a.m., or, from midnight to 8:00 a.m. Thus, it is clear that, normally for at least six hours a day, the Chief and either the Captain or the Sergeant are the only law enforcement personnel on duty. The Captain, Sergeant and Patrolmen receive time and one-half of their respective rate of pay for overtime duty.

The Chief, Captain or Sergeant, can authorize overtime work and can call in off-duty Patrolmen when necessary. However, Patrolmen also can call in off-duty Patrolmen without first obtaining approval from higher ranking officers, if none of said officers are on duty and cannot be reached by phone.

The Chief with the assistance of the Captain prepares the department's annual budget. The Captain handles vacation scheduling. The Sergeant developed, implemented and administers the department's juvenile investigation program.

The Village Board retains all authority to hire, fire, or discipline employees, although the Chief makes recommendations concerning such actions. The Chief routinely has discussed promotions, written reprimands, 1/ and applicants for employment with the Captain and the Sergeant prior to making his recommendations in those matters. Said matters have arisen on a very infrequent basis.

The Chief makes recommendations to the Village Board regarding hiring and discipline and would make them with regard to discharge determinations. While the Captain and the Sergeant are consulted by the Chief before he makes recommendations to the Board, their inputs are too far removed from the Board to be deemed effective recommendations. Furthermore, while the Captain assists the Chief in developing a proposed department budget and schedules vacations, and even though the Sergeant developed and implemented the department's juvenile investigation program, and although the Captain and Sergeant spend a smaller portion of their time patrolling than do the Patrolmen, we are nonetheless satisfied that their non-supervisory and non-managerial activities clearly predominate and thus warrant their inclusion in the unit.

Dated at Madison, Wisconsin this 12th day of March, 1979.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Morris Slavney
Morris Slavney, Chairman

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Herman Torosian, Commissioner

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1/ The Village has never suspended or discharged an employee.