

STATE OF CONNECTICUT
LABOR DEPARTMENT

CONNECTICUT STATE BOARD OF LABOR RELATIONS

In the matter of :
:
TOWN OF GUILFORD : CASE NO. ME-4518
:
-and- :
: DECISION NO. ~~725~~ 739
COUNCIL #4, AMERICAN FEDERATION :
OF STATE, COUNTY AND MUNICIPAL :
EMPLOYEES, AFL-CIO : DECIDED: DECEMBER 30, 1966
:
:

A P P E A R A N C E S:

For the Municipal Employer: Michael J. Dorney, Esq.

For the Union: Spencer R. Johnson, its Staff Representative

DECISION AND DIRECTION OF ELECTIONS

Statement of the Case

On October 14, 1966, Council #4, American Federation of State, County and Municipal Employees, AFL-CIO, hereinafter called the Union, filed with the Connecticut State Board of Labor Relations, hereinafter called the Board, a petition alleging that a question or controversy had arisen concerning the representation of all Public Works and Park Department employees, exclusive of Supervisors and Seasonal Employees employed by the Town of Guilford, hereinafter called the Municipal Employer, and requesting that, pursuant to the authority granted in Section 5 (1) of the Municipal Employee Relations Act, hereinafter called the Act, the Board investigate such question or controversy and certify the name of the representative that has been designated or selected by said employees.

On November 7, 1966, pursuant to notices given to the parties, the Board held a hearing on the petition at Guilford, Connecticut. The Municipal Employer appeared and was represented by Michael J. Dorney, its Attorney. The Union appeared and was represented by Spencer R. Johnson, its Staff Representative.

Full opportunity to be heard and to examine and cross-examine witnesses and to introduce evidence bearing upon the issues was afforded all parties.

THE HEARING

The Union seeks a unit consisting of all Public Works and Park Department employees, exclusive of supervisory and seasonal employees.

The Municipal Employer consents to a unit consisting of all Public Works Department employees but objects to a unit consisting of both Public Works employees and employees of the Park Department because the latter are either supervisory employees or seasonal employees and, therefore, not eligible to be part of the bargaining unit.

We conclude that the employees within the Public Works Department comprise one unit and we shall direct an election to be conducted among said employees to determine whether or not they wish to be represented by the Union.

The Park Department has one full-time employee. The Municipal Employer contends he is a supervisor. The duties of the employee of the Park Department are diversified during the course of his daily tasks. His supervisory tasks are limited over residents of the Town making use of the Town's facilities such as the beaches in the summer season, etc. His supervision over seasonal employees falls far short from the criteria set forth in Section 7-467 to 7-477 of the Act. We conclude he is not supervisor within the purview of the Act.

The question now remains whether he should be included in the Public Works Unit. We think not. We do find the one employee of the Park Department constitutes a unit appropriate for collective bargaining purposes.

FINDINGS OF FACT

1. THE MUNICIPAL EMPLOYER - The Town of Guilford is a political subdivision of the State of Connecticut and is a municipal employer.
2. COUNCIL #4, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO is a labor organization having as its primary purpose the improvement of wages, hours and other conditions of employment of municipal employees.
3. THE APPROPRIATE UNITS
 - (A) All employees within the Public Works Department excluding supervisory personnel.
 - (B) All employees within the Park Department.

THE ELECTION

We find in order to insure to the employees the full benefit of their right to self-organization for the purposes of collective bargaining, and otherwise to effectuate the policies of the Act, an election by secret ballot shall be conducted under the supervision of the Agent of the Board.

CONCLUSIONS OF LAW

Upon the foregoing Findings of Fact, and upon the entire record of the proceedings, the Board finds and concludes as a matter of law:

1. The Town of Guilford is a municipal employer within the meaning of Section 1 (1) of the Act.
2. Council #4, American Federation of State, County and Municipal Employees, AFL-CIO is an employee organization within the meaning of Section 1 (3) of the Act.
3. The units described in Paragraphs (A) and (B) of the above Findings of Fact constitute units appropriate for the purposes of collective bargaining within the meaning of Section 5 (3) of the Act.

DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the Connecticut State Board of Labor Relations by the Municipal Employee Relations Act (Public Act No. 159), it is

DIRECTED that, as part of the determination by the Board to ascertain the exclusive representative for collective bargaining with the Municipal Employer, an election shall be conducted under the supervision of the Agent of the Board within thirty (30) days of the date hereof amongst the employees in Unit (A) found appropriate hereinabove, who were employed on October 14, 1966 and who are employed on the date of the election, to determine whether they wish to be represented by Council #4, American Federation of State, County and Municipal Employees, AFL-CIO for the purposes of collective bargaining; and it is

DIRECTED that as part of the determination by the Board to ascertain the exclusive representative for collective bargaining with the Municipal Employer, an election by secret ballot shall be conducted under the supervision of the Agent of the Board within thirty (30) days of the date hereof amongst the employees in Unit (B) found appropriate hereinabove, who were employed on October 14, 1966 and who are employed on the date of the election, to determine whether they wish to be represented by Council #4, American Federation of State, County and Municipal Employees, AFL-CIO for the purposes of collective bargaining.

CONNECTICUT STATE BOARD OF LABOR RELATIONS

BY Flaming James, Jr.
Chairman

John Williams
Member

Dorothy M. Coffey
Member

TO:

H. M. Bullard, Jr., First Selectman
Town of Guilford
Town Hall
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