

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

In the Matter of the Petition of
WEST BEND POLICE SUPERVISORS ASSOCIATION

Involving Certain Employees of
CITY OF WEST BEND

Case 51
No. 71180
ME-4493

Decision No. 33615

Appearances:

William R. Rettko, Rettko Law Offices, 15460 West Capitol Drive, Suite 150, Brookfield, Wisconsin 53005-2621, appearing on behalf of the West Bend Police Supervisors Association.

Nancy L. Pirkey, Buelow, Vetter, Buikema, Olson & Vliet, 20855 Watertown Road, Suite 200, Waukesha, Wisconsin 53186, appearing on behalf of the City of West Bend.

ORDER GRANTING MOTION TO DISMISS

On October 13, 2011, the West Bend Police Supervisors Association filed a petition with the Wisconsin Employment Relations Commission asking that the Commission conduct an election among law enforcement supervisors of the City of West Bend. On October 28, 2011, the City filed a motion to dismiss the petition asserting that the Association already represents the supervisors in question. On November 17, 2011, the Association filed a response to the motion and the City filed a reply on December 5, 2011.

Having reviewed the pleadings and being fully advised in the premises, the Commission makes and issues the following

No. 33615

ORDER

The motion to dismiss is granted.

Given under our hands and seal at the City of Madison, Wisconsin, this 17th day of January, 2012.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott /s/

James R. Scott, Chairman

Judith M. Neumann /s/

Judith M. Neumann, Commissioner

Rodney G. Pasch /s/

Rodney G. Pasch, Commissioner

CITY OF WEST BEND

MEMORANDUM ACCOMPANYING ORDER
GRANTING MOTION TO DISMISS

Section 111.70(8)(b), Stats. recognizes that "law enforcement supervisors" can organize into "units of supervisors for the purpose of negotiating" with their municipal employer. The parties agree that the City has voluntarily recognized the Association as the representative of the City's law enforcement supervisors pursuant to and for the purpose identified in Sec. 111.70(8)(b), Stats. Thus, the Association already has the status it seeks through this election petition. Therefore, it is appropriate to dismiss the petition.

Dated at Madison, Wisconsin this 17th day of January, 2012.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott /s/

James R. Scott, Chairman

Judith M. Neumann /s/

Judith M. Neumann, Commissioner

Rodney G. Pasch /s/

Rodney G. Pasch, Commissioner

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