STATE OF CONNECTICUT
DEPARTMENT OF LABOR

CONNECTICUT STATE BOARD OF LABOR RELATIONS

In the Matter of
WATERBURY HOSPITAL CORPORATION
- and -
BUILDING SERVICE EMPLOYEES INTERNATIONAL
UNION, AFL-CIO, LOCAL 531-A

CASE NO. E-1303
DECISION NO. 621
DECIDED APRIL 29, 1964

A P P E A R A N C E S

For the Employer: Charles V. Wynne, Administrator
G. Bradford Palmer, Attorney

For the Union: Monrow H. Palmer, Business Agent
Paul J. Godaire, International Representative

DECISION AND DISMISSAL OF PETITION

Statement of the Case

On April 13, 1964, a Petition was filed with the Connecticut State Board of Labor Relations, hereinafter called the Board, by The Building Service Employees International Union, AFL-CIO, Local 531-A, hereinafter called the Union, alleging that a question or controversy had arisen concerning representation of all employees except doctors, executives, supervisors and private nurses employed by Waterbury Hospital Corporation of Waterbury, Connecticut, hereinafter called the Employer, and requesting the Board to conduct an investigation and certify the representatives of all such employees for the purpose of collective bargaining pursuant to Section 31-106 of the Connecticut State Labor Relations Act, hereinafter called the Act.

On April 22, 1964, a hearing was held by the Board on said Petition at the County Courthouse, Waterbury, Connecticut. G. Bradford Palmer, Esq. and Charles V. Wynne appeared for and represented the Employer. Monrow H. Palmer and Paul J. Godaire appeared for and represented the Union. Full opportunity to be heard, to examine and cross-examine witnesses and to introduce evidence bearing upon the issues was afforded the parties. Upon the entire record of the proceedings the Board makes the following Findings of Fact:

FINDINGS OF FACT

1. THE EMPLOYER, Waterbury Hospital Corporation, is a Connecticut corporation with its principal place of business at 64 Robbin Street, Waterbury, Connecticut. Charles V. Wynne is the administrator and is actively engaged in all matters pertaining to labor relations.

2. THE UNION, Building Service Employees International Union, AFL-CIO, Local 531-A, is a labor
organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining and of dealing with employers concerning grievances, terms and conditions of employment or other mutual aid and protection.

3. **THE QUESTION OR CONTROVERSY CONCERNING REPRESENTATION**: Section 31-101, subsection 7, of the Connecticut State Labor Relations Act states:

"employer" means any person acting directly or indirectly in the interest of an employer in relation to an employee, but shall not include any person engaged in farming, or any person subject to the provisions of the National Labor Relations Act, unless the national labor relations board has declined to assert jurisdiction over such person, or any person subject to the provisions of the Federal Railway Labor Act, or the state or any political or civil subdivision thereof or any charitable or educational or religious agency or corporation, or any labor organization, except when acting as an employer, or anyone acting as an officer or agent of such labor organization;

On the basis of the testimony and the evidence presented to us, we find that without any doubt the Employer in the instant case is a charitable institution. It is the Board’s duty to dismiss a case which appears from the record before it to be beyond the scope of its statutory power. On the other hand, if the parties wish to proceed outside the jurisdiction of the Board and utilize the machinery for the conduct of an election on consent of both parties, we are certain that both parties are acquainted with Mr. John Gaspic, the Agent of the Board, who has performed such services to various employers who are political municipalities and who are clearly without the jurisdiction of the Act. We are always available to assist all parties in resolving any controversy but we must caution the parties that it will have to be on a voluntary basis and with the consent of both parties involved. If the parties are interested in such a suggestion, they can seek the services of Mr. Gaspic, but under the Act as written, a charitable organization is clearly exempt from the provisions of the Act, and the whole jurisdiction of this Board depends on it. This hospital is purely a charitable organization and if any union representative wish the law emended, they will have to do it via the Legislature.

**ORDER**

By virtue of and pursuant to the powers 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 dated April 13, 1964, is hereby dismissed for lack of jurisdiction of the Board.
CONNECTICUT STATE BOARD OF
LABOR RELATIONS
BY:

Ashbell G. Gulliver
Chairman

Peter A. McManus
Member

Dorothy McCaffery
Member

TO:

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CERTIFIED (RRR)

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