These two cases, which were consolidated for hearing, arose out of petitions filed simultaneously on January 12, 1973, by Mount St. John Teachers Association Local #2383, AFT, AFL-CIO, and Office & Professional Employees International Union, AFL-CIO, hereinafter called the Petitioners, with the Connecticut State Board of Labor Relations, hereinafter called the Board, alleging that a question or controversy had arisen concerning the representation of "Teachers and Teacher Aides" and "Child care workers office & clerical, nurses and service employees" employed by Mount St. John, Inc., hereinafter called the Employer, and requesting that pursuant to Section 31-106 of the Connecticut State Labor Relations Act, hereinafter called the Act, the Board investigate such controversy, and certify to the parties the name of the representative that has been designated or selected by said employees.
Pursuant to notices given all parties, the Board held a hearing on the petitions on September 25, 1973 in the Labor Department Building, 200 Folly Brook Boulevard, Wethersfield, Connecticut, at which time all parties appeared and were given full opportunity to adduce evidence, examine and cross-examine witnesses and make argument. Briefs were filed by both parties.

The Issue

Whether or not Mount St. John, Inc. is an Employer within the meaning of Section 31-101, subsection 7 of the Act. Said Section reads as follows:

" '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 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;"

Upon the evidence adduced at the hearing, we find and conclude the present Employer is a "religious agency or corporation" and as such exempt from the provisions of the Act. 1

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 filed by Mount St. John Teachers Association, Local #2383, AFT, AFL-CIO, and the petition filed by Office & Professional Employees International Union, AFL-CIO, are hereby dismissed for lack of jurisdiction of the Board.

CONNECTICUT STATE BOARD OF LABOR RELATIONS BY:

__________________________

s/ Patrick F. Bosse

Chairman

__________________________

s/ Fleming James, Jr.

Member

__________________________

s/ Kenneth A. Stroble

Member

TO:

Mount St. John School
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Attention: Rev. R. F. McDonald, Director

Siegel & O'Connor, Esqs.
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