

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

No. 17371-F  
No. 17447-D  
No. 17448-D

ORDER MODIFYING CERTAIN FINDINGS OF FACT AND  
AFFIRMING REMAINING FINDINGS OF FACT,  
CONCLUSION OF LAW AND ORDER

The Wisconsin Employment Relations Commission having, on October 17, 1980, issued Findings of Fact, Conclusion of Law and Order in the above matters; and Drivers, Salesmen, Warehousemen, Milk Processors, Cannery, Dairy Employees and Helpers Local 695, et al., having, on November 6, 1980, filed a petition requesting rehearing in the matters; and Grant County having, on November 10, 1980, filed a motion to intervene in the matter and having requested the Commission to reconsider its decision issued in the above-entitled matters; and the Commission having advised the parties that it would not rehear the matter but would reconsider its decision; and briefs having been filed by Drivers, Salesmen, Warehousemen, Milk Processors, Cannery, Dairy Employees and Helpers Local 695, et al., Grant County and the Wisconsin Police Negotiators, Ltd., as well as the Wisconsin Professional Police Association; and the Commission being fully advised in the premises, makes and issues the following

ORDER

1. IT IS ORDERED that the Findings of Fact set forth in paragraphs 5 and 7 in its decision issued in the above-entitled matters on October 17, 1980, be corrected to read as follows:

5. That at least prior to August 27, 1979, Teamsters was the exclusive collective bargaining representative of non-supervisory law enforcement personnel in the employ of the City of Oconomowoc; that on August 27, 1979, Patrick Corragio, as Chairman of LEER, 1/ filed a petition on behalf of LEER, affiliated with WPPA, requesting the Commission to conduct an election among non-supervisory law enforcement personnel in the employ of said City, to determine whether said personnel desired to be represented by LEER, affiliated with WPPA, or whether said personnel desired to continue to be represented by Teamsters for purposes of collective bargaining with said City; that at least prior to August 27, 1979, Teamsters was the exclusive collective bargaining representative of non-supervisory law enforcement personnel in the employ of the Town of Oconomowoc; that on August 27, 1979, LEER filed a petition requesting the Commission to conduct an election among non-supervisory law enforcement personnel in the employ of said Town to determine whether said personnel desired to be represented by LEER, or whether said personnel desired to continue to be represented by Teamsters, for the purposes of collective bargaining with said Town; and that at least prior to July 11, 1979, Teamsters was the exclusive collective bargaining representative of non-supervisory law enforcement personnel in the employ of the County of Waukesha; that on July 11, 1979, Jeffery M. Anderson, as Executive Director of WPPA, filed a petition requesting the Commission to conduct an election among said non-supervisory law enforcement personnel to determine whether said personnel desire to be represented by LEER, affiliated with WPPA, or whether said personnel desire to continue to be represented by Teamsters for the purposes of collective bargaining with said County.

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1/ The underlined portions reflect the changes made in the Findings of Fact involved.

7. That WPPA is a non-stock corporation created pursuant to Chapter 181, Wis. Stats., and it has 28 members on its Board of Directors, 5 of whom have been stipulated, by WPN, Teamsters, and WPPA, as being supervisory law enforcement personnel, occupying the positions in the police departments of municipal employers set forth opposite their names as follows:

Donald Cuene - Chief of Police, City of Green Bay  
Charles Wolbert - Captain, City of Cudahy  
Thomas Havlik - Sergeant, City of LaCrosse  
Donald Haralson - Assistant Chief of Police,  
City of Marshfield  
Norbert Nelson - Sergeant, City of Manitowoc;

that at all times material herein supervisory law enforcement personnel have always been, and continue to be, allowed to participate in WPPA as members and officers; that there are local affiliates of WPPA, some of which are made up solely of non-supervisory law enforcement personnel, some of which are made up solely of supervisory law enforcement personnel, and some of which have a combination of both of such personnel; and that WPPA is the parent state organization of such local affiliates;

That prior to the latter part of May, 1979 WPPA, itself, and in its own name engaged in organizational activities among law enforcement personnel for the purposes of collective bargaining, and had been certified as the collective bargaining representative of such personnel in the employ of various municipal employers; that in certain instances it also furnished guidance and assistance to local affiliates in their collective bargaining with municipal employers; that WPPA created LEER on May 22, 1979, for the purpose of representing law enforcement personnel in collective bargaining; that LEER does not now admit supervisory law enforcement personnel into its membership, although it did so through 1979; that while in 1979 LEER assisted two supervisory law enforcement units in their collective bargaining, however it no longer performs this function; and that the services offered by LEER include either a "full service" plan, paid for by fixed dues paid by members of locals affiliated with WPPA, or services rendered to WPPA locals which are paid to LEER on an hourly basis.

2. IT IS FURTHER ORDERED that the remaining Findings of Fact, the Conclusion of Law and the Order set forth in the original decision issued herein be, and the same hereby are, affirmed.

Given under our hands and seal at the  
City of Madison, Wisconsin this 18th  
day of June, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Gary I. Covelli  
Gary I. Covelli, Chairman  
Morris Slavney  
Morris Slavney, Commissioner  
Herman Torosian  
Herman Torosian, Commissioner

MEMORANDUM ACCOMPANYING  
ORDER MODIFYING CERTAIN FINDINGS OF FACT AND  
AFFIRMING REMAINING FINDINGS OF FACT,  
CONCLUSION OF LAW AND ORDER

On October 17, 1980 the Commission issued Findings of Fact, Conclusion of Law and Order in the proceedings involved herein, wherein it concluded that the Wisconsin Professional Police Association, hereinafter referred to as WPPA, did not commit any prohibited practices within the meaning of subsection 111.70(3) of the Municipal Employment Relations Act (MERA), "by permitting supervisory law enforcement personnel to its membership, and by permitting said personnel to hold office". On November 6, 1980 Teamsters Local 695 (Teamsters), the Complainant in two of the cases, filed a motion requesting the Commission to rehear the matter, contending that the Commission's decision contained errors in the Findings of Fact, and, further, that it erred in its Conclusion of Law, resulting in the dismissal of the complaints filed in all three cases involved.

Specifically, Teamsters alleged that para. 5 of the Findings should be corrected to reflect that rather than identifying LEER (Law Enforcement Employee Relations) as the petitioner seeking elections in the City of Oconomowoc, the Town of Oconomowoc, and Waukesha County, the petitioner therein should have been identified as the WPPA. Teamsters also contends that in its Finding of Fact 7 the Commission found that LEER did not admit supervisory personnel into its membership, and in that regard Teamsters claims that the record indicates that two supervisory law enforcement personnel were appointed to LEER's Board of Directors, less than two months prior to the filing of the election petition in the Waukesha County case. Further, Teamsters disagrees with the Commission's Conclusion of Law to the effect that WPPA, by permitting supervisory law enforcement personnel into its membership, and permitting them to hold office, did not constitute a prohibited practice in violation of MERA.

Grant County, by its Counsel, on November 10, 1980 also filed a motion to intervene in the matter, and requested the Commission to reconsider its decision in the complaint cases noted herein. It also filed a brief in support of said motion. Previously, and as a result of a pending election case involving Grant County, it was agreed that Grant County's objections, filed with respect to an election conducted among law enforcement employees in its employ, would be determined on the record made in the three complaint cases involved in the Commission's decision. Grant County argues that the Commission's decision is too broad and its construction of Sec. 111.70(8) of MERA, namely the provision relating to supervisory law enforcement bargaining units, and membership and activities of supervisory law enforcement personnel in organizations representing non-supervisory law enforcement personnel. Grant County would have the Commission conclude that WPPA committed a prohibited practice. Wisconsin Police Negotiators, Ltd., also a party Complainant, filed a brief in support of the motion to reconsider.

In a hearing in an election case involving the Village of Pewaukee, held on November 19, 1980, where Counsel for all parties herein were permitted to intervene, the Commission, on the record, advised that it would not grant the motion for rehearing, but that it would reconsider its decision.

The petitions for election which were filed in the cases involving the City of Oconomowoc, the Town of Oconomowoc, and Waukesha County, identify the petitioner, and its principal representative, in each of said cases as follows:

City of Oconomowoc

Patrick Coraggio: Chairman, Law Enforcement Employee Relations  
Wisconsin Professional Police Association  
P. O. Box 151, Brookfield, WI 53005

Town of Oconomowoc

(Identical to that of City of Oconomowoc)

Waukesha County

Patrick Coraggio: Chairman, Law Enforcement Employee Relations  
Wisconsin Professional Police Association

Jeffrey M. Anderson: WPPA  
23 N. Pinckney Street  
Madison, WI 53703

Patrick Coraggio, as Chairman of LEER, signed the petitions filed in the City of Oconomowoc and in the Town of Oconomowoc cases. J. M. Anderson, as the Executive Director of WPPA, signed the petition filed in the Waukesha County case. The record does establish that at least through 1979 LEER did admit supervisory law enforcement personnel into its membership, but at the time of the hearing herein, such activity ceased.

While we have amended our Findings of Fact, as noted in our Order, we do not deem said amendments to be momentous, nor do they compel the Commission to, in any way, revise our Conclusion of Law and Order.

Dated at Madison, Wisconsin this 18th day of June, 1981.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Gary L. Covelli  
Gary L. Covelli, Chairman  
Morris Slavney  
Morris Slavney, Commissioner  
Herman Torosian  
Herman Torosian, Commissioner