

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 34**

GAYLORD HOSPITAL

and

JEANINE CONNELLY, AN INDIVIDUAL

Case Nos. 34-CA-13008  
34-CA-13079

**ORDER CONSOLIDATING CASES, CONSOLIDATED  
COMPLAINT AND NOTICE OF HEARING**

Jeanine Connelly, an Individual, has charged in Case Nos. 34-CA-13008 and 34-CA-13079 that Gaylord Hospital, herein called Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. Sec. 151, et seq., herein called the Act. Based thereon, and in order to avoid unnecessary costs or delay, the Acting General Counsel, by the undersigned, pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, ORDERS that these cases are consolidated.

These cases having been consolidated, the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, issues this Order Consolidating Cases, Consolidated Complaint and Notice of Hearing and alleges as follows:

1(a) The charge in Case No. 34-CA-13008 was filed by Connelly on June 9, 2011, and a copy was served on Respondent by facsimile transmission and regular mail on June 13, 2011.

(b) The charge in Case No. 34-CA-13079 was filed by Connelly on August 15, 2011, and a copy was served on Respondent by facsimile transmission and regular mail on August 16, 2011.

2. At all material times, Respondent, a Connecticut corporation with an office and place of business located in Wallingford, Connecticut, herein called its facility, has been engaged in the operation of a hospital providing inpatient and outpatient medical care.

3. During the 12-month period ending August 31, 2011, Respondent, in conducting its operations described above in paragraph 2, derived gross revenue in excess of \$250,000 and purchased and received goods at its facility valued in excess of \$50,000 directly from points outside the State of Connecticut.

4. At all material times, Respondent has been engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act, and has been a health care institution within the meaning of Section 2(14) of the Act.

5. At all material times, the following individuals held the positions set forth opposite their respective names, and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Charlotte Hyatt	---	Vice President of Clinical Services
Wally Harper	---	Vice President of Human Resources
Paul Trigilia	---	Director of Respiratory Services
Michael Burke	---	Supervisor of Respiratory Services
Bryana Minor	---	Employment Administrator
Brett Gerstenhaber, M.D.	---	Medical Director of Respiratory Services
Sadia Abbasi, M.D.	---	Hospitalist Site Director

6. On about the dates set forth below, Respondent's employee Jeanine Connelly concertedly complained to Respondent regarding the wages, hours and working conditions of Respondent's employees by the following conduct:

- (a) mid-February 2011, complained at a staff meeting about employees' shift assignments, seniority policy and vacation policy;
- (b) mid-March 2011, complained at a staff meeting about Respondent's lunch and break policy; and
- (c) March 31, 2011, complained about employees' seniority, Respondent's vacation policy and new occurrence reporting requirement.

7. About April 1, 2011, Respondent, by Minor, prohibited employees from discussing their terms and conditions of employment with other employees.

8. About April 4, 2011, Respondent, by Harper, threatened its employees with job loss for engaging in protected concerted activities.

9. On about the dates listed below, Respondent took the following actions against its employee Jeanine Connelly:

- (a) April 1, 2011, written warning;
- (b) April 5, 2011, suspension; and
- (c) April 8, 2011, discharge.

10. Respondent engaged in the conduct described above in paragraph 9 because Jeanine Connelly engaged in the conduct described above in paragraph 6, and to discourage employees from engaging in these or other concerted activities.

11. By the conduct described above in paragraphs 7, 8, 9 and 10, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

12. The unfair labor practices of Respondent described above affect commerce within the meaning of the Section 2(6) and (7) of the Act.

**WHEREFORE**, as part of the remedy for the unfair labor practices alleged above, the Acting General Counsel seeks an order requiring reimbursement of amounts equal to the difference in taxes owed upon receipt of a lump-sum payment and taxes that would have been owed had there been no discrimination. The Acting General Counsel further seeks an order that Respondent be required to submit the appropriate documentation to the Social Security Administration so that when backpay is paid, it will be allocated to the appropriate periods. The Acting General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

#### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the consolidated complaint. The answer must be **received by this office on October 14, 2011 or postmarked on or before October 13, 2011**. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically by using the E-Filing system on the

Agency's website. In order to file an answer electronically, access the Agency's website at <http://www.nlr.gov>, click on **E-Gov**, then click on the **E-Filing** link on the pull-down menu. Click on the "File Documents" button under "Regional, Subregional and Resident Offices" and then follow the directions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. A failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. When an answer is filed electronically, an original and four paper copies must be sent to this office so that it is received no later than three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the consolidated complaint are true.

#### **NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on November 29, 2011, at 10:00 a.m., at the A.A. Ribicoff Federal Building, 450 Main Street, Suite 410, Hartford, Connecticut, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this consolidated complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Hartford, Connecticut, this 30th Day of September 2011.

---

Jonathan Kreisberg, Regional Director  
National Labor Relations Board  
Region 34

Attachments