

**ARBITRATION PROCEEDING
BEFORE MARGARET M. KERN**

YALE-NEW HAVEN HOSPITAL

and

Index No. 061(b)

**NEW ENGLAND HEALTH CARE
EMPLOYEES, DISTRICT 1199, SEIU**

*Bill Aseltyn, Esq. and Susan Robfogel, Esq., Nixon Peabody LLP, for Yale-New Haven Hospital.
John M. Creane, Esq., Law Firm of John M. Creane, for New England Health Care Employees,
District 1199, SEIU*

Statement of the Case

MARGARET M. KERN, Arbitrator. This case was submitted for resolution on December 9, 2006 pursuant to the terms of the Election Principles Agreement (agreement) entered into between Yale-New Haven Hospital (employer) and New England Health Care Employees, District 1199, SEIU (union) on April 13.

Hearings were held on January 29 and February 27, 2007, at which all parties were present. Witnesses were examined and cross examined under oath and documents were received in evidence (Appendix A).

In this case the union claims the employer, through Jody Platner, director of the hospital day care center, threatened employees on December 1, 2006, with more onerous working conditions if they selected the union as their collective bargaining representative. The union did not submit this case to arbitration, however, until December 9, 2006, beyond the filing deadline set forth in the election principles agreement. For this reason, the claim is dismissed.

Dated: Chappaqua, New York
June 13, 2007


Margaret M. Kern
Arbitrator

Appendix A

Exhibits

- Joint Exhibit 1 Letter and fax cover sheet dated December 12, 2006 from John M. Creane invoking arbitration
- Joint Exhibit 2 Letter dated December 10, 2006 from Alvin R. Johnson to John M. Creane
- Joint Exhibit 3 Letter dated January 17, 2007 from John M. Creane to Ernest J. Collazo