

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of :

MILWAUKEE COUNTY INSTITUTION PROTECTION :
OFFICERS ASSOCIATION :

Involving Certain Employees of :

MILWAUKEE COUNTY (SHERIFF'S DEPARTMENT) :

Case CXV

No. 24228 ME-1640

Decision No. 17199

Appearances:

Mr. Robert B. Kliesmet, Vice President, International Union of
Police Associations, AFL-CIO, appearing on behalf of the
Petitioner.

Mr. Patrick J. Foster, Assistant Corporation Counsel, appearing
on behalf of the County.

Mr. Leverett Baldwin, appearing on behalf of the Milwaukee County
Deputy Sheriff's Association.

Mr. Earl Gregory, Staff Representative, appearing on behalf of
District Council 48, AFSCME, AFL-CIO.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DIRECTION OF ELECTION

The Milwaukee County Institution Protection Officers Association, herein the Petitioner, having petitioned the Commission on March 5, 1979 for an election to determine whether certain Institutions Protection Officers employed by Milwaukee County desired to be represented by the Petitioner for the purposes of collective bargaining; and a hearing regarding said petition having been held on April 11, 1979 in Milwaukee County before Examiner Stuart S. Mukamal; and District Council 48, AFSCME, AFL-CIO and Milwaukee County Deputy Sheriff's Association having intervened at said hearing and sought the accretion of said employees to bargaining units which they respectively represent; and the Commission, having considered the evidence and arguments and being fully advised in the premises, makes and issues the following Findings of Fact, Conclusions of Law and Direction of Election.

FINDINGS OF FACT

1. That the Petitioner is a labor organization seeking to represent certain employees of Milwaukee County for the purposes of collective bargaining.

2. That Milwaukee County, herein the County, is a municipal employer with offices at 901 North 9th Street, Milwaukee, Wisconsin.

3. That on March 5, 1979 the Petitioner requested that the Commission direct an election to determine whether certain sworn law enforcement personnel employed by the County as Institutions Protection Officers wished to be represented by it for the purposes of collective bargaining; that the Institutions Protection Officers function as special deputy sheriffs who possess arrest powers and provide law enforcement and occasional firefighting service on the grounds of the Milwaukee County Institutions; that said officers are responsible for protecting public properties against the hazards of fire, damage, accident, theft and trespass, and for maintaining order and enforcing parking and

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traffic regulations on public premises; that at the hearing regarding said petition District Council 48, AFSCME, AFL-CIO and the Milwaukee County Deputy Sheriff's Association were permitted to intervene on the basis of District Council 48's status as the exclusive collective bargaining representative of a bargaining unit including certain correctional officers and guards employed by the County and the Deputy Sheriff's Association's parallel status as the voluntarily recognized bargaining representative of certain sworn law enforcement personnel employed as deputy sheriffs by the County; that both District Council 48 and the Deputy Sheriff's Association expressed a desire to have those individuals employed as Institution Protection Officers accreted to the bargaining units which they respectively represent; that the County asserted that accretion to either of the foregoing bargaining units represented by District Council 48 or the Deputy Sheriff's Association would be more appropriate under the provisions of the Municipal Employment Relations Act than the fragmentation which would be created by the direction of an election in a separate bargaining unit consisting of Institutions Protection Officers.

4. That the job functions and sworn status of the Institutions Protection Officers employed by the County make them law enforcement personnel and create a substantial community of interest with those County employees currently represented by the Milwaukee County Deputy Sheriff's Association; and that said community of interest warrants the inclusion of Institution Protection Officers into the bargaining unit represented by the Milwaukee Deputy Sheriff's Association if a majority of those officers who vote select said Association as their bargaining representative.

Based on the foregoing Findings of Fact, the Commission makes and issues the following

CONCLUSIONS OF LAW

1. That the creation of a bargaining unit consisting of the Institutions Protection Officers employed by Milwaukee County would constitute undue fragmentation of bargaining units of County employees within the meaning of Section 111.70(4)(d)2.a., Stats.

2. That a bargaining unit including the Institutions Protections Officers along with other law enforcement personnel currently represented for purposes of collective bargaining by the Milwaukee County Deputy Sheriff's Association constitutes an appropriate bargaining unit within the meaning of Section 111.70(4)(d)2.a., Stats.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Commission makes and issues the following

DIRECTION OF ELECTION

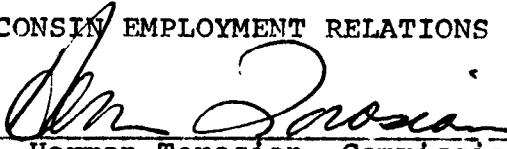
That an election by secret ballot be conducted under the direction of the Wisconsin Employment Relations Commission within thirty (30) days of the date of this directive among Institutions Protection Officers employed by Milwaukee County on August 9, 1979 except such employees as may prior to the election quit their employment or be discharged for

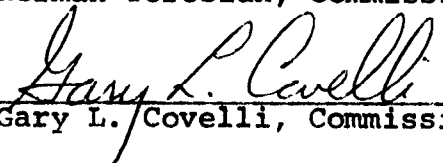
cause, for the purposes of determining whether a majority of such employees casting valid ballots desire to be represented by the Milwaukee County Deputy Sheriff's Association for the purposes of bargaining with said Municipal Employer.

Given under our hands and seal at the
City of Madison, Wisconsin this 10th
day of August, 1979.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Herman Torosian, Commissioner


Gary L. Covelli, Commissioner

MILWAUKEE COUNTY (SHERIFF'S DEPARTMENT SPECIAL DEPUTIES, INSTITUTIONS),
Case CXV, Decision No. 17199

MEMORANDUM ACCOMPANYING FINDINGS OF FACT,
CONCLUSIONS OF LAW AND DIRECTION OF ELECTION

The Petitioner seeks to have the Commission direct an election in a separate bargaining unit consisting of individuals employed as Institutions Protection Officers by Milwaukee County. The employees which this Petitioner seeks to represent are special deputy sheriffs who provide law enforcement and occasional firefighting services on the grounds of Milwaukee County Institutions. They possess arrest powers and are armed and clothed in a manner which parallels the armament and equipment of the Milwaukee County Deputy Sheriffs. Intervenor District Council 48 and Deputy Sheriffs Association ask that the Institutions Protection Officers be accreted to the bargaining units which they respectively represent.

Given their status as sworn special deputy sheriffs performing law enforcement functions, as outlined in Finding of Fact No. 3, the Institutions Protection Officers are law enforcement personnel and thus the Commission concludes that a strong community of interest exists between the Institutions Protection Officers and the deputy sheriffs represented by the Deputy Sheriff's Association. In light of this substantial community of interest between these two groups of law enforcement officers and the fact that the creation of a separate bargaining unit would run counter to the anti-fragmentation policy contained in Section 111.70(4)(d)2.a., Stats., the Commission has concluded that the inclusion of the Institutions Protection Officers in the bargaining unit currently represented by the Milwaukee County Deputy Sheriff's Association would be appropriate under the Municipal Employment Relations Act. Thus, if a majority of those officers voting select the Association as their bargaining representative, the Institutions Protection Officers shall be included in the bargaining unit currently represented by said Association. ^{1/} However, if the majority so vote for inclusion, the terms of the current bargaining agreement between the Association and Milwaukee County would not automatically be applied to said officers unless collective bargaining produces

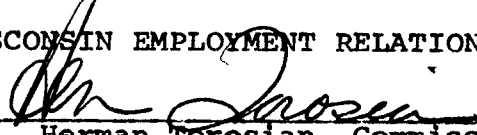
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- ^{1/} The parties stipulated that should the Commission decide a separate bargaining unit of Institutions Protection Officers is inappropriate an accretion election between District Council 48 and the Deputy Sheriff's Association should be held. The Commission can not honor the precise terms of this stipulation inasmuch as it has been determined that the bargaining unit represented by the Association is the only statutorily appropriate unit into which the Protection Officers may be placed. However, the Commission has honored the parties' apparent desire to allow the employees in question to have a voice in determining their representative by directing the instant accretion election.

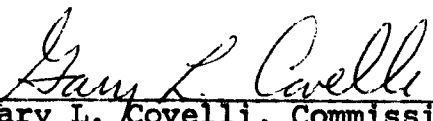
such a result. 2/ If a majority does not vote for representation by the Association, the Institutions Protection Officers shall remain unrepresented.

Dated at Madison, Wisconsin this 10th day of August, 1979.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Herman Torosian, Commissioner


Gary L. Covelli, Commissioner

2/ Cochrane-Fountain City, 13700 (6/75).

1. The first part of the document is a list of names and addresses of the members of the committee.

2. The second part of the document is a list of names and addresses of the members of the committee.