STATE OF CONNECTICUT
DEPARTMENT OF LABOR
CONNECTICUT STATE BOARD OF LABOR RELATIONS

In the Matter of
NORTH HAVEN BOARD OF EDUCATION
- and -
COUNCIL #4, AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO

Case No. ME-1387
Decision No. 661
Decided January 3, 1966

For the Municipal Employer: Robert B. Snow, Jr., Esq.
For the Petitioner: William Czuckrey, Director

DECISION AND DIRECTION OF ELECTION
Statement of the Case

On August 20, 1965, Council #4, American Federation of State, County and Municipal Employees, AFL-CIO, hereinafter called the Petitioner, 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 certain employees described as regular school custodians and maintenance employees of the school system, of the North Haven Board of Education, hereinafter called the Municipal Employer, and requesting that, pursuant to authority granted in Section 5(1) of the Municipal Employee Relations Act (Public Act #159), 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 the said employees.

On October 11, 1965, pursuant to notices given to the parties, the Board held a hearing on the petition at North Haven, Connecticut. The Municipal Employer appeared and was represented by Robert B. Snow, Jr., Esq., its attorney. The Petitioner appeared and was represented by William Czuckrey, its Executive Director.

Full opportunity to be heard and to examine and cross-examine witnesses and to introduce evidence bearing upon the issues was afforded all parties. Briefs on behalf of both parties were filed by their respective attorneys.

THE ISSUE

Whether the "head custodian" of each school is a supervisory employee and should, therefore, be excluded from the proposed bargaining unit.

The Petitioner, because of past experience and in pursuance of terms of duly negotiated contracts with other municipalities covering a period of twenty years, combined the "head custodians" with regular custodians for the purposes of an appropriate bargaining unit. It asserts that the "head custodians" are
expected to and do perform the duties ordinarily assigned to custodians and for this reason should be included in the bargaining unit.

The Municipal Employer seeks to have its "head custodians" excluded from coverage under the Act either as being "persons in such supervisory and other positions as may be excluded from coverage under this Act in accordance with subdivision (2) of Section 5." 1/

The record reveals that the Municipal Employer operates two large schools and seven small schools. Functionally, the head custodian in each school, regardless of size, is very much like every other head custodian. Each is fully responsible for the physical conditions of the school building. Each has as many area custodians under him as are required by the size of the school. There is no system-wide direct supervision of the head custodian. Instead, each is left to exercise his own discretion and judgment to accomplish what he believes needs to be accomplished in the care of the building. The evidence presented to the Board amply demonstrates that the major portion of the day is spent in actual work by each head custodian (Transcript Page 68). The head custodians work side by side with the regular custodians. Because a small portion of their time is spent in supervision we feel that this falls short of the criteria set forth in Section 5, subsection 2 of the Act, so as to exclude the head custodians from the bargaining unit. For the foregoing reasons, we find the head custodians to be employees within the meaning of the Act, and, therefore, to be included in the bargaining unit hereinafter determined by the Board.

FINDINGS OF FACT

1. **THE MUNICIPAL EMPLOYER.** The North Haven Board of Education is a political subdivision of the State of Connecticut and is a municipal employer.

2. **THE PETITIONER.** Council #4, American Federation of State, County and Municipal Employees, AFL-CIO, is a labor organization having as a primary purpose the improvement of wages, hours and other conditions of employment among employees of municipal employers.

3. **THE QUESTION OR CONTROVERSY CONCERNING REPRESENTATION.** We find there is a question or controversy concerning the representation of employees, and we feel it would best be resolved by conducting an election by secret ballot to determine the wishes of the said employees.

4. **THE APPROPRIATE UNIT.** Based upon the foregoing ruling, we find that all regular school custodians, including head custodians and the maintenance employees, in the employ of the North Haven Board of Education is a unit appropriate for the purposes of collective bargaining.

CONCLUSIONS OF LAW

Upon the basis of 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 North Haven Board of Education 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 a labor organization within the meaning of Section 1(3) of the Act.

1/ Section 1(2) of the Act.
3. A question or controversy concerning representation does exist within the meaning of Section 5(1) of the Act.

4. The appropriate unit described in Paragraph 4 of Findings of Fact, hereinabove, constitutes a unit 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 Section 5(1) of the Municipal Employee Relations Act (Public Act #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 by secret ballot shall be conducted under the supervision of the Agent of the Board within fifteen days of the date hereof at North Haven, Connecticut, among the following employees:

All regular school custodians, including head custodians, and maintenance employees, employed by the North Haven Board of Education who were on the payroll on August 20, 1965, the date of the filing of the petition herein, and who are on the payroll on the date of the election to determine, by secret ballot, whether or not they wish to be represented by Council #4, American Federation of State, County and Municipal Employees, AFL-CIO.

**CONNECTICUT STATE BOARD OF LABOR RELATIONS BY:**

[Signatures]

[Handwritten signatures of Board members]