Case No. E-211
Decision No. 128
Decided March 11, 1948

APPEARANCES

For the Company: William W. Gager Esq.

For the Union: Mr. Martin Janow

DECISION

and

CERTIFICATION OF REPRESENTATIVES

On January 27, 1948, Retail, Wholesale & Department Store Union, Local 282 of Connecticut, 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 persons – exclusive of the manager of the store - lunch counter, cosmetic and prescription department employees, employed by Apothecaries Hall Company of Waterbury, Connecticut, hereinafter called the Company, and requested the Board to conduct an investigation and certify the representative of such employees for collective bargaining purposes, pursuant to Section 938h of the Connecticut State Labor Relations Act, hereinafter called the Act.

At a conference, arranged by the Agent of the Board, which was held on February 3, 1948, the petition was amended to show the unit appropriate to be all employees in the retail drug and paint stores, excluding executives and the manager of the paint store.

On February 20, 1948, a hearing was held on said petition by the Board at the County Court House, Waterbury, Connecticut. Frederick R. Kellogg and William W. Gager, a vice-president and attorney, respectively of the Company, appeared for and represented it and Martin Janow, business manager of the Union, appeared for and represented it. Full opportunity to be heard and to examine witnesses was afforded the parties.
It developed at the hearing that the parties were close to an agreement on the unit appropriate. The parties orally stipulated that the Agent of the Board conduct separate polls among the employees of the retail paint store and the pharmacists employed at the retail drug store for the purpose of ascertaining whether or not these employees desired to be included in a single unit of all employees. Such polls were conducted by the Agent on February 24, 1948 and the employees of both groups indicated unanimously that they desired to be included in a single bargaining unit.

An agreement for a consent election was executed by the parties on February 24, 1948 which in part provided that:

1. A question or controversy had arisen concerning the representation of the employees of the Company within the meaning of Section 938h of the Act;

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

3. All employees in the retail drug and paint stores, excluding executives, manager and assistant manager of the drug store and manager of the paint store employed by the Company constitute a unit appropriate for the purpose of collective bargaining with respect to rates of pay, wages, hours of employment or other conditions of employment within the meaning of Section 938h of the Act, and the Board may so find;

4. The employees within said appropriate unit who were in the employ of the Company on January 28, 1948 and who were employees at the time of the election shall be eligible to vote in the election agreed upon;

5. An election by secret ballot 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.

6. If a majority of the eligible persons voting in said election indicated their desire to be represented by the Union for the purposes of collective bargaining, the Board may certify that the Union has been duly designated by the majority of the employees within said appropriate unit as their representative for the purpose of collective bargaining, and is the exclusive representative of all employees within said appropriate unit for the purposes of collective bargaining within the meaning of Section 938h of the Act.

Upon the entire record in the proceedings including the written agreement of the parties, the Board finds that all employees in the retail drug and paint stores, excluding executives, the manager and assistant manager of the paint store and manager of the paint store employed by the Company constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 938h-subsection 2-of the Act.

Pursuant to the agreement of the parties an election by secret ballot was conducted under the supervision of the Board was held on February 25, 1948 at Waterbury, Connecticut. The result of the election was as follows:
Total Number of Ballots cast .......................................................... 21
Total Number of Votes IN FAVOR of the Union .................................. 20
Total Number of Votes NOT IN FAVOR of the Union .......................... 1
Total Number of Blank Ballots .......................................................... 0
Total Number of Void Ballots ............................................................ 0
Total Number of Challenged Ballots ................................................... 0

By virtue of and pursuant to the power vested in the Connecticut State Board of Labor Relations by Section 938h of the Connecticut Labor Relations Act, it is hereby

CERTIFIED that Retail, Wholesale & Department Store Union, Local 282 of Connecticut, CIO has been designated and selected as the representative for the purpose of collective bargaining by the majority of all employees in the retail drug and paint stores, excluding the executives, the manager and assistant manager of the drug store and manager of the paint store employed by Apothecaries Hall Company and that such Union is the exclusive representative of all such employees for the purposes of collective bargaining with respect to rates of pay, wages, hours of employment or other conditions of employment.

CONNECTICUT STATE BOARD OF LABOR RELATIONS
BY:

/s/ A. G. Gulliver
Chairman

/s/ Peter A. O'Leary
Member

/s/ Vincent E. Kiernan
Member

To:

Apothecaries Hall Company
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(RRR)

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