

DETERMINED to DECEIVE

How Yale-New Haven Hospital broke its commitment to a fair union election.

“The evidence in this case establishes the employer has engaged in serious violations of federal law, the election principles agreement, and prior arbitration awards...I therefore grant the union permission to depart from the terms of the election principles agreement and to seek a postponement of the election from the Board by whatever means lawful and appropriate”

Arbitrator Margaret Kern, December 13, 2006

“Yale-New Haven has not only broken its agreement with a union seeking to organize service employees but has broken faith with the broader community that supports the hospital.”

New Haven Register, Editorial, “YNH’s dirty fight sabotages union vote”, December 17, 2006

ON APRIL 13, 2006, New Haven religious, community, business and political leaders breathed a long-awaited sigh of shared civic relief. After an acrimonious nine-year public debate, Yale-New Haven Hospital and District 1199/SEIU had signed an historic Election Principles Agreement guaranteeing a fair union election for nearly 1800 service workers at the Hospital. The agreement raised the hope that the Hospital’s fractured relationship with its host community would begin to heal.

The Agreement called for a positive relationship based upon mutual respect and an election process that would be factual and free from any threat, coercion or intimidation of employees. Recognizing the inherent power supervisors possess in the workplace, the Agreement provided that employees could not be subject to mandatory meetings about the union and that supervisors could not initiate conversations regarding unionization.

By December 12, just eight days before an election scheduled by the National Labor Relations Board (NLRB), the Agreement lay in shreds.

Shortly after the Agreement was signed, Yale-New Haven Hospital commenced an anti-union campaign, promising improved benefits to employees, providing inaccurate information about the union and threatening workers with loss of benefits.

On November 15, the union filed a petition for an election with the NLRB with a solid majority of employees having signed membership cards. Yale-New Haven Hospital entered into a stipulated election agreement calling for an NLRB-supervised union representation election on December 20 and 21. Immediately after signing the stipulated election agreement with the NLRB, Yale New Haven Hospital launched an intense anti-union campaign.

The Hospital bombarded employees with hundreds of anti-union meetings, taking workers from their jobs during working hours, feeding them falsehoods about union policies and practices and threatening the loss of time off, benefits and pay if they voted for the union. Supervisors conducted one-on-one meetings with union supporters during work hours, subjecting them to threats and intimidation. These activities were specifically prohibited by the original Election Principles Agreement and violated decisions by the arbitrator who ordered the Hospital to cease engaging in anti-union solicitation during work hours.

Hospital “training” documents and memos recently obtained through discovery ordered by the arbitrator revealed additional violations of the agreement as well as instructions to managers that violate the agreement.

By December 11, more than 250 charges had been filed with the arbitrator over Hospital misconduct. But the damage had been done: the meetings and other unlawful conduct had created a highly-charged and coercive atmosphere and tainted the environment for a fair election. The union organizing committee decided to postpone the election until the arbitrator could consider and rule on the charges. On December 13, 2006, the arbitrator issued a decision finding that the Hospital engaged

in serious violations of federal law and the Election Principles Agreement and the NLRB election was immediately blocked from going forward.

In a letter to YNHH CEO Marna Borgstrom on December 12 (Appendix IV) Rev. Jose Champagne, President of AHMEN, a coalition of New Haven Ministers, wrote: “The promise of a new relationship that emerged at the late-night meeting at Sacred Heart RC Church between you and leaders from the community earlier this year is quickly disintegrating. The betrayal of the principles of the Conduct Agreement is also a clear betrayal of the trust the community had placed in you and your Administration.” Even Yale University President and YNHH board member Richard Levin publicly expressed his “dismay” over the hospital administration’s conduct.

Convinced that YNHH had poisoned the atmosphere and could not be trusted to hold a fair election, political and community leaders, including Congresswoman Rosa DeLauro, New Haven Mayor John DeStefano, members of the Board of Aldermen, and several area state legislators, called for card check recognition based on the cards signed by a majority of employees who had selected the union as their collective bargaining representative before Yale-New Haven Hospital embarked on its unlawful, coercive anti-union campaign.

To view a full copy of the original fair election agreement or the December 13, 2006 decision by arbitrator Margaret M. Kern, visit www.ynhunion.org

APPENDIX I: Sampling of charges filed against the hospital

Please note the following excerpts from the Hospital and Union Representation Principles Agreement, Section 3—Standards of Conduct. The Hospital's conduct and communications (oral and written) to Eligible Voters will be without disparaging the Union, or its organizers, and in a factual manner, free from threats, coercion or intimidation. Hospital supervisors and managers, and agents shall not initiate one-on-one conversations with Eligible Voters regarding the subject of unionization. Hospital supervisors and managers shall not initiate conversations with formal or informal groups regarding the subject of unionization of Eligible Voters at mandatory meetings.

Here is a sampling of more than 300 charges filed against the hospital from November 24 through December 12, 2006.

11/24/06 In orthopedics, a nurse manager called a meeting on work time and falsely told Patient Care Assistants that union dues would be going up to 2% of gross pay in January.

11/28 A hospital manager held meetings in building services on work time and falsely told workers that union dues are going up and that the union will “make them strike.”

11/28/06 At a building services staff meeting at 9 a.m. in the Max Taffel Room, a hospital manager and a supervisor were accompanied by two armed security guards. They falsely told workers that union dues are going up. In an appeal to prejudice, workers were told the union “gives money to gay and lesbian groups.”

11/30/06 A supervisor tried to intimidate a union supporter by saying, “Enjoy your PIP check, it may be your last.”

11/30/06 At Temple Medical, a mandatory staff meeting of clerical staff was turned into an anti-union meeting by a supervisor. Workers were told their pay would go down if the union wins, that workers will not be paid and could be permanently replaced if they go on strike, that the union will fine you if you don't strike (false, illegal under law), and that while dues are not paid until you

get a contract, they are retroactive back until the day you signed your card (false).

11/30/06 In a work time meeting, a nurse manager falsely told maternity/maternal fetal medicine/labor & delivery staff workers they will “lose their jobs” if they strike, that the union will take away career ladders and “you won't get raises.”

12/1/06 In the hospital daycare center, a hospital representative told workers “things would get worse” with the union, then falsely said that the union will have outsiders bargaining their contract, workers will have no voice, workers won't be able to speak with a supervisor without a union rep present, and that employees will lose all flexibility because of strict “union” work rules.

12/2/06 A doctor who supervises a secretary told the secretary on work time in a work area: “About the union—you should vote no.”

12/6/06 A manager at 300 George Wellness told a worker, “Unfortunately, if the union comes, your job will be eliminated.”

12/6/06 A worker came across another worker who was crying because in a regular Wednesday morning staff meeting, she was told that if the union wins, casuals will lose their jobs.

12/6/06 A mandatory meeting was held in a Nursing Pool office and workers were told there would be no guarantees with the union, falsely told they would be forced to go on strike and will be replaced if they do and fined by the union if they don't (illegal under law). They were also threateningly told that if the union wins, dues will go up, they will lose flexibility and shifts, PIP bonuses and career ladders, as well as tuition benefits.

12/6/06 A worker at 300 George Street told her supervisor she had signed a union card. The supervisor said falsely, “Unfortunately, if the union comes, your job will be eliminated” because the worker is a casual. She also said that if the worker called out when scheduled to work, she would be fired.

APPENDIX II: Examples of anti-union literature

Answers Frequently Asked Questions

FALSE

THREATENING

DISPARAGING

INTIMIDATING

THREATENING

DISPARAGING

Q. We will definitely get more if the union wins the election.
 False. Under the law, collective bargaining is a two-way street. All union demands for money are negotiable. We can always say NO to union demands which we think are unrealistic and not in the best interest of you or the organization. Wages and benefits may go up, down or stay the same. The union has three choices - accept our position, call a strike or walk away.

Q. Negotiating a contract is a very quick process.
 False. Negotiations can go on for months and even years, and sometimes no contract is ever reached. No one knows how long it will take.

Q. The union could call a strike should it win an election.
 True. However, no one can predict what may happen in negotiations. The one weapon a union has to try and pressure the hospital to agree to its contract demands is to require employees to go out on strike. This union has called many strikes throughout the country. Without this union, there will be no strikes.

Q. The union will make the hospital get rid of certain supervisors.
 False. A union cannot tell the hospital how to run the business or who to hire or fire as its managers or supervisors.

Q. Striking employees can be fired.
 False. Striking employees cannot be fired, but they can be permanently replaced. The hospital has the right to operate during a strike and it has the right to hire new employees to permanently replace any employees on strike. After the strike is over, permanently replaced strikers would not have to be taken back until job openings occurred - and this could take a long time.

Q. YNHH is against third party representation.
 True. It's not that the organization is against the union, but that we do not believe the union will be in your best interests.
 - Unreasonable union demands, if agreed to, could make the hospital unprofitable and this could hurt both you and the hospital.
 - We don't feel you should have to pay your hard earned money to a third party, and we prefer to deal with our employees directly rather than through an outsider.
 - A union may call a strike which is not in your, the hospital's, or the patient's best interests.

DID YOU KNOW

FALSE

FALSE

THREATENING, INTIMIDATING, & COERCIVE

That union dues will be 2% of your paycheck, including your hard earned OT, PIP checks, and bonus checks

During negotiations there will be no raises, benefit changes, or bonus changes

If the union goes on strike, you must strike, without pay and benefits, and your position can be permanently filled

If you choose to work during a strike you will be fined, and unemployment cannot be collected

You cannot have more than one job that has a union

If union dues are not paid you will be discharged from the hospital

Union dues are used to pay salaries of the union workers, and fund the next campaign in the next organization

The union does not recognize existing PCA or other clinical ladders, your pay will be decreased to what it was before the ladder began

With the union you cannot make any schedule changes without a union representative present

If you must leave work early due to an appointment or a sick child you must get authorization from union representative

For other information ask your manager for the facts found in the union information binders

VOTE NO !

In violation of the following passage(s) of the "Election Principles Agreement":

"The Union's conduct and communications (oral and written) to employees eligible to vote in the Nonprofessional Unit (the "Eligible Voters") will be without disparaging the Hospital and conducted in a factual manner, free from any threat, coercion or intimidation. The Hospital's conduct and communications (oral and written) to Eligible Voters will be without disparaging the Union, or its organizers, and in a factual manner, free from threats, coercion, or intimidation."

from "Hospital and Union Representation Election Principles Agreement," 13 April 2006, Section 3A, see Appendix III.

"The Hospital will not threaten Eligible Voters with loss benefits, wages or less favorable working conditions by unionizing."

from "Hospital and Union Representation Election Principles Agreement," 13 April 2006, Section 3F, see Appendix III.

"WHEREAS, the Hospital and the Union are committed to have any discussion of union representation be factual and free from any threat, coercion or intimidation..."

from "Hospital and Union Representation Election Principles Agreement," 13 April 2006, Preamble, see Appendix III.

Get ALL the facts



YALE-NEW HAVEN
HOSPITAL

As an employer of choice, Yale-New Haven Hospital invests in its employees with comprehensive wages and benefits because we value our employees.

With union representation and contract negotiations, there are no guarantees.

You could wind up with more than you have now.

You could wind up with the same as you have now.

You could wind up with less than you have now.

This is what NLRB law says about negotiations:

Does YNHH have to agree to 1199/SEIU demands?

No. "...There is no requirement in the Act that an employer accede to all union demands or, after bargaining, retain all current benefits."

Oxford Pickles, Division of John E. Cain Co., 190 NLRB, No.24

There are no guarantees with collective bargaining.

Vote No!

**Yale-New Haven: A place for great patient care
and a great place to work**

THREATENING
INTIMIDATING

Answers Frequently Asked Questions

Q. The union will force the hospital into doing some of the things we want.

False. This is a very dangerous attitude. The hospital must do what is best for the future of the organization. Therefore, even while the hospital may consider certain requests from the union, the hospital cannot be forced into granting those requests.

Q. The union can promise all kinds of things.

True. The NLRB says that the union can make promises to employees during an organizational campaign, but it is unlawful for the hospital to make promises. The union is allowed to make promises because they cannot deliver, only the hospital has the ability to deliver. The union can only get what the hospital is willing to give.

Q. Employees have nothing to lose by having a union represent them, since if they are not satisfied, they can get rid of the union very easily.

False. It's very difficult for employees to get rid of a union they do not want. If the life of a contract is three years, then there cannot be an election for three years. Even then, employees would have to comply with and pursue the lengthy processes of the National Labor Relations Board. The union is not likely to sit back and let it happen either.

Q. Employees can be fired if they vote for the union and the union wins the election.

False. It is unlawful to fire an employee for his or her union activities. Furthermore, the election is secret and no one will know how you voted unless you tell them.

Q. Voting the union in will give employees job security.

False. Job security is dependent upon good business conditions and a union cannot guarantee good business conditions or profits or steady work. Only you and the hospital working as a team can ensure that good business conditions exist by providing the best patient care.

Q. It doesn't cost much to be represented by the union.

False. Union officials need your money to pay their salaries and expenses and maintain their expensive office buildings. Each member will have to pay union dues out of his or her hard earned money. You can also be required to make special contributions, pay fines, initiation fees and assessments. A union can expel members who do not pay.

DISPARAGING

FALSE

DISPARAGING

In violation of the following passage(s) of the "Election Principles Agreement":

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from "Hospital and Union Representation Election Principles Agreement," 13 April 2006, Section 3A, see Appendix III.

"The Hospital will not threaten Eligible Voters with loss benefits, wages or less favorable working conditions by unionizing."

from "Hospital and Union Representation Election Principles Agreement," 13 April 2006, Section 3F, see Appendix III.

"WHEREAS, the Hospital and the Union are committed to have any discussion of union representation be factual and free from any threat, coercion or intimidation..."

from "Hospital and Union Representation Election Principles Agreement," 13 April 2006, Preamble, see Appendix III.

Get ALL the facts



As an employer of choice, Yale-New Haven Hospital invests in its employees with comprehensive wages and benefits because we value our employees.

With union representation and collective bargaining, there are no guarantees.

Take a look at the benefits you have now compared to the benefits guaranteed by contract negotiations.

What you have now at YNHH:

Annual wage increases and market adjustments
 PTO
 PIP Award Checks
 Special Achievement Awards
 Shift Premiums
 Funeral Pay
 Jury Duty Pay
 H.O.M.E. Byers Program
 Overtime above and beyond what's required by law
 Tuition Reimbursement
 Career Ladders
 Discounted Cafeteria Food
 Medical Insurance
 Flexible Spending Accounts (Health and Dependent Care)
 Dental Plan

What is guaranteed by union negotiations:

Vision Plan
 Prescription Drug Coverage
 Life Insurance
 Short Term Disability Coverage
 Long Term Disability Coverage
 Direct Deposit
 TSA - 403(b) Matching Plans
 School at Work Program
 Flexible Schedules
 Outside Workshops and Seminars
 Grievance Procedure
 Employee of the Month
 Premium from Within
 Employee Service Recognition Dinner
 Employee Service Awards
 Quarter Century Club Dinner
 Reward/Recognition Program
 Retiree Medical Insurance



6 THREATENING loss of wages and benefits

Are you willing to have SEIU/1199 negotiate your current wages and benefits?

Vote No!

Yale-New Haven: A place for great patient care and a great place to work

7-1
 11/17/06
 ADLEY CAEX
 SHE ASKED IF NO
 THE WORD IN THE MOUTH

Did you know????

If you do not vote.... you count as a YES

If the union wins:
 ALL eligible staff MUST join
 NO PIP
 NO Market adjustment

ABSOLUTELY FALSE. NLRB elections are decided by a majority of those voting.

In violation of the following passage(s) of the "Election Principles Agreement":

"The Union's conduct and communications (oral and written) to employees eligible to vote in the Nonprofessional Unit (the "Eligible Voters") will be without disparaging the Hospital and conducted in a factual manner, free from any threat, coercion or intimidation. The Hospital's conduct and communications (oral and written) to Eligible Voters will be without disparaging the Union, or its organizers, and in a factual manner, free from threats, coercion, or intimidation."

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APPENDIX III: Examples of key newspaper stories

NEW HAVEN REGISTER | 12/14/2006

Y-NH broke labor laws, union pact, arbiter says

NEW HAVEN — An arbitrator Wednesday found Yale-New Haven Hospital has repeatedly violated labor law and an agreement governing organizing at the facility and gave the union permission to seek postponement of an election set for the end of the month.

Margaret M. Kern, a private arbiter agreed to by both sides, said that because of the actions of the managers at the hospital, a free and fair election may now be in jeopardy.

"The evidence in this case established the employer (Y-NH) has engaged in serious violations of federal law, the election principles agreement and prior arbitration awards," Kern wrote.

She said it appears that the hospital gave permission to over 200 managers and supervisors to conduct mandatory meetings on work time to discuss the union with employees, which constitutes "unlawful polling," a violation of federal law.

Kern found workers were threatened with loss of pay and benefits, and possibly their jobs, if they unionized, and said information spread about union dues was false, and the employer knew it was false.

The 1,800 services workers at the hospital were set to vote on whether to join the Service Employees International Union Dec. 20 and 21.

The SEIU has been complaining for two weeks that the hospital was spreading misinformation about dues, contracts and negotiations; doing it on work time and after staff had been called together under some ruse.

The workers were told they could leave the staff meetings once the talk turned to the union, but most felt intimidated into staying.

Criticism of the hospital was swift and damning by several city officials and a representative of a clergy group that was part of a community benefit agreement signed last spring that set up terms on how union organizing would be conducted.

Basically, each side agreed not to demonize the other, to run a positive factual campaign, and that Y-NH would not hold one-on-one meetings with workers.

Vincent Petri, spokesman for Y-NH, did not react to the specifics in the arbiter's ruling, which was issued late Wednesday, but he said they did take action last week when they learned of the mandatory meetings last Thursday.

"We met with managers and told them not to schedule meetings in this manner" and also advised them not to hold them on work time, he said.

In the hearing held by Kern, the hospital objected to a postponement of the election, but Petri said they would take a look at that again in light of her ruling.

"Our point was our employees had waited a long time to vote on the issue, and we thought it was important to give them that opportunity," Petri said.

Mayor John DeStefano Jr. said the ruling shows the hospital "grossly and systematically violated the national labor relations act

and they grossly violated the agreement. I can't imagine what they were thinking."

He said he is not sure what the remedy is, but "it raises serious issues in my mind about the hospital's management and about the hospital's intention here all along. This serves nobody. The most I feel is sad. It just hurts the community, it hurts everybody."

He was particularly upset that after meeting with Y-NH President and CEO Marna Borgstrom this week, he said, she denied the problems had occurred in a pervasive fashion.

"I can't understand why they tried to perpetuate a myth that they were not doing this.

"I don't know if it is time to look at the governing structure of that hospital legislatively, but there is something very wrong there," DeStefano said. William Meyerson, a spokesman for SEIU, said they have submitted about 200 alleged violations of the agreement, as well as labor law, in the last two weeks, and said the conduct agreement "lies in shreds."

"The hospital's actions have intimidated and coerced hundreds of employees and tainted the atmosphere needed for a free and fair process," David Pinkus, secretary-treasurer of the union, said.

After a year of demonstrations against the hospital over its debt collection methods and other issues that stalled an agreement on its cancer center, the neighborhood, the union and Y-NH entered into an historic agreement in April on job training, housing and a method of organizing that would restore peace.

Officials and clergy said they felt duped.

"Cooperation is always their mode of last resort. Because they had no other choice in order to get their cancer center approvals, they entered into this agreement. As soon as it is inconvenient for them, they just threw it overboard," said Rev. Henry Morris, dean of the New Haven conference of the Lutheran Church.

An official from the NLRB did not return a phone call seeking comment, and it was unclear what the next step would be as Kern cannot call off the vote.

State Sen. Toni Walker, D-New Haven, also expressed anger.

"I don't understand how they could make an agreement in good faith with us and ... as soon as we step away, they immediately start to do different tactics that were totally against the agreement," Walker said.

Aldermanic President Carl Goldfield, D-29, said Y-NH could have run a positive campaign by playing up what it feels are its strengths.

"If we were going to have a free-for-all, that should have been the ground rules. ... But the idea was we weren't going to slug it out, that this whole thing would have been conducted in a positive tone, and it seems that has been lost.

"I'm really disappointed that it has gone in this direction, because we were so close to the end," Goldfield said.

Aldermen Decry Y-NH Action

NEW HAVEN — The New Haven Board of Aldermen Monday night condemned "in the strongest possible terms," the actions of Yale-New Haven Hospital that led to the cancellation of a union election for some 1,800 service workers.

In a conciliatory response, hospital spokesman Vincent Petrini said the hospital has "an awful lot of respect" for the board and Y-NH hopes it can sit down with the union "to try to work out some type of approach" to allow a vote to go forward.

But in a full-page ad in the New Haven Register today, Y-NH President and CEO Marna Borgstrom minimized the actions of the hospital, saying the criticisms of an arbitrator focused on one case in which Y-NH management "had inappropriately pressured employees in discussions about this vote."

The drumbeat to recognize a union at Y-NH through a count of union cards, rather than an election, also continued Monday with local clergy recommending this, as well as appointment of a "truth commission" to determine how the anti-union message emerged at the hospital.

Aldermanic President Carl Goldfield, D-29, feels the hospital abused a conduct agreement that Y-NH and the Service Employees International Union agreed to in the spring to govern organizing.

The problems occurred in the last few weeks after the National Labor Relations Board set an election for Wednesday and Thursday and workers complained of mandatory meetings to listen to an anti-union message.

"It was a tactic," he said, to overwhelm the private independent arbitrator, Margaret Kern, who both sides hired to deal with problems. "It was a real breach of trust," he said.

A second resolution calling for an aldermanic hearing, at which Borgstrom would be asked to testify, was submitted to the board and may later go to a committee for review.

Kern found that Y-NH "engaged in serious violations" of federal law and the conduct agreement; the National Labor Relations Board subsequently cancelled the elections and is investigating.

The arbitrator ruled in the case of supervisor Judy Grant, who told 165 workers, some more than once, that unionizing could result in a loss of pay and benefits and possibly their jobs, while her information on union dues was false.

Kern said it appeared that 200 supervisors had permission to hold mandatory meetings on work time. Grant's talks segued from legitimate staff business to talk of the union, which Kern said amounted to "illegal polling" because employees felt intimidated into staying. About 200 similar complaints are pending before Kern, and she felt a fair election was in jeopardy.

Borgstrom, in today's ad, said throughout the organizing campaign, Y-NH "tried to maintain an environment that would lead toward a fair election. We recognize that the community is ill-served by this controversy, and are committed to rebuilding trust."

David Pickus, an official with the SEIU, said he feels the hospital's actions were "systematic. They poisoned this well. You don't just unpoison a well by snapping your fingers and by putting out a letter."

Borgstrom, in a letter to workers Friday, said "as soon as it became clear that voluntary meetings were being held in such a way that some employees felt pressured to attend, managers were advised not to schedule them in this manner."

The union had been complaining for weeks before that this was happening.

Borgstrom wrote that she felt the managers were "trying to do the right thing" in the meetings and holding them on work time was something they believed was "both permissible and appropriate" under a conduct agreement.

Pickus said because of the anti-union message spread by the hospital, the SEIU would have lost if the election were held this week. "They (Y-NH) had absolutely scared the living daylights out of people. There is a reason why the stuff the hospital has done is illegal. It is because it is effective in terms of depriving workers of their right to make a decision free from interference from the people who employ them and who have the ability to hire and fire them and determine their work lives," he said.

Y-NH's Dirty Fight Sabotages Union Vote

City on brink of being dragged back into divisive battle. Yale-New Haven has not only broken its agreement with a union seeking to organize service employees but has broken faith with the broader community that supports the hospital.

The hospital's top executives have claimed to the mayor, the Board of Aldermen and the community that it has conducted a fair and truthful campaign to counter the union organizing.

The claim is false.

Excerpts of the ruling by an arbitrator, mutually selected by the hospital and District 1199 of the Service Employees International Union, detailing the hospital's gross violation of federal labor law and its fair conduct agreement with the union appear on page B3.

It is dismal reading. Hospital managers coerced workers to attend anti-union meetings during working hours, illegally polled workers on their union sentiments, falsely represented the cost of union dues and threatened the loss of overtime pay. A manager, Judy Grant, also falsely claimed that workers at a nursing home lost their jobs because they were union members and that her workers would no longer be able to discuss personal matters, such as a day off for a medical appointment, without the presence of a union representative.

The arbitrator's ruling is based on one meeting, Nov. 29. But the manager, Grant, testified that she had held similar meetings with all of the 165 people she supervised. The arbitrator found that the hospital

apparently gave permission to all of its more than 200 managers to hold similar meetings during work hours to discuss the union drive.

As a result of the arbitration ruling, the National Labor Relations Board has called off the election, which had been scheduled for this week. The union had argued that the hospital's conduct had hopelessly tainted the hopes for a fair election. It is hard to disagree.

Further, the union says that the ruling on the Nov. 29 meeting is just the tip of the iceberg. It claims to have more than 200 instances in the last two weeks in which the hospital violated labor law and the fair conduct agreement.

A community benefits agreement in March, which cleared the way for the construction of a \$467 million hospital expansion, gave the union a year to organize before requesting an election. Instead, the union requested the election nine months later after, it says, a majority of the 1,800 service workers signed union cards.

If the charges of massive violations continue to be upheld, the dark conclusion may be that the hospital knew it was going to lose the election and deliberately decided to sabotage it.

The hospital's dismaying conduct, if not corrected, threatens to again plunge the city back into an ugly, deeply divisive dispute that we had hoped was behind us. Yale-New Haven is too great and worthy and institution to allow this to happen. Marna Borgstrom, the hospital's chief executive, needs to make clear by her actions that her word was true that the hospital would fight the union in a fair, factual and legal way.

How Union Drive Divided a City New Haven Leaders Stand With Labor In Hospital Battle

By KRIS MAHER

A union-organizing campaign at a hospital in New Haven, Conn., has erupted into a public battle after an arbitrator ruled last month that the hospital engaged in illegal tactics to sway workers not to join the union.

What makes the battle striking is the coalition of community leaders who have criticized the hospital, including the president of Yale, who sits on the hospital's board. Local leaders are upset because they helped to broker a deal in April that cleared the way for the construction of a \$467 million expansion by Yale-New Haven Hospital to build a new cancer center. The project had been stalled until a list of demands by the city were met -- including a fair union election.

"The hospital betrayed the community trust," says John DeStefano Jr., New Haven's mayor, who says he would be less inclined to support future requests that the hospital makes on other projects.

Nationally, many union officials and consultants who work for employers during organizing drives are watching what happens, saying the dispute has broader implications in labor's effort to win national and local political backing for organizing efforts and for harsher penalties for companies when they intimidate workers.

Taking Side of Unions

Indeed, the New Haven battle comes at a time when more local elected officials are weighing in on organizing drives, in many cases taking the side of unions who say companies are pressuring and intimidating workers in the weeks before secret-ballot elections.

The AFL-CIO and other labor groups are trying to get federal legislation passed that would allow unions to organize workplaces when a majority of workers sign cards indicating their interest in a union, in a process called card-check. Currently, businesses can insist on a secret-ballot election overseen by the National Labor Relations Board. But unions argue that employers have the upper hand in such cases because they can wage campaigns on company grounds against the union.

In New Haven, the deal last spring included a labor agreement between the hospital and District 1199 of the Service Employees International Union, which had been battling each other for nine

years. The agreement gave the union a year to try to organize 1,800 blue-collar hospital workers without intimidation by either side. The hospital agreed not to hold mandatory meetings to discuss the union, and both sides agreed not to use disparaging language.

In December, an arbitrator ruled that a hospital supervisor violated the labor pact as well as the law in the run-up to the election by coercing workers to attend meetings in which she made false statements about the union and suggested that if the union came in, workers could lose pay, benefits and potentially their jobs. The arbitrator said that 200 other supervisors were apparently authorized to hold similar meetings.

Vincent Petrini, a Yale-New Haven Hospital spokesman, said the hospital took immediate steps following the arbitrator's ruling and gave supervisors four hours of training on labor law so that mistakes wouldn't be repeated. However, he said the arbitrator's decision reflects "a very isolated situation" and the hospital disagrees with the arbitrator's conclusion that similar meetings were widespread. He also said the union violated the labor pact in at least one instance.

Sour Relationship

It is unclear if the ruling will have any effect on the hospital's expansion project. But the working relationship between the community and its hospital has been soured.

Following the arbitrator's decision, the union election, originally set for Dec. 20, was postponed indefinitely by the NLRB, pending its own investigation. The union's organizing campaign has come to a halt, and city officials and outside observers don't see a quick resolution, especially since it could take years for the NLRB to rule on unfair-labor-practice charges filed by the union.

In a statement, the hospital's board said it "deeply regrets" that the election was postponed. Hospital board member Richard Levin, Yale's president, issued his own statement, saying he was "dismayed" that the hospital had "violated the letter and the spirit" of its agreement.

"I think you're going to have a multiyear war again," says Andy Stern, president of SEIU. "I don't think there's any way to have a fair election. The atmosphere has been completely ruined."