

STATE OF CONNECTICUT  
LABOR DEPARTMENT

CONNECTICUT STATE BOARD OF LABOR RELATIONS

In the matter of :  
CONNECTICUT OXYGEN CORPORATION : Case No. E-1608  
- and - : Decision No. 766  
TEAMSTERS LOCAL #191-INDEPENDENT : October 9, 1967

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

Henry Kryszanski, President-Treasurer, for the Employer

John J. FitzGerald, Labor Relations Consultant

Joseph J. Scott, Business Agent, for the Union

DISMISSAL OF PETITION

Statement of the Case

On August 31, 1967, Teamsters Local #191-Ind., 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 truck drivers, warehousemen and despatcher employed by the Connecticut Oxygen Corporation, hereinafter called the Employer, and requesting the Board to conduct an investigation and certify the representative of said employees for collective bargaining purposes, pursuant to Section 31-106 of the Connecticut State Labor Relations Act, hereinafter called the Act.

On September 8, 1967, a conference arranged by the Agent of the Board was held in Bridgeport, Connecticut. In addition to the Agent of the Board, the above-named persons appeared and participated in the conference.

At the conference the parties executed a written agreement which, in part, provided that:

A question or controversy had arisen concerning representation of the employees of the Employer within the meaning of Section 31-106 of the Act;

A public hearing on the issues raised by the petition be dispensed with;

Truck drivers, warehousemen and despatcher, excluding supervisory and office personnel constitute a unit appropriate for the purposes of collective bargaining with respect to rates of pay, wages, hours, or other conditions of employment within the meaning of Section 31-106 of the Act, and that the Board may so find;

All employees within said appropriate unit who were in the employ of the Employer on August 31, 1967, and who are employees at the time of the election shall be eligible to vote in the election agreed upon;

An election by secret ballot shall be conducted under the supervision of the Board, at a time and place to be fixed by it, among the eligible employees within the said appropriate unit; and

If a majority of the eligible employees voting in said election indicate their desire to be represented by the Petitioner for the purposes of collective bargaining, the Board may certify that the Petitioner has been duly designated by the majority of the employees within said appropriate unit as their representative for the purposes of collective bargaining, and is the exclusive representative of all the employees within said appropriate unit for the purposes of collective bargaining, within the meaning of Section 31-106 of the Act.

Pursuant to the agreement of the parties, an election by secret ballot was conducted under the supervision of the Board on September 21, 1967, in Bridgeport, Connecticut. The result of the election was as follows:

Number of ballots cast . . . . .	4
Number of votes IN FAVOR of the Union . . . . .	2
Number of votes NOT IN FAVOR of the Union . . . . .	2

A copy of the Report Upon Secret Ballot was served on all parties at the close of the election and no exceptions to it have been filed with the Board.

The Petitioner having failed to receive a majority of the votes cast, the petition by employees must be dismissed.

DISMISSAL OF PETITION

THEREFORE, Teamsters Local #191-Independent, having failed to receive a majority of the votes cast in the election, its petition for certification of representative for collective bargaining purposes for the unit agreed upon is hereby dismissed.

CONNECTICUT STATE BOARD OF LABOR RELATIONS

By Fleming James, Jr.  
Chairman

Dorothy Kane McCaffery  
Member

Patrick F. Bosse  
Member