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

In the Matter of
CITY OF DANBURY
(Department of Public Works)
- and -
AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES, AFL-CIO
- and -
TEAMSTERS LOCAL No. 677

Case No. ME-1364
Decision No. 667A
Decided February 10, 1966

A P P E A R A N C E S:
For the Municipal Employer: J. Thayer Bowman, Mayor
Arthur Tartaglia, Superintendent,
Department of Public Works

For the Petitioner: William Czuckrey, Executive Director
Lawrence Cacciola, Staff Representative

For the Intervenor: Walter Dinkoski, Business Agent

DECISION AND CERTIFICATION OF REPRESENTATIVE

On June 28, 1965 the American Federation of State, County and Municipal Employees, hereinafter referred to as 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 representative of all non-office employees in the Department of Public Works employed by the City of Danbury, hereinafter called the Municipal Employer, and requesting that, pursuant to the 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 had been designated or selected by said employees.

On December 15, 1965, pursuant to notices given the parties, the Board held a hearing on the petition, in Danbury, Connecticut. The Municipal Employer appeared and was represented by Arthur Tartaglia, its Superintendent of Public Works. The Petitioner appeared and was represented by William Czuckrey, its Executive Director. Teamsters Local No. 677, hereinafter referred to as the Union, appeared and was represented by Walter Dinkoski, its Business Agent. Full opportunity to be heard, to examine and cross examine witnesses was afforded all parties. At the commencement of the hearing, in view of the
chairman’s absence all parties herein stipulated to proceed with just a quorum of the Board.

On January 5, 1966 the Board 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 ten days of the date thereof to determine whether all non-office employees of the Department of Public Works, excluding supervisors and any part-time employees who worked less than twenty hours per week, wish to be represented for the purposes of collective bargaining by the American Federation of State, County and Municipal Employees, AFL-CIO, by Teamsters Local No. 677, or neither.

On January 13, 1966 an election by secret ballot was conducted at Danbury, Connecticut under the supervision of the Agent of the Board, the results of which are as follows:

<table>
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<tr>
<th>Description</th>
<th>Number</th>
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<tbody>
<tr>
<td>Number of Ballots Cast</td>
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<tr>
<td>Number of Ballots Counted</td>
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<tr>
<td>Number of Votes IN FAVOR of AFSCME, AFL-CIO</td>
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<td>Number of Votes IN FAVOR of Teamsters Local 677</td>
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<tr>
<td>Number of Votes NOT IN FAVOR of either Union</td>
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<td>Number of blank ballots</td>
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<td>Number of void ballots</td>
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<td>Number of challenged votes</td>
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THE HEARING

Prior to January 1, 1965, the City of Danbury consisted of two forms of government, the Town of Danbury as well as the City of Danbury. The Highway Department employees of the Town of Danbury were represented by the Petitioner. However, no formal recognition was given to the Petitioner by the Town of Danbury. Upon the merger of the City and Town of Danbury, the Highway Department employees were made employees of the Public Works Department of the City of Danbury. For approximately 8 years prior to the merger, the City of Danbury had a written agreement with the Union covering employees in the Public Works Department. The most recent agreement between the Union and the City of Danbury expired on June 30, 1965 after passage of the Act. The Union contended the existing contract was a bar to this petition. We do not agree with the position of the Union that the contract was a bar to the instant petition.

Upon all the evidence presented to the Board, we find both organizations at the time of the filing of the petition had sufficient interest, as shown by recent dated authorization cards to comply with the provisions of the Act to warrant us to order the election dated January 5, 1966. As a result of said election, the Union obtained a majority of the employees voting in said election.

THEREFORE, 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 hereby

CERTIFIED, that Teamsters Local 677 has been selected as the representative for the purposes of collective bargaining of all non-office employees in the Department of Public Works employed by the City of Danbury and that said Teamsters Local 677 is the exclusive representative of all said employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment and other conditions of employment.
TO:

The Honorable J. Thayer Bowman
City Hall
Danbury, Connecticut

Superintendent Arthur Tartaglia
Department of Public Works
City Hall
Danbury, Connecticut

American Federation of State, County
and Municipal Employees AFL-CIO
1098 Chapel Street
New Haven, Connecticut

Teamsters Local No. 677
1871 Baldwin Street
Waterbury, Connecticut

CONNECTICUT STATE BOARD OF LABOR
RELATIONS BY:

[Signatures]

Member

Member
Pursuant to Decision, Order and Direction of Election issued February 25, 1966, elections by secret ballot were conducted on March 16, 1966 at Bridgeport, Connecticut by agents of the Connecticut State Board of Labor Relations. The result of the balloting by employees, exclusive of professional employees, was as follows:
As a part of the determination in regard to the wishes of the employees, a self-determination election was held among professional employees to determine whether or not they, as individual professional groups, desired to be included within the overall unit as described by the Board in its original decision.

On March 22, 1966, the Federation filed Objections to the Election.

The objections were numbered as follows:

1. Professional employees were permitted to vote in units which excluded them, although the status of such professional employees was challenged.”

2. The Bridgeport Municipal Employees Association, Inc., through its agents and officers, engaged in improper electioneering at the polling place.

A supplemental report on the results of the elections was duly served on all parties March 23, 1966. In addition to the above tabulation, the supplemental report showed that 82 professional employees cast ballots, bringing the total number of employees voting in the election to 958. Thirty (30) professional employees were challenged by one or the other of the parties on the ground of supervision.

Pursuant to notice, the Board held a hearing at Bridgeport, Connecticut, on April 6, 1966, to determine the validity of

A. Challenges to the ballots cast by the employees listed on Supplemental Report Upon Secret Ballot, dated March 22, 1966; and

B. Objections to the election filed by Local #1522 and Local #1303, Council #4, American Federation of State, County and Municipal Employees, AFL-CIO, as set forth in its communication dated March 21, 1966.

Full opportunity to be heard and to present evidence was afforded all of the parties.

THE OBJECTIONS

We find no merit in the two objections brought forth by the Federation. The question of professional employees was fully litigated in the hearing preceding the election and the subject matter was discussed in the Board’s original decision. In this connection the Agent of the Board was correct in his interpretation of the decision and his ruling on the denial of the Federation’s attempt to challenge, at the election, the ballots of all professional employees.

As to objection No.2, the evidence adduced at the hearing shows that a member of, and an observer at, the election for the Association, while in the line of employees for the purpose of casting his own vote, allegedly spoke to a “group of young girls” in the voting line. His statement, in substance, was “make sure now that you vote for the Bridgeport Municipal Employees Association and make your mark on the top
This was the only instance of an alleged impropriety on the part of any of the parties to the election and was quickly corrected when brought to the attention of the Board's representative, as testified to by another of the Federation's witnesses. The accused testified and denied making the statement but admitted inquiring into the health of another person in the line. The Board, accordingly, overrules the objections.

THE VOID BALLOTS

The Association challenged the propriety of including the void ballots in the final tabulation of the votes.

The Board considered the matter and ruled that void ballots are not to be counted in the total, holding that void ballots are not valid ballots cast in the election within the meaning of our statute. This agrees with the ruling of the National Labor Relations Board.\footnote{Steele vs. NLRB 160 F 2d (388, 391)} In direct support of our ruling, we find that Section 5(1)(B), Municipal Employee Relations Act, specifically provides that “in any election where none of the choices on the ballot receive a majority, a run-off shall be conducted, the ballot providing for a selection between the two choices receiving the largest and the second largest number of valid votes cast in the election.” (Emphasis ours)

We shall, accordingly, reduce the number of ballots cast to reflect this ruling on void ballots.

THE PROFESSIONAL EMPLOYEES

AND

THE CHALLENGED BALLOTS

The Doctors and Legal Aides chose, evidently, not to participate in the election and since there is no affirmative vote for inclusion the said classifications will be excluded from the unit hereinafter described.

By self-determination tally, Accountants will also be excluded from the bargaining unit. On the other hand, Laboratory Technicians, Class I and II, voted in favor of inclusion in the larger unit and the classification will be noted accordingly.

On the basis of evidence presented, the Board rules that the Bacteriologist and the two (2) Graduate Engineers are supervisors; their challenges sustained and ballots will not be counted for that reason.

All parties stipulated and agreed that Branch Librarians, Librarians, Class I and II and Nurse Supervisor are supervisors meeting the criteria set forth in the Act. The challenges are sustained, the number of votes will be deducted from total ballots cast, and the classifications excluded from the appropriate unit.

It appearing to the Board, at this point in the hearing, that the Association had been selected by a majority of the employees, it granted the Association's motion to exclude the Federation from the proceedings and ruled that remaining matters were between the Association and the Municipal Employer. However, the Board extended to the Federation permission to stay at the hearing as auditors in regard to the remaining challenges at issue.
Municipal Employer and Association stipulated and agreed on the record of the proceedings in regard to respective classifications and names listed on the Supplemental Report Upon Secret Ballot. The inclusions and exclusions agreed upon, in respect to challenged ballots, are as follows:

**INCLUSIONS**

- Physical Therapist, Rehabilitation
- Golf Course -Assistant Manager
- Leadman, Roadway Maintenance
- Sewer Inspector Maintenance
- Maintenance Man II (Parks)
- Maintainer (Public Works)
- Voting Machine Mechanic
- Launderer III (Hillside)
- Social Worker, Class II 2/
- Laborer III (Hillside)
- Operator II, Sewage
- Foreman, Airport
- Tree Climber II
- Milk Inspector
- Sanitarian II

**EXCLUSIONS**

- Administrative Assistant -Humane Affairs
- Assistant Registrar -Vital Statistics Assistant
- Superintendent -Recreation
- Supervisor -Cafeteria Att. Office
- Nurse - Administrative Supervisor
- Supervisor - Comptroller’s Office
- Education - Supervisor I and II
- Supervisor - Parking Terminal
- Supervisor - General Overhead
- Operating Engineer (Hillside)
- Assistant Personnel Director
- Assistant Supervisor - Parks
- Supervisor -Dental Hygiene
- Supervisor -Social Service
- Supervisor - Klein Memorial
- Assistant to Tax Collector
- Foreman - Municipal Garage
- Manager -Parking Terminal
- Foreman -Street Cleaning
- City Planning Assistant
- Supervisor - Recreation
- Assistant Tax Assessor
- Chief Operator - Sewage
- Supervisor -City Hall
- Assistant Town Clerk
- Superintendent - Ash
- Foreman - Incinerator
- Nurse - Supervisor
- Plumbing Inspector
- Supervisor - Parks
- Nurse Class II
- Sanitarian III
- Greenhouseman
- Custodian IV

After giving effect to the above rulings and to the approval of the stipulated matters, the Board finds that 87 challenges have been resolved, of which 27 were in relation to the professional employees. Of the 81 challenged ballots among the general employees group, the issues in regard to 60 of them were decided. Thus, the number of ballots is now reduced to 861.

**FINAL TABULATION OF VALID BALLOTS CAST**

The following is the Board’s determination with respect to the tally of votes after the opening of the challenged ballots that were either overruled by the Board or eligibility sustained by stipulation of the parties:

2/ Upon opening of challenged ballots, the Board found that of 10 ballots counted, 7 were cast against inclusion in the overall unit. On the basis of this self-determination, the classification will be excluded from the bargaining unit.
Number of ballots cast ............................................................... 864
Number of votes IN FAVOR of Association ............................ 494
Number of votes IN FAVOR of Federation ................................. 363
Number of votes IN FAVOR of NEITHER OF THEM .................... 5
Number of blank ballots ............................................................. 2

The results being conclusively in favor of the Association, we shall certify it to be the bargaining representative for all employees hereinafter described in the certification.

ORDER
and
CERTIFICATION OF REPRESENTATIVE

By virtue of and pursuant to the power vested in the Connecticut State Board of Labor Relations by the Municipal Employee Relations Act (Public Act No. 159) it is

ORDERED that the petition filed herein by the Civil Service Commission be, and the same is hereby, dismissed without prejudice, and it is hereby

CERTIFIED that Bridgeport Municipal Employees Association, Inc., has been selected as the representative for the purposes of collective bargaining of all employees, including

Assistant Manager - Golf Course
Chemist
Foreman - Airport
Laboratory Technician, Class I and II
Launderer III - Hillside
Leadman - Roadway Maintenance
Maintenance Man II - Parks
Maintainer - Public Works
Milk Inspector
Nurse, Class I
Operator II - Sewage Physical Therapist - Rehabilitation
Sanitarian II
Sewer Inspector - Maintenance
Tree Climber II

but excepting those excluded from the operation of Public Act No. 159, uniformed and investigatory employees of the Fire and Police Departments, employees who are members of trade or craft unions, and excluding

Accountant
Administrative Assistant - Humane Affairs
Assistant Personnel Director
Assistant Registrar - Vital Statistics
Assistant Supervisor - Parks
Assistant Superintendent - Recreation
Assistant Tax Assessor
Assistant Town Clerk
Assistant to Tax Collector
Bacteriologist
Chief Operator - Sewage
City Planning Assistant
Custodian IV
Foreman - Incinerator
Foreman - Municipal Garage
Foreman - Street Cleaning
Graduate Engineer, Class I and II
Greenhouseman
Legal Aide
Librarian, Branch
Librarian, Class I and II
Manager - Parking Terminal
Nurse - Administrative Supervisor
Nurse, Class II
Nurse - Supervisor
Operating Engineer - Hillside
Plumbing Inspector
Sanitarian III
Social Worker, Class II
Superintendent - Ash
Supervisor - Cafeteria Att. Office
Supervisor - City Hall
Supervisor - Comptroller's Office
Supervisor - Dental Hygiene
Supervisor, Class I and II - Education
Supervisor - General Overhead
Supervisor - Klein Memorial
Supervisor - Parking Terminal
Supervisor - Parks
Supervisor - Recreation
Supervisor - Social Service

and that said Association is hereby designated as the exclusive representative of all employees within the described unit for the purposes of collective bargaining on questions of wages, hours and other conditions of employment.

CONNECTICUT STATE BOARD OF LABOR RELATIONS BY: