STATE OF CONNECTICUT
DEPARTMENT OF LABOR

CONNECTICUT STATE BOARD OF LABOR RELATIONS

In the matter of

THE VISITING NURSE ASSOCIATION OF
BRIDGEPORT, INC.
- and -

PROFESSIONAL NURSES’ UNIT #13
CONNECTICUT NURSES’ ASSOCIATION

Case No. E-1603
Decision No. 779-D
December 30, 1968

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

E. Terry Durant, Esq. - For The Visiting Nurse Association of Bridgeport, Inc.
M. Peter Barry, Esq. - For the Professional Nurses Unit #13, Connecticut Nurses’ Association

DECISION AND CERTIFICATION OF BARGAINING REPRESENTATIVE

On September 30, 1968, the Connecticut State Board of Labor Relations, hereinafter called the Board, issued its Memorandum of Direction of Election, directing the conduct of a secret ballot election amongst all Registered Nurses, excluding the Director of Nurses, Supervisors, Nurses who work less than 20 hours per week, employed by The Visiting Nurse Association of Bridgeport, Inc., hereinafter called the Employer, to determine whether or not they desire to be represented by Professional Nurses Unit #13, Connecticut Nurses Association, hereinafter called the Petitioner.

On October 15, 1968, an election was conducted by the Board pursuant to such Memorandum, the result of the election is as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of ballots cast</td>
<td>16</td>
</tr>
<tr>
<td>Number of votes IN FAVOR of representation</td>
<td>8</td>
</tr>
<tr>
<td>Number of votes NOT IN FAVOR of representation</td>
<td>5</td>
</tr>
<tr>
<td>Number of challenged votes</td>
<td>3</td>
</tr>
</tbody>
</table>

The Agent of the Board, on October 16, 1968, issued a supplemental report upon the secret ballot, setting forth the number of ballots challenged by the Petitioner and the reason for the challenges. On October 29, 1968, the Board held a hearing on the challenges at Bridgeport, Connecticut. The Petitioner appeared and was represented by M. Peter Barry, Esq; The Visiting Nurse Association of Bridgeport, Inc. appeared and was represented by E. Terry Durant, Esq. Full opportunity to be heard, to examine and cross-examine witnesses and to introduce evidence bearing upon the issues was afforded all parties.
THE CHALLENGES

The Petitioner challenged the ballot of Nancy Butterfield on the ground that she is a supervisor. However, we find her duties are such that do not qualify her to be a supervisor within the meaning of the Act. The challenge to her ballot is overruled.

The Petitioner challenged the ballot of Alice Morgan on the ground that she does not meet the 20 hour rule. We overrule this challenge, as the evidence clearly indicates that she did average 20 hours each week for the 13 week period preceding the election.

The Petitioner challenged the ballot of Bernice Villano, in that she resigned on October 11, 1968. While she worked on the date of the election, the Employer was aware of her resignation. For this reason, we sustain the challenge to her ballot.

After giving effect to the ruling on challenged ballots, it appears that even if both the ballots (to which the challenges are overruled) should be not in favor of representation, the number of ballots in favor of representation would still constitute a majority. In order to preserve the secrecy of the ballots, we therefore do not open them since in any event they could not affect the result.

The result of the balloting is as follows:

| Number of ballots cast | .................................................. 15 |
| Number of votes IN FAVOR of representation | .............................................. 8 |
| Number of votes NOT IN FAVOR of representation | ......................... 5 |
| Number of ballots not opened | .................................................. 2 |

CERTIFICATION OF REPRESENTATIVE

By virtue of and pursuant to the power vested in the Connecticut State Board of Labor Relations by Section 31-106 of the Connecticut State Labor Relations Act, it is hereby:

CERTIFIED, that Professional Nurses Unit #13 of Connecticut Nurses' Association has been designated as the representative for the purposes of collective bargaining by the majority of all Registered Nurses, excluding the Director of Nurses, Supervisors and Nurses who work less than 20 hours per week, employed by The Visiting Nurse Association of Bridgeport, Inc., and that said Professional Nurses Unit #13, Connecticut Nurses Association 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/ Fleming James, Jr.  
Chairman

s/ Dorothy Kane McCaffery  
Member

s/ Patrick F. Bosse  
Member