

STATE OF CONNECTICUT
LABOR DEPARTMENT

CONNECTICUT STATE BOARD OF LABOR RELATIONS

In the matter of	:	
THE FAMILY SERVICE OF NEW HAVEN INCORPORATED	:	
- and -	:	Case No. E-1536
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, COUNCIL 4, AFL-CIO	:	Decision No. 743
	:	March 27, 1967

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

For the Employer - Anthony DeMayo, Esq.

For the Union - William Czuckrey, Executive Director

DECISION AND ORDER

American Federation of State, County and Municipal Employees, Council 4, AFL-CIO, herein called the Union, filed a petition pursuant to Section 31-106 of the Connecticut State Labor Relations Act, herein called the Act, alleging that a question or controversy had arisen concerning the representation of social workers and clerical employees in the employ of The Family Service of New Haven, Incorporated, herein called the Employer.

A hearing on the petition was held before the Connecticut State Board of Labor Relations, herein called the Board, January 30, 1967, at the County Court House, New Haven, Connecticut. Full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing upon the issues was afforded the parties.

Upon consideration of the entire record, the Board renders the following decision:

The Family Service of New Haven, Incorporated, is a corporation without capital stock organized under the General Statutes of the State of Connecticut with an office and principal place of business located at 484 Orange Street, New Haven, Connecticut. Original certificate of Articles of Association of the Employer, then known as The Organized Charities Association, Incorporated, was filed on March 29, 1887, with the Secretary of the State of Connecticut. A Certificate of Change of Name to The Family Society of New Haven, Incorporated, was filed March 25, 1930; and later, on March 12, 1946, a Certificate of Change of Name was filed to show it as presently known.

The Employer moved to dismiss the petition under Section 31-101 (7) of the Act. Insofar as here material, Subsection (7) provides "'Employer' means any person acting directly or indirectly in the interest of an employer in relation to an employee, but shall not include . . . any charitable, educational or religious agency or corporation"

Among the corporate objects and purposes of the Employer are the following, which are set forth in its Articles of Association (Exhibit 1)

ARTICLE II, Purpose. The purpose of the agency is to foster harmonious family life:

- 1) By aiding, through a professional counseling service, those who require assistance before or after a family problem has arisen.
- 2) By preventing family disharmony or disruption through the stimulation and the promotion of such social thinking and action in the community as will improve the economic and social conditions directly related to the well-being of the family.
- 3) By developing greater knowledge concerning the causes and treatment of family difficulties through study and experience, through the promotion of professional education for social work and through the training of social workers.
- 4) By cooperating with the community's program for social betterment through taking an active part in council with other agencies, organizations, and individuals interested in this objective and through the support of public welfare agencies and of legislation on behalf of the public welfare.

* * * * *

ARTICLE VI, Non-Profit Organization. No officer, member or employee of this corporation shall at any time receive any pecuniary profit from the operations thereof, except reasonable compensation in effecting one or more of its corporate purposes, or as a proper beneficiary of its strictly charitable purposes, nor at any time shall any part of the net earnings of the corporation inure to the benefit of any private shareholder or individual.

ARTICLE VII, Dissolution of Corporation. Upon dissolution of this corporation, no officer, incorporator, member or employee shall receive any benefit from or share in any of the property of said corporation, but all of the property, assets or surplus of said corporation shall, at the option of the Trustees in Dissolution, be conveyed either to the United Fund of Greater New Haven, Incorporated, its successors and assigns, to be used by it for the advancement of the purposes herein set forth, or be conveyed to the Trustees to select some public charitable or educational organization within the State of Connecticut and to convey said property to it for its said purpose within the State of Connecticut.

On the basis of the testimony and evidence presented at the hearing, the Employer is a charitable corporation within the meaning of Section 31-101(7) of the Act.

ORDER

By virtue of and pursuant to the power vested in the Connecticut State Board of Labor Relations by Section 31-106 of the Connecticut State Labor Relations Act, it is hereby

ORDERED that the petition filed herein on December 21, 1966, by American Federation of State, County and Municipal Employees, Council 4, AFL-CIO, be, and the same hereby is, dismissed for lack of jurisdiction.

CONNECTICUT STATE BOARD OF LABOR RELATIONS

By Fleming James, Jr.
Chairman

Dorothy McCaffery
Member

TO:

The Family Service of New Haven, Incorporated
484 Orange Street Certified
New Haven, Connecticut (RRR)

American Federation of State, County and
Municipal Employees, Council 4, AFL-CIO
22 Church Street Certified
North Haven, Connecticut (RRR)

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