

**The New Britain Institute and Service Employees  
International Union, AFL-CIO. Case 34-RM-  
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June 25, 1990

**DECISION ON REVIEW AND ORDER**

**BY CHAIRMAN STEPHENS AND MEMBERS  
CRACRAFT AND DEVANEY**

On April 5, 1990, a three-member panel of the Board (Chairman Stephens and Members Cracraft and Devaney) granted Employer-Petitioner's Request for Review of the Regional Director's Decision and Order dismissing the instant petition. Thereafter, the Employer-Petitioner and the Union filed briefs on review.

The Board, by a three-member panel, has carefully reviewed the entire record, including the briefs on review, and has decided to affirm the Regional Director's determination that the New Britain Public Library (the Library) is a political subdivision under Section 2(2) of the Act, but to modify his rationale.

As the Regional Director found, The New Britain Institute was incorporated by a special act of the Connecticut General Assembly in 1858, to,

inter alia, establish, keep, and maintain a library, reading room, and system of public lectures. Further, the record reveals that about 1901, the city of New Britain established the Library as a "public library" in accordance with the state statutes governing public libraries, and the rules and regulations pertaining to such libraries.

Based on the foregoing, we conclude that the Library is exempt from the Board's jurisdiction as a political subdivision within the meaning of Section 2(2) of the Act, because it was created directly by the State, so as to constitute a department or administrative arm of the government. See *NLRB v. Natural Gas Utility District of Hawkins County*, 402 U.S. 600 (1971); *Jervis Public Library Assn.*, 262 NLRB 1386 (1982). In view of our conclusion that the Library is exempt under the first prong of the test set forth in *Hawkins*, we find it unnecessary to consider whether the Library also is exempt under the second prong of *Hawkins*, i.e., whether it is administered by individuals who are responsible to public officials or to the general electorate.

**ORDER**

The Regional Director's dismissal of the petition is affirmed.