STATE OF CONNECTICUT
DEPARTMENT OF LABOR

CONNECTICUT STATE BOARD OF LABOR RELATIONS

In the Matter of
CITY OF DANBURY
- and -
DANBURY MUNICIPAL EMPLOYEES ASSOCIATION, INC.

Case No. ME-2271
Decision No. 1077
Decided: July 20, 1972
Issued: July 26, 1972

A P P E A R A N C E S:
Honorable Gino J. Arconti - For the City of Danbury
Mayor, City of Danbury, and
Robert N. Talarico, Esq.,
Corporation Counsel
Paul N. Jabor, Esq. - For Danbury Municipal Employees Association, Inc.

DECISION AND DIRECTION OF ELECTION
Statement of the Case

On January 31, 1972, Danbury Municipal Employees Association, Inc., hereinafter called the Petitioner, filed a petition with the Connecticut State Board of Labor Relations, hereinafter called the Board, alleging that a question or controversy had arisen concerning the representation of employees in the Office of the Tax Collector, Office of the Tax Assessor, Office of the Controller, Library, Building Maintenance (library – old library), Building personnel (custodians), airport personnel, Engineering Department, Health Department, Welfare Department, employed by the City of Danbury, hereinafter called the Municipal Employer in that:

“Question has arisen as to number of employees who wish to be represented by Petitioner.”

and requesting the Board to certify to the parties the name of the representative that has been designated or selected by said employees, pursuant to Section 7-471 of the Municipal Employee Relations Act, hereinafter called the Act.
On May 1, 1972, the Board held a hearing on the petition in the Council Chambers, City Hall, Danbury, Connecticut. The Petitioner appeared and was represented by Paul N. Jabor, Esq.; the Municipal Employer appeared and was represented by Honorable Gino J. Arconti, Mayor, City of Danbury and Robert N. Talarico, 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 HEARING

At the hearing the parties were unable to agree upon the following positions as to whether or not they should be included in the Unit:

1. Tax Collector
2. Assessor
3. Controller
4. Library Director
5. Airport Manager
6. City Engineer
7. Assistant City Engineer
8. Civil Engineer
9. Director of Health
10. Welfare Supervisor
11. Chemist
12. Sewer Plant Foreman
13. Assistant City Clerk
14. Data Processing Manager
15. Purchasing Agent
16. Chief Examiner & Executive Secretary
17. Clerk, Police
18. Clerk, Fire
19. Building Inspector
20. Director, Veterans Advisory Center

The statute, in Section 7-471(2) provides:

"The board shall have the power to determine whether a supervisory or other position is covered by sections 7-467 to 7-477, inclusive, in the event of a dispute between the municipal employer and an employee organization. In determining whether a supervisory position should be excluded from coverage under said sections the board shall consider, among other criteria, whether the principal functions of the position are characterized by not fewer than two of the following:
(A) Performing such management control duties as scheduling, assigning, overseeing and reviewing the work of subordinate employees;

(B) performing such duties as are distinct and dissimilar from those performed by the employees supervised;

(C) exercising judgment in adjusting grievances, applying other established personnel policies and procedures and in enforcing the provisions of a collective bargaining agreement; and

(D) establishing or participating in the establishment of performance standards for subordinate employees and taking corrective measures to implement those standards. The above criteria for supervisory positions shall not necessarily apply to police or fire departments. (1967, P.A. 491, S. 3.)

Upon the evidence presented to the Board and the criteria as set forth in Section 7-471(2) supra, we find the following positions to be of a supervisory nature and to be excluded in the election hereafter directed:

1. Tax Collector
2. Assessor
3. Controller
4. City Engineer
5. Director of Health
6. Welfare Supervisor
7. Chemist
8. Sewer Plant Foreman
9. Data Processing Manager
10. Building Inspector
11. Library Director
12. Airport Manager

We further find the following positions are professional, and as professional employees will be given the option to vote separately by profession to determine whether they desire to be included in the bargaining unit:

1. Assistant City Engineer
2. Civil Engineer I
The following employees are excluded as confidential employees:

1. Assistant City Clerk
2. Chief Examiner & Executive Secretary

The following employees are not supervisors nor confidential employees respectively within the purview of the statute and therefore will be permitted to participate in the election: 1. Purchasing Agent; 2. Director, Veterans Advisory Center (claimed as supervisors, but not found to be supervisors); 3. Clerk, Police; 4. Clerk, Fire (claimed as confidential, but not found to be confidential).

**DIRECTION OF ELECTION**

By virtue of and pursuant to the power vested in the Connecticut State Board of Labor Relations by Section 7-471 of the Municipal Employee Relations Act, it is

DIRECTED, that as part of the determination by the Board to ascertain the exclusive representative for the purposes of collective bargaining with the City of Danbury, an election by secret ballot shall be conducted under the supervision of the Agent of the Board within twenty (20) days of the date of Issuance hereof among the following employees to determine whether they desire to be represented by Danbury Municipal Employees Association, Inc.:

Employees of the City of Danbury in the Office of the Tax Collector, Office of the Tax Assessor, Office of the Controller, Library, Building Maintenance (library – old library), Building personnel (custodians), airport personnel, Engineering Department, Health Department, Welfare Department, excluding however, all supervisory and confidential employees, who were on the payroll on January 31, 1972, the date of the filing of the petition and who are on the payroll on the date of the election;

and it is further

DIRECTED that all professional employees shall vote separately by profession to determine for each profession whether they desire to be included in the bargaining unit.
TO:

The Honorable Gino J. Arconti  
Mayor, City of Danbury  
Danbury, Connecticut 06810

Charles A. Ducibella, City Clerk  
City of Danbury  
Danbury, Connecticut 06810

William J. McNamara, City Treasurer  
City of Danbury  
Danbury, Connecticut 06810

Robert N. Talarico, Esq.  
Corporation Counsel, City of Danbury  
Danbury, Connecticut 06810

Danbury Municipal Employees Association, Inc.  
c/o Steave Bjelko, President  
Ball Pond Road  
Danbury, Connecticut 06810

Robert P. Burns, Chairman  
Executive Committee  
City Hall  
Danbury, Connecticut 06810

Paul N. Jabor, Esq.  
146 Deer Hill Avenue  
Danbury, Connecticut 06810