

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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In the Matter of the Petition of  
HOUSE OF CORRECTION  
OFFICERS ASSOCIATION  
Involving Certain Employees of  
MILWAUKEE COUNTY  
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Case CLIX  
No. 29224 ME-2086  
Decision No. 19753-A

Appearances:

Mr. Joseph J. Shutkin, Attorney at Law, 135 West Wells Street, Milwaukee, Wisconsin 53203, for the Petitioner, House of Correction Officers Association.  
Mr. Patrick J. Foster, Esq., Labor Negotiator, Milwaukee County Courthouse, 901 North 9th Street, Milwaukee, Wisconsin 53233, for Milwaukee County.  
Podell, Ugent and Cross, S.C., by Mr. Alvin R. Ugent, 207 East Michigan Street, Suite 315, Milwaukee, Wisconsin 53202, for the Intervenor, Milwaukee District Council 48, American Federation of State, County and Municipal Employees, AFL-CIO.

SUPPLEMENTAL FINDINGS OF FACT,  
CONCLUSION OF LAW  
AND ORDER DISMISSING PETITION FOR ELECTION

House of Correction Officers Association having on February 1, 1982, filed a petition requesting the Wisconsin Employment Relations Commission to conduct an election among certain employees of Milwaukee County employed at the House of Correction for the purpose of determining whether said employees desire to be represented by said Association for purposes of collective bargaining; and hearing in the matter having been conducted on March 23, 1982, before Examiner Sherwood Malamud, and at the outset of the hearing Milwaukee District Council 48, AFSCME, AFL-CIO, having been permitted to intervene in the matter, on the basis that it is at present the certified collective bargaining representative of the employees who are the subject of the instant petition; and the parties having agreed to limit the March 23 hearing to the issue as to whether the instant petition had been timely filed; and the parties having filed briefs on said issue by April 28, 1982; and the Commission having on July 16, 1982 issued Findings of Fact and Conclusion of Law in the matter, wherein it determined that the petition had been untimely filed, but ordered the Examiner to conduct further hearing in the matter to avoid duplication of effort 1/; and Examiner Sherwood Malamud having conducted said further hearing on August 12 and September 15, 1982; and the transcript of said further hearing having been received on October 12, 1982, and the parties having waived in the filing of briefs in the matter; and the Commission, having reviewed the entire record and being fully advised in the premises, makes and files the following

SUPPLEMENTAL FINDINGS OF FACT

1. That the House of Correction Officers Association, hereinafter referred to as the Association, is a labor organization having its offices c/o Joseph J. Shutkin, Attorney at Law, 135 West Wells Street, Milwaukee, Wisconsin 53203.

2. That Milwaukee County, hereinafter referred to as the County, is a municipal employer, having its offices at the Milwaukee County Courthouse, 901 North 9th Street, Milwaukee, Wisconsin 53233; that among its various functions, the County operates a House of Correction located at 8885 South 68th Street, Franklin, Wisconsin 53132; and that the House of Correction is established pursuant to Sections 56.16 through 56.20, Wis. Stats.

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1/ Milwaukee County (19753) 7/82.

3. That Milwaukee District Council 48, American Federation of State, County and Municipal Employees, AFL-CIO, hereinafter referred to as AFSCME, is a labor organization having its offices at 3427 West St. Paul Avenue, Milwaukee, Wisconsin 53208; and that at all times relevant herein, AFSCME has been, and is, the certified exclusive collective bargaining representative of approximately 6,000 employees of the County, including, since 1965, employees occupying the classifications of Correction Officers I and II employed at the House of Correction, in a "Countywide" collective bargaining unit, excluding professional and craft employees, and other employees who are managerial, supervisory and confidential employees, as well as firefighter and law enforcement personnel.

4. That the House of Correction is a separate department of the County, for the maintenance, custody and care of male and female prisoners in dormitory settings at two sites, one of which is identified as the "Inmate Custody Main Prison," and the other as the "Inmate Custody Work Release Center," the latter being occupied by Huber prisoners, who are permitted to work outside the site during daylight hours; that as of August 10, 1982 there were 473 male and 66 female inmates housed in the facilities of the House of Correction, 218 of whom had been convicted of felonies and 255 of whom had been convicted of misdemeanors; and that the organization of the House of Correction and the classifications of the employees therein, including the number of employees in each classification is reflected in "Appendix A" attached hereto.

5. That the Association, in the instant proceeding, requests the Wisconsin Employment Relations Commission to conduct an election among employees employed by the County in the House of Correction, in a collective bargaining unit claimed to be appropriate by the Association, and which unit consists of the following employees:

Correction Officer I  
Correction Officer I (Boiler Operation)  
Correction Officer I (Recreation)  
Correction Officer I (Clerical)  
Correction Officer II  
Correction Officer II (Boiler Operation)  
Correction Officer II (Maintenance)

6. That, contrary to the Association, AFSCME contends that the employees desired by the Association to be included in a bargaining unit separate and apart from all other County employees included in the "Countywide" unit is not an appropriate unit, and that, therefore the Commission should not fragmentize said existing "Countywide" unit; and that the County urges the Commission to conclude that the Correction Officers should remain in the "Countywide" unit, and that should the Commission conclude otherwise, then said employees should be placed in the unit consisting of Deputy Sheriffs in the employ of the County.

7. That the positions of Correction Officer I and II are assigned exclusively to the House of Correction; that there is little employee interchange between other departments of the County and the House of Correction; that in the past seven years, there have been several County employees laid off in departments outside the House of Correction in pay ranges equal to or above those of Correction Officers who have exercised their rights under the collective bargaining agreements in effect between the County and AFSCME and have transferred into vacant positions at the House of Corrections; that new employees in the positions of Correction Officer I and II, including transferred County employees, must undergo a six week training program in addition to on the job training under the supervision of an incumbent Correction Officer I or II; that passage of the six week training program in the form of passing an examination concluding said program must be achieved in order for a Correction Officer to pass probation, and if the training program is conducted after the probationary period of a new employee or an employee who is transferred as a result of a layoff from another department of the County pursuant to the collective bargaining agreement and who does not pass the training program, the administration of the House of Correction presents formal charges against that individual in order to obtain his/her removal from its staff; and that incumbent Correction Officers undergo monthly inservice training.

8. That the "Job Announcement" relating to the classification of Correction Officer I, as promulgated by the Civil Service Commission of the County, set forth the duties and minimum qualifications for the position as follows:

**DUTIES:** Under general supervision, to maintain care and custody of male or female prisoners; to book, search, strip, and bodily examine prisoners and to check their clothing and valuables; to maintain proper order and decorum among prisoners; to physically restrain violent or aggressive prisoners; to see that prisoners follow proper procedures as to personal hygiene; to administer first aid and assist in dispensing medications and in performing elementary nursing tasks; to be responsible for a living unit; to see that the quarters of prisoners and the areas for which they are responsible are kept in a sanitary and wholesome condition; to issue supplies to prisoners; to assist with the dispensing of food; to check all packages and incoming and outgoing mail; to supervise work details of prisoners in their quarters or other areas to which they may be assigned; to supervise correctional or programmed activities; to report infractions of rules and unusual occurrences; to prepare prisoners for court and for release; to convey or assist in the conveyance of prisoners to any destination; to supervise the visiting of prisoners; to keep records and prepare reports; and to perform such other duties as may be assigned. Working on an assigned shift any day or night of the week required.

**MINIMUM QUALIFICATIONS:**

**Education:** Graduation from high school or G.E.D. equivalent; accredited college or university training in law enforcement, police science technology, or criminal justice preferred; possession of a valid Wisconsin driver's license at time of appointment.

**Experience:** Some experience in the direct custody of inmates desirable, such as a prison guard, jailor, or military guard.

**Skills and Knowledges:** Ability to command respect, maintain control, and act quickly in emergencies; ability to influence and control the conduct and personal habits of prisoners; ability to communicate with inmates and co-workers.

**Personal Attributes:** Strength; agility; firmness and fairness in dealing with prisoners; good powers of observation; sound judgment; alertness; freedom from bias and prejudice; ability to work effectively and harmoniously with others.

**Other:** Such additional qualifications as may be required by the Milwaukee County Civil Service Commission.

9. That the Correction Officer I (Recreation) position is assigned duties with regard to inmate security and control similar to that of the Correction Officer I described above and in addition thereto the person occupying the position is responsible for the planning, organization and supervision of a program of recreational activities for prisoners in the House of Correction.

10. That the position of Correction Officer I (Boiler Operation) is assigned duties of inmate security and supervision similar to those of the Correction Officer I described above and in addition thereto the occupant of this position must have considerable knowledge of high pressure boiler room equipment, its operation and maintenance; that the Correction Officer I (Boiler Operation) must operate and maintain stoker hand-fired or automatic high pressure boilers and auxiliary equipment fired by gas, oil, or coal; he/she must be able to make repairs and perform operational and preventive maintenance on boilers and auxiliary equipment; with regard to his/her duties in the boiler room, the Correction Officer I (Boiler Operation) is assigned inmates to assist him/her in the maintenance and operation of the boilers of the House of Correction.

11. That the position of Correction Officer I (Clerical) is assigned to the medical unit contained within the House of Correction; that the occupant maintains the medical records of the inmates housed at the House of Correction and performs

all the duties relating thereto; that the occupant is responsible for maintaining proper security and discipline in said infirmary area, conveying inmates to and from the infirmary, and trains and supervises prisoners assigned to perform duties other than medical in the infirmary area.

12. That the "Job Announcement" relating to the classification of Correction Officer II, as promulgated by the Civil Service Commission of the County, set forth the duties and minimum qualifications for the position as follows:

**DUTIES:** Under general supervision, to have charge of a section of correctional institution during an assigned shift; to supervise the activities of a living unit, or the inmate visitation program, or supervise the transportation of inmates and records to and from the institution; to assign and supervise the work of Correction Officers and other staff assigned to the section; to inspect and insure dormitories, halls, toilet facilities, and other areas of the section meet security, health, and maintenance standards; to maintain accurate records of the location, movement, and activities of inmates; to prepare staff work schedules; to instruct and train new employees; to receive reports from guard posts and other checkpoints, and report emergencies to the proper authority; to assist in the daily count; to assume the duties and exercise the authority of the Correction Officer Supervisor in his absence, and to perform such other duties as may be assigned. Assignment to any shift, any day or night of the week, may be required.

**MINIMUM QUALIFICATIONS:**

**Education:** Graduation from high school or G.E.D. equivalent; accredited college or university training in law enforcement, police science technology, or criminal justice preferred.

**Experience:** Two years' experience in the direct custody of inmates in a correctional institution or detention facility. A minimum of twelve credits in law enforcement, police science technology, or criminal justice may substitute for one year of the required experience.

**Skills and Knowledges:** Knowledge of correctional institution procedures and regulations; ability to command respect, maintain discipline, and take prompt and decisive action in emergencies; ability to communicate with inmates and co-workers.

**Personal Attributes:** Strength; agility; alertness; sound judgment; firmness; integrity; accuracy; freedom from bias and prejudice; ability to work effectively and harmoniously with others.

**Other:** Such additional qualifications as may be required by the Milwaukee County Civil Service Commission.

13. That the position of Correction Officer II (Maintenance) is assigned tasks with regard to the care and maintenance of the buildings, grounds, furnishings, and equipment at the House of Correction; that inmates are assigned to the persons occupying this position; that work crews of ten to fifteen inmates must be supervised by a Correction Officer II (Maintenance); and that inmate crews perform semi-skilled maintenance work both inside and outside the fenced-in perimeter of the House of Correction; and that the educational requirement for Correction Officer II (Maintenance) is graduation from high school or a G.E.D. certificate with training in carpentry, building construction or a mechanical trade preferred.

14. That the position of Correction Officer II (Boiler Operation) is assigned the responsibility for the safe and efficient operation of high pressure boilers and auxiliary equipment at the House of Correction; he/she assigns, supervises and trains subordinates and inmates in the operation and repair of

equipment; he/she chemically analyzes and treats water; and that like all Correction Officers must supervise inmates assigned to him/her in the performance of the above tasks; and that the educational requirement for the above position is graduation from high school or a G.E.D. certificate and possession of a high pressure boiler license is preferred.

15. That the administration of the House of Correction has trained fifteen of its Correction Officers in the use of firearms and it intends to train the balance of its Correction Officer staff in the use of firearms; that the administration intends to acquire approximately fifteen to twenty firearms and maintain same at the House of Correction; that said firearms are and will be used in the transport of prisoners from the House of Correction to other County institutions, jails and courthouse; that Correction Officers do not wear firearms at the House of Correction; and that Correction Officers are not vested with the power of arrest, nor are they deputized.

16. That occupants of the positions of Correction Officer I and II are uniformed; that the remaining Correction Officer positions, namely: Correction Officer I (Boiler Operation), (Recreation) and (Clerical), as well as Correction Officer II (Boiler Operation) and (Maintenance) perform their duties in work clothes, but with a shoulder patch identifying them as a Correction Officer; and that the employees employed in the following classifications are not Correction Officers:

Business Office

Clerk IV, III  
Account Clerk I  
Stores Clerk III  
Clerk Typist III, II

Food Service

Cook III, II, I  
Baker II

Medical

Registered Nurse III, II

Laundry and Clothing

Laundry and Clothing Production  
Assistant Supervisor  
Laundry Washer II

17. That Cooks II and III, who work in the kitchen facilities of the House of Correction, are assigned inmates to supervise in the preparation of food; said Cooks issue knives to said inmates and monitor their use; but that these Cooks, who are members of the Countywide bargaining unit described above, are not recipients of the extensive training and inservice training received by Correction Officers I and II.

18. That the County employs Child Care Supervisors I and II at the Milwaukee County Home and Detention Center, that the "Job Announcement" relating to the classification of Child Care Supervisor I, as promulgated by the Civil Service Commission of the County, set forth the duties and minimum qualifications for the position as follows:

DUTIES: Under supervision, to be responsible for providing parental care and training for dependent, neglected, and delinquent children and youths at the Children's Home or at the Detention Home; to participate in and, when assigned, to supervise others in the care and training of such children and youths; to guide and counsel assigned individuals or groups; to supervise children and youths during periods of daily living, recreation, work, rest, or study; to supervise showering activities and physically inspect children for suspected abuse; to be responsible for discipline according to approved standards; when necessary, to search and physically restrain children; to assist in the movement of children throughout the institutions; to record observations and consult with social workers regarding behavior problems; to help maintain a safe and attractive environment; to maintain records and prepare reports; and to perform such other duties as may be assigned. Working on any assigned shift any day or night of the week required.

MINIMUM QUALIFICATIONS:

- Education: Graduation from high school or G.E.D. equivalent; training in recreation, education, psychology, or sociology in an accredited college or university preferred. Kindly request the registrar of all of the colleges and universities which you attended to forward an official transcript of your credits DIRECTLY to this office for incorporation in your application.
- Experience: Two years' practical experience in group activity work with children or youths, preferably with the emotionally disturbed; one year of accredited college or university training may be substituted for up to one year of experience.
- Skills and Knowledges: Knowledge of established child care methods, practices, and techniques; familiarity with modern principles of child psychology; demonstrated ability to lead and direct children in their recreational, social, and leisure activities; ability to get along with children and youths and to win their respect and confidence.
- Personal Attributes: Good moral character; maturity; sound judgment; patience; kindness; cheerfulness; firmness; leadership ability; emotional stability; freedom from bias and prejudice; ability to work effectively and harmoniously with others.

19. That the positions of Correction Officers I and II are most appropriately included in the presently certified Countywide unit.

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

CONCLUSION OF LAW 2/

That a collective bargaining unit comprised of the positions of Correction Officer I, Correction Officer I (Recreation), Correction Officer I (Boiler Operation), Correction Officer II, Correction Officer II (Maintenance), Correction Officer II (Boiler Operation) is not an appropriate collective bargaining unit for purposes of collective bargaining within the meaning of Sec. 111.70(1)(e) and 111.70(4)(d)2.a. of the Municipal Employment Relations Act.

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

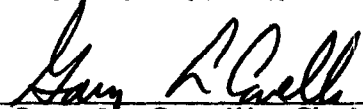
ORDER

That the petition for an election filed by the House of Correction Officers Association be, and the same hereby is, dismissed.

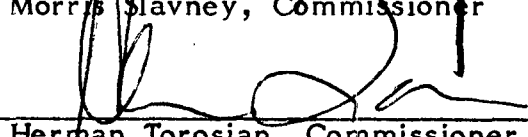
Given under our hands and seal at the City of Madison, Wisconsin this 1st day of February, 1983.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

  
Gary L. Covelli, Chairman

  
Morris Slavney, Commissioner

  
Herman Torosian, Commissioner

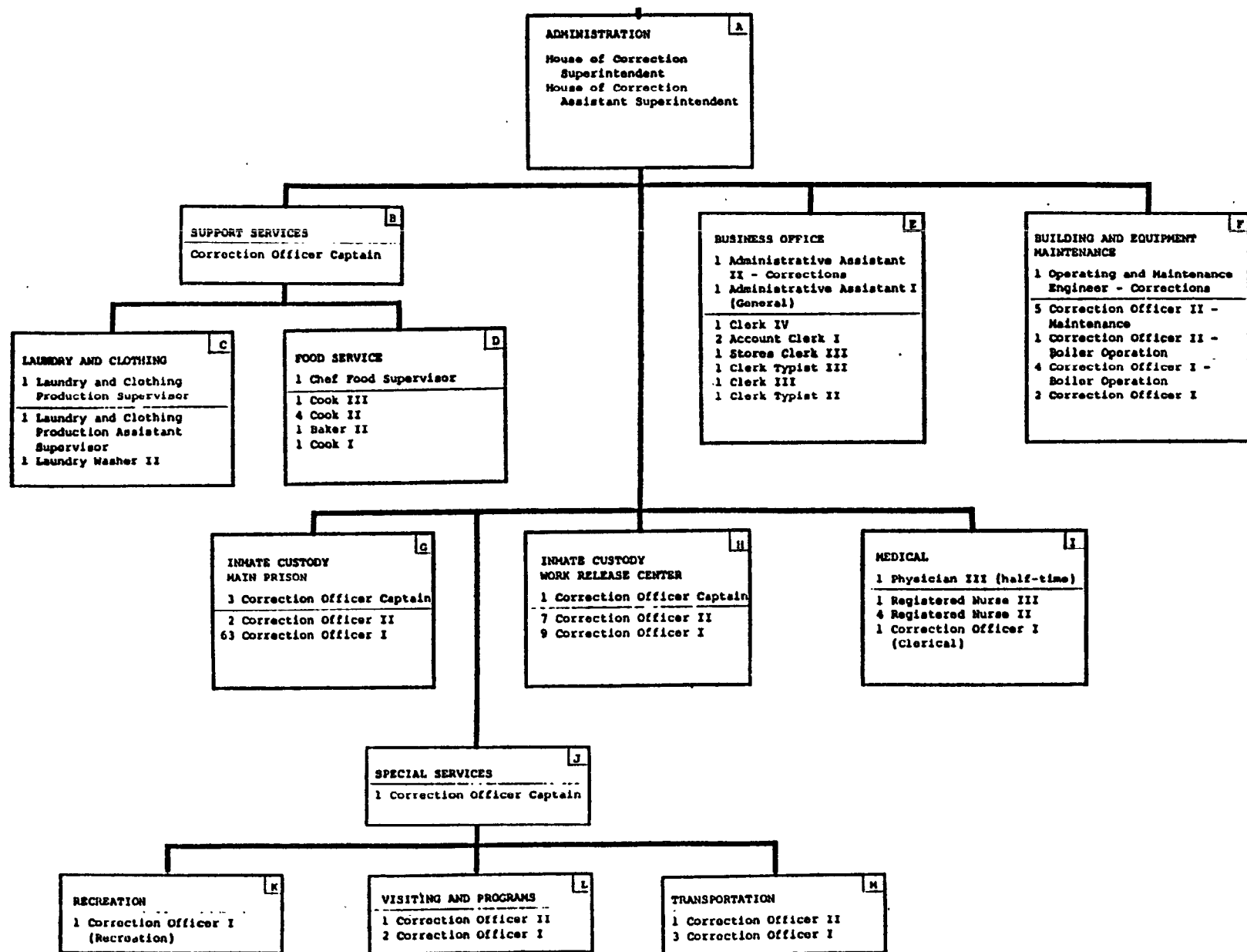
Footnote 2 appears on Page Seven

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- 2/ Pursuant to Sec. 227.11(2), Stats., the Commission hereby notifies the parties that a petition for rehearing may be filed with the Commission by following the procedures set forth in Sec. 227.12(1) and that a petition for judicial review naming the Commission as Respondent, may be filed by following the procedures set forth in Sec. 227.16(1)(a), Stats.

227.12 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3)(e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

227.16 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.15 shall be entitled to judicial review thereof as provided in this chapter.

(a) Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. Unless a rehearing is requested under s. 227.12, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.11. If a rehearing is requested under s. 227.12, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 182.70(6) and 182.71(5)(g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.





MEMORANDUM ACCOMPANYING SUPPLEMENTAL  
FINDINGS OF FACT, CONCLUSION OF LAW  
AND ORDER DISMISSING PETITION

In 1981 and again in 1982, the House of Correction Officers Association filed petitions with the Wisconsin Employment Relations Commission requesting it to conduct an election in a unit comprised of Correction Officers I and II. In 1981, the Commission found that the Association's petition was untimely filed. Although the most recent petition filed in February 1982 was found to be prematurely filed, in order to avoid duplication of effort and a repetition of administrative detail, the Wisconsin Employment Relations Commission ordered that a full hearing on the substance of the Association's petition be held.

POSITION OF THE PARTIES

In its presentation of evidence, the Association argues that the Correction Officers I and II constitute a unit of employees separate and distinct from other employees employed by Milwaukee County. The Association supports this argument by pointing to 1) the intensive six month training program which Correction Officers must pass upon completion of the training program; 2) the lack of interchange between Correction Officers employed at the House of Correction and employees employed in other departments of the County; 3) supplemental bimonthly inservice training; and 4) the decision of the management of the House of Correction to train all of its Correction Officers in the use of firearms which officers will carry when assigned to transport prisoners. The above, the Association argues, establishes that the Correction Officers share a community of interest with no other group of County employees. Furthermore, the Association adds that the officers believe that they are not properly represented as evidenced by the signatures of 70 plus individuals of the approximately 100 employees eligible for inclusion in the proposed unit and the testimony concerning the level of service received by the officer members of the bargaining unit.

AFSCME argues that the petition should be dismissed. The Correction Officers are already included in a unit established by the Commission, i.e. the overall countywide unit of employees of Milwaukee County. AFSCME notes that the Correction Officers have been well serviced in the past as evidenced by the reallocations they received as a result of bargaining for the last two agreements. AFSCME highlights the fact that the Commission, in Milwaukee County (10053) 12/70, dismissed a petition of the Association for a separate unit because the Commission deemed the unit inappropriate for purposes of collective bargaining.

The County argues that the Commission should either leave the Correction Officers in the Countywide unit or if the Commission determines that the Correction Officers are not appropriately included in that unit, then the County urges the Commission to place the Correction Officers in the collective bargaining unit with Deputy Sheriffs. The Association would have no objection to placement of its members in the Deputy Sheriff collective bargaining unit.

DISCUSSION

In determining the appropriateness of the unit sought by the Association, the Commission's decision is guided by Sec. 111.70(4)(d)2.a. of MERA, which provides as follows:

The Commission shall determine the appropriate unit for the purposes of collective bargaining and shall whenever possible avoid fragmentation by maintaining as few units as practicable in keeping with the size of the total municipal work force. In making such determination, the Commission may decide whether, in a particular case, the employees in the same or several departments, divisions, institutions, crafts, professions or other occupational groupings constitute a unit.

In applying the above statutory criteria in establishing appropriate bargaining units, the Commission has considered the following factors: 3/

1. Whether the employees in the unit sought share a "community of interest" distinct from that of other employees.
2. The duties and skills of employees in the unit sought as compared with the duties and skills of other employees.
3. The similarity of wages, hours and working conditions of employees in the unit sought as compared to wages, hours and working conditions of other employees.
4. Whether the employees in the unit sought have separate or common supervision with all other employees.
5. Whether the employees in the unit sought have a common workplace with the employees in said desired unit or whether they share a workplace with other employees.
6. Whether the unit sought will result in undue fragmentation of bargaining units.
7. Bargaining history.

In City of Madison (Water Utility) (19584) 5/82, the Commission set forth the manner in which it applies the above criteria, as follows:

This Commission has interpreted Section 111.70(4)(d)2.a. to mean that at times there is a need for a mix of bargaining units which afford employees the opportunity to be represented in workable units by organizations of their own choosing, which may reasonably be expected to be concerned with the unique interests and aspirations of the employees in said units.

Therefore, the Commission has the obligation to strike a balance between stability on one hand with an "eye on the anti-fragmentation proscription of the statute", and the need for ensuring that the unique interests of a given group of employees will not be subordinated to the interest of another overall bargaining group. It is for that reason that the Commission examines the facts of each case to determine the appropriateness of a particular bargaining unit petitioned to be separate. 6/

In Eau Claire County, (17488-A) 3/81, the Commission decided that a petition for a separate unit of clericals in a data processing department would cause undue "fragmentation" if the Commission were to sever such a group of clericals from an overall County unit of clericals, finding the unit inappropriate.

In contrast, the Commission in City of Franklin, (18208) 11/80 opted for separateness and decided to sever a voluntarily recognized clerical/blue collar unit and found the petitioned for "all clerical" unit appropriate. However, in that case the resulting appropriate unit was solely comprised of a homogeneous group of city-wide clericals, in contrast to the blue collar/clerical mix which the Association claims to be appropriate here.

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6/ Appleton Area School District (18203) 11/80.

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3/ See Kenosha Unified School District No. 1 (13431) 3/75; Lodi Joint School District No. 1 (16667) 11/78; Wisconsin Heights School District (17182) 8/79; Columbus School District (17259) 9/79.

Here, the Association emphasizes the unique and extensive training program which Correction Officers must undergo and pass, the lack of interchange between the Correction Officers and other employee classifications of the County, and the unique working conditions and interests which the Association argues would be better addressed by an organization comprised solely of Correction Officers.

A careful review of the criteria used by the Commission to establish appropriate units leads the Commission to conclude that a separate unit of Correction Officers would be inappropriate.

As to the community of interest and the duties and skills required for the position of Correction Officers, as compared to other employees of the County, the record is mixed. The Correction Officers constitute a separate classification of employees, and as a separate classification they all work in one County department, the House of Correction. Yet, there are other classifications of employees who monitor individuals in a dormitory setting. The Child Care Supervisors who work at the Children's Home and the Detention Home are responsible for the care and custody of dependent, neglected and delinquent children. The level of education, skills and personal attributes required of both a Correction Officer and a Child Care Supervisor are similar. Furthermore, various other County departments employ individuals occupying a single classification who are only employed in a single department.

During the course of bargaining the last agreement, the pay range of the Correction Officer series was reallocated to pay ranges 14 through 16. In pay range 14, there are diverse positions such as Correction Officer I, Assistant Programmer, Hospital Admissions Worker, Maintenance Mechanic and Librarian I (Museum). Pay range 16 contains diverse positions such as, Correction Officer II, Real Estate Technician, Administrative Assistant I (Hospital Systems). The Museum Security Officer II is allocated to pay range 13 along with the Boiler Operator I. The Child Care Supervisor I is allocated to pay range 7 and the Supervisor II to pay range 9. The Deputy Sheriff I is allocated to pay range 18A, and the Deputy Sheriff II is allocated to pay range 21B.

While the Correction Officers are directly supervised by Supervisory Correction Officers, the "department" is administered and managed by the Superintendent and Assistant Superintendent, who have authority over all the employees of the House of Correction, including cooks, a baker, laundry personnel, clerks, typists, and Registered Nurses.

With regard to the issue of fragmentation, the creation of another unit would tend to fragment and increase the number of bargaining units of County employees. The unit would be less than departmental. The skills and duties required of a Correction Officers do not warrant their inclusion in a separate collective bargaining unit.

As for bargaining history, the Countywide unit has existed for approximately seventeen years. It was created by the Commission at a time when the statute permitted the establishment of departmental units. In 1970, the Commission declined to create a departmental unit of Correction Officers. We are convinced that bargaining history also supports the inclusion of the Correction Officers in the overall unit.

The parties presented a great deal of testimony and evidence concerning the level and quality of representation received by the Correction Officers from AFSCME. Such considerations are not determinative in a case where a group of employees wish to sever themselves from an existing appropriate unit.

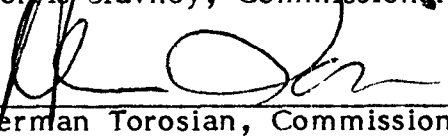
The concern for bargaining stability and anti-fragmentation lead us to retain the Correction Officers in the overall unit and therefore we have dismissed the petition filed herein.

Dated at Madison, Wisconsin this 1st day of February, 1983.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By   
Gary L. Covelli, Chairman

  
Morris Slavney, Commissioner

  
Herman Torosian, Commissioner