

United States Government

NATIONAL LABOR RELATIONS BOARD

Region 34

1 Commercial Plaza - 21st Floor

Hartford, CT 06103-3599



November 27, 1996

Alice S. Miskimin, Esquire
Jacobs, Grudberg, Belt & Dow, P.C.
350 Orange Street
P.O. Box 606
New Haven, CT 06503-0606

Re: **YALE UNIVERSITY**
Case No. 34-CA-7529

Dear Ms. Miskimin:

In accordance with the National Labor Relations Board's decision in Collyer Insulated Wire, 192 NLRB 837, and pursuant to "Arbitration Deferral Policy Under Collyer Revised Guidelines" publicly issued by the General Counsel on May 10, 1973, I am declining to issue a complaint on the instant charge based on my determination that further proceedings on the charge should be administratively deferred for arbitration.

My reasons for deferring the charge are that the dispute here involved arises from the contract between the parties, and that the contractual grievance-arbitration procedures are available for resolving the dispute. The Charged Party has notified this office that it is willing to arbitrate the dispute underlying this charge.

Under Section 102.19 of the National Labor Relations Board's Rules and Regulations, the charging party may obtain a review of my administrative determination to defer further proceedings on the charge by filing an appeal with the General Counsel addressed to the Office of Appeals, National Labor Relations Board, Washington, DC 20570, and sending a copy of the appeal to this office. This appeal must contain a complete statement of the facts and reasons upon which it is based. The appeal must be received by the General Counsel in Washington, DC by 5:00 p.m. EST on December 11, 1996. The appeal may not be filed by facsimile transmission. Upon good cause shown, however, the General Counsel may grant special permission for a longer period within which to file. Requests for extension of time may be filed by facsimile transmission, and must be received no later than the time set above for the filing of the appeal. A copy of any such request for extension of time should be submitted to this office. If you mail the appeal, it should be postmarked no later than one day before the due date set forth above.

It is my intention to inquire as to the status of this dispute periodically, and no later than 90 days hence, and to accept and consider at any time requests and supporting evidence submitted by any party to this matter for dismissal of the charge, for continued deferral of administrative action on the charge, or for issuance of complaint.


It is also my intention to revoke my decision to defer and to resume processing of the charge in the event the charged party, by conduct inconsistent with its expression of a willingness to arbitrate, prevents or impedes the prompt resolution of the underlying dispute through the contractual grievance-arbitration procedures.

It is also my intention to revoke my decision to defer and to resume processing of this charge in the event the dispute has not, with reasonable promptness, either been resolved by amicable settlement in the grievance procedure or submitted promptly to arbitration.

If the dispute underlying this charge is not resolved under the grievance procedure and resort to arbitration proves necessary, the charging party may obtain a review of the arbitrator's final award by addressing a request for review to this office. The request should be in writing and contain a statement of the facts and circumstances bearing on whether the arbitral proceedings were fair and regular, whether the unfair labor practice issues which gave rise to the charge were considered and decided by the arbitrator, and whether the award is consistent with the purposes and policies of the Labor Management Relations Act. Spielberg Manufacturing Company, 112 NLRB 1080.

In order to assist me in monitoring the status of the arbitral process and to facilitate my review of the arbitrator's award, if necessary, the parties are requested to sign and submit to the arbitrator the enclosed "Notice to Arbitrator" which requests the arbitrator to forward a copy of the arbitrator's award to me at the same time it is sent to the parties.

Very truly yours,


Peter B. Hoffman
Regional Director

PBH:mhs

Enclosure: Notice to Arbitrator &
Notice of Appeal form

cc: See Attached

cc:

Ms. Heather G. Salome
96 Shepard's Knoll Drive
Hamden, CT 06514-1805

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