

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 6

UPMC AND ITS SUBSIDIARY, UPMC  
PRESBYTERIAN SHADYSIDE, SINGLE EMPLOYER,  
d/b/a UPMC PRESBYTERIAN HOSPITAL AND d/b/a  
UPMC SHADYSIDE HOSPITAL

and

SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

Cases 06-CA-102465  
06-CA-102494  
06-CA-102516  
06-CA-102518  
06-CA-102525  
06-CA-102534  
06-CA-102540  
06-CA-102542  
06-CA-102544  
06-CA-102555  
06-CA-102559  
06-CA-102566  
06-CA-104090  
06-CA-104104  
06-CA-106636  
06-CA-107127  
06-CA-107431  
06-CA-107532  
06-CA-107896  
06-CA-108547  
06-CA-111578  
06-CA-115826

SECOND ORDER FURTHER CONSOLIDATING CASES  
AND AMENDED CONSOLIDATED COMPLAINT

Pursuant to Section 102.17 of the Rules and Regulations of the National Labor Relations Board (the Board), the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, issued on September 30, 2013, and the Order Further Consolidating Cases and Amendment to Consolidated Complaint, issued on November 5, 2013, against UPMC Presbyterian Shadyside, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital, are further amended as follows:

1 (XXXXX)

This Amended Consolidated Complaint is based on charges filed by SEIU Healthcare Pennsylvania, CTW, CLC (the Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. § 151 et seq. (the Act), and Section 102.15 of the Board's Rules and Regulations and alleges that UPMC (Respondent UPMC) and its subsidiary, UPMC Presbyterian Shadyside (Respondent Presbyterian Shadyside), Single Employer, d/b/a UPMC Presbyterian Hospital (Respondent Presbyterian or Presbyterian) and d/b/a UPMC Shadyside Hospital (Respondent Shadyside or Shadyside), and collectively called Respondent, has violated the Act as described herein.

Further, pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board), and to avoid unnecessary costs or delay, **IT IS ORDERED THAT** Cases 06-CA-111578 and 06-CA-115826, which are based on charges filed by the Union against Respondent, and Cases 06-CA-102465, 06-CA-102494, 06-CA-102516, 06-CA-102518, 06-CA-102525, 06-CA-102534, 06-CA-102540, 06-CA-102542, 06-CA-102544, 06-CA-102555, 06-CA-102559, 06-CA-102566, 06-CA-104090, 06-CA-104104, 06-CA-106636, 06-CA-107127, 06-CA-107431, 06-CA-107532, 06-CA-107896 and 06-CA-108547, which are based on charges filed by the Union against Respondent, are further consolidated.

1. The charges in the above cases were filed by the Union, and copies were served by regular mail upon Respondent, on the dates indicated as set forth in the following table:

<i>Case No.</i>	<i>Amendment</i>	<i>Date Filed</i>	<i>Date Served</i>	<i>Entity Served</i>
06-CA-102465		April 10, 2013	April 11, 2013	Respondent
06-CA-102465	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-102465	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent

06-CA-102465	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102494		April 10, 2013	April 11, 2013	Respondent
06-CA-102494	First Amended	June 17, 2013	June 18, 2013	Respondent
06-CA-102494	Second Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-102494	Second Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102494	Third Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102516		April 10, 2013	April 11, 2013	Respondent
06-CA-102516	First Amended	May 23, 2013	May 29, 2013	Respondent
06-CA-102516	Second Amended	September 13, 2013	September 13, 2013	Respondent
06-CA-102516	Third Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-102516	Third Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102516	Fourth Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102518		April 10, 2013	April 11, 2013	Respondent

06-CA-102518	First Amended	May 23, 2013	May 29, 2013	Respondent
06-CA-102518	Second Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-102518	Second Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102518	Third Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102525		April 10, 2013	April 11, 2013	Respondent
06-CA-102525	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-102525	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102525	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102534		April 10, 2013	April 11, 2013	Respondent
06-CA-102534	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-102534	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent

06-CA-102534	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102540		April 10, 2013	April 11, 2013	Respondent
06-CA-102540	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-102540	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102540	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102542		April 10, 2013	April 11, 2013	Respondent
06-CA-102542	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-102542	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102542	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102544		April 10, 2013	April 11, 2013	Respondent
06-CA-102544	First Amended	May 23, 2013	May 29, 2013	Respondent
06-CA-102544	Second Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside

06-CA-102544	Second Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102544	Third Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102555		April 10, 2013	April 11, 2013	Respondent
06-CA-102555	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-102555	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102555	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102559		April 10, 2013	April 11, 2013	Respondent
06-CA-102559	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-102559	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102559	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102566		April 10, 2013	April 11, 2013	Respondent
06-CA-102566	First Amended	May 23, 2013	May 29, 2013	Respondent

06-CA-102566	Second Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-102566	Second Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-102566	Third Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-104090		May 1, 2013	May 2, 2013	Respondent
06-CA-104090	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-104090	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-104090	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-104104		May 1, 2013	May 1, 2013	Respondent
06-CA-104104	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-104104	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-104104	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-106636		June 6, 2013	June 6, 2013	Respondent

06-CA-106636	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-106636	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-106636	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-107127		June 13, 2013	June 13, 2013	Respondent
06-CA-107127	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-107127	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-107127	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-107431		June 18, 2013	June 18, 2013	Respondent
06-CA-107431	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-107431	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-107431	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-107532		June 18, 2013	June 19, 2013	Respondent



06-CA-107532	First Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-107532	First Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-107532	Second Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-107896		June 24, 2013	June, 25, 2013	Respondent
06-CA-107896	First Amended	September 10, 2013	September 11, 2013	Respondent
06-CA-107896	Second Amended	November 4, 2013	November 5, 2013	Respondent Presbyterian Shadyside
06-CA-107896	Second Amended	November 4, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-107896	Third Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-108547		July 3, 2013	July 5, 2013	Respondent
06-CA-108547	First Amended	September 4, 2013	September 6, 2013	Respondent
06-CA-108547	Second Amended	September 27, 2013	September 30, 2013	Respondent Presbyterian Shadyside
06-CA-108547	Second Amended	September 27, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent

06-CA-108547	Third Amended	December 18, 2013	January 9, 2014, concurrently with Amended Consolidated Complaint	Respondent
06-CA-111578		August 20, 2013	August 20, 2013	Respondent
06-CA-111578	First Amended	December 30, 2013	December 30, 2013	
06-CA-111578	Second Amended	January 7, 2013	January 7, 2014	Respondent
06-CA-115826		October 28, 2013	October 28, 2013	Respondent
06-CA-115826	First Amended	December 20, 2013	December 24, 2013	Respondent

2. (a) At all material times, Respondent UPMC, a Pennsylvania non-profit corporation with offices and places of business in Pittsburgh, Pennsylvania, herein called Respondent UPMC's facilities, has been engaged in, inter alia, the governance and supervision of Respondent UPMC's subsidiaries, including Respondent Presbyterian Shadyside, which operates acute care hospitals providing inpatient and outpatient medical care.

(b) At all material times, Respondent Presbyterian Shadyside, a Pennsylvania non-profit corporation with offices and places of business in Pittsburgh, Pennsylvania, herein called Presbyterian and/or Shadyside, has been engaged in the operation of acute care hospitals providing inpatient and outpatient medical care.

3. (a) At all material times, Respondent UPMC and Respondent Presbyterian Shadyside have been affiliated business enterprises with common officers, ownership, directors, management, and supervision; have formulated and administered a common labor policy; have shared common premises and facilities; have provided services for and made sales to each other; have interchanged personnel with each other; have had interrelated operations with common system-wide technology resources under a long-term contract with a software vendor which is in effect until 2019; have applied for and are jointly and severally obligated for

payments on, Revenue Bonds Series 2011A issued by the Allegheny County Hospital Development Authority; and have held themselves out to the public as a single-integrated business enterprise.

(b) Based on its operations described above in paragraph 3(a), Respondent UPMC and Respondent Presbyterian Shadyside constitute a single-integrated business enterprise and a single employer within the meaning of the Act.

4. (a) During the 12-month period ending March 31, 2013, Respondent UPMC, in conducting its operations described above in paragraph 2(a), derived gross revenues in excess of \$250,000.

(b) During the 12-month period ending March 31, 2013, Respondent UPMC, in conducting its operations described above in paragraph 2(a), purchased and received at its Pittsburgh, Pennsylvania, facilities goods valued in excess of \$50,000 directly from points outside the Commonwealth of Pennsylvania.

(c) During the 12-month period ending March 31, 2013, Respondent Presbyterian Shadyside, in conducting its operations described above in paragraph 2(b), derived gross revenues in excess of \$250,000.

(d) During the 12-month period ending March 31, 2013, Respondent Presbyterian Shadyside, in conducting its operations described above in paragraph 2(b), purchased and received at its Pittsburgh, Pennsylvania, facilities goods valued in excess of \$50,000 directly from points outside the Commonwealth of Pennsylvania.

5. (a) At all material times, Respondent UPMC and Respondent Presbyterian Shadyside have each been engaged in commerce within the meaning of Section 2(2), 2(6) and 2(7) of the Act, and have each been a health care institution within the meaning of Section 2(14) of the Act.

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

6. (a) At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

(b) At all material times, the ESS Employee Council at Presbyterian Hospital has been a labor organization within the meaning of Section 2(5) of the Act.

7. (a) 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):

Gina Barry	-	Unit Director, Cardiothoracic Unit - Respondent Presbyterian
Ryan R. Beaver	-	Senior Manager, Supply Chain Department - Respondent Presbyterian Shadyside
John Burns	-	Supervisor - Respondent Presbyterian Shadyside
Amy Bush	-	Executive Director of Surgical Services - Respondent Presbyterian
Donald Charley	-	Executive Director of Parking and Security - Respondent Presbyterian Shadyside
Carlton Clark	-	Process Analyst - Respondent Presbyterian Shadyside
William Dilla	-	Operations Manager, Department of Environmental Services - Respondent Presbyterian Shadyside
Amy DiPasquale	-	Director of Environmental Services - Respondent Shadyside
Dan Gasparovic	-	Director of Housekeeping - Respondent Presbyterian
Darnell Grinage	-	Supervisor of Transport - Respondent Presbyterian
Lisa Fennick	-	Unit Director - Respondent Presbyterian
Linda Haas	-	Clinical Director - Respondent Presbyterian

Jane Hackett - Chief Anesthesia Technologist - Respondent Presbyterian

Ted Hill - Supervisor of Fleet Transportation - Respondent  
Presbyterian Shadyside

Jason Hogan - Supervisor, Environmental Services - Respondent  
Shadyside

Keith Lewis - Supervisor of Fleet Transportation - Respondent  
Presbyterian Shadyside

Samuel A. Kane - Retail Manager, 11th Floor Cafeteria - Respondent  
Presbyterian

Kristine Keefer Wolff - Clinical Administrator - Respondent Presbyterian Shadyside

Ed Kellar - Supervisor, Transportation Department - Respondent  
Presbyterian

Robert Knezovich - Senior Manager, Materials Management - Respondent  
Presbyterian

Holly Lorenz - Chief Nursing Officer - Respondent Presbyterian Shadyside

Gerald T. Moran - Security Operations Manager - Respondent Presbyterian  
Shadyside

Tim Nedley - Senior Director, Supply Chain Management - Respondent  
Presbyterian Shadyside

Paul Ondo - Supervisor, Materials Management - Respondent  
Presbyterian Shadyside

Carolyn Perry - Environmental Services Supervisor - Respondent  
Shadyside

Mara L. Schubert - Unit Director - Respondent Presbyterian

Jim Szilargy - Chief Executive Officer, Supply Chain Department -  
Respondent Presbyterian Shadyside

Sally Sterritt - Supervisor, Environmental Services Department -  
Respondent Shadyside

Kimberly N. Stewart - Clinician, GI Lab and Medical Procedures Unit -  
Respondent Presbyterian

Denise Touray - Director of Patient Transport and Linen Services -  
Respondent Presbyterian

- Albert Wright - Vice President of Operations - Respondent Presbyterian Shadyside
- Bart E. Wyss - Assistant Director of Transportation, Supply Chain Department - Respondent Presbyterian Shadyside
- Betsy Yetiskul - Unit Director, GI Lab and Medical Procedures Unit - Respondent Presbyterian
- Jill Zonker - Executive Director - Pulmonary, Neuro and GI Services - Respondent Presbyterian Shadyside
- Cheryl Cinefra - Supervisor, Environmental Services Department - Respondent Presbyterian
- Rhonda Lee - Supervisor, Environmental Services Department - Respondent Presbyterian
- Mike Cellender - Supervisor, Environmental Services Department - Respondent Presbyterian
- John Krolicki - Vice President of Facilities and Support Services Respondent

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

- Emily Bowman - Senior Human Resources Consultant - Respondent Presbyterian Shadyside
- Shannon Corcoran - Manager, Human Resources Department - Respondent Presbyterian Shadyside
- Marina Goodman - Senior Human Resources Consultant - Respondent Presbyterian Shadyside
- Kathy Grills - Human Resources Manager - Respondent Presbyterian Shadyside
- Christopher Kovaly - Accounting Associate for Parking and Security - Respondent Presbyterian Shadyside
- Jacyln Loveridge - Senior Human Resources - Respondent Presbyterian Shadyside

8. About November 19, 2012, Respondent, by Bart E. Wyss, at Presbyterian, by telling employees it knew what they were discussing, created an impression among its employees that their union activities were under surveillance by Respondent.

9. About February, 2013, Respondent, by Ryan R. Beaver, at Presbyterian, impliedly threatened its employees with discipline because of their union membership, activities and sympathies.

10. About February 14, 2013, Respondent, by Jane Hackett, at Presbyterian, by telling employees it knew what they were discussing, created an impression among its employees that their union activities were under surveillance by Respondent.

11. About February 21, 2013, Respondent, by Gerald T. Moran, at Presbyterian, in the presence of its employees, threatened to arrest nonemployees as they were engaged in lawful union activities with its employees.

12. About February 21, 2013 Respondent, by Gerald T. Moran, at Presbyterian, in the presence of its employees, threatened to arrest its employees as they were engaged in lawful union activities.

13. About February 21, 2013 Respondent, by Gerald T. Moran, at Presbyterian, engaged in surveillance of its employees as they were engaged in lawful union activities.

14. About February 21, 2013, Respondent, by Gerald T. Moran, at Presbyterian, coerced and intimidated its employees by requesting that they show their identification badges to Respondent as they were engaged in lawful union activities.

15. About February 25, 2013, Respondent, by Denise Touray and/or Jaclyn Loveridge, at Presbyterian, interrogated its employees about their union membership, activities and sympathies.

16. About February 28, 2013, Respondent, by Jaclyn Loveridge and/or Linda Haas, at Presbyterian, interrogated its employees by asking them to write a statement about their union membership, activities and sympathies.

17. About March 4, 2013, Respondent, by John Burns and/or William Dilla and/or Dan Gasparovic, at Presbyterian, interrogated its employees about their union membership, activities and sympathies and the union membership, activities and sympathies of other employees.

18. About March 4, 2013, Respondent, by John Burns and/or William Dilla and/or Dan Gasparovic, at Presbyterian, threatened its employees with discipline unless they agreed to write a statement concerning their union membership, activities and sympathies and the union membership, activities and sympathies of other employees.

19. About March 22, 2013, Respondent, by Ed Kellar, at Presbyterian, interrogated its employees by asking them to write a statement about their union membership, activities and sympathies.

20. In March 2013, Respondent, by Jason Hogan, at Shadyside, impliedly threatened its employees with poor evaluations if they continued their support of the Union.

21. About April 3, 2013, Respondent, by Ryan R. Beaver and/or Paul Ondo, at Presbyterian, interrogated its employees about their union membership, activities and sympathies.

22. About April 15, 2013, Respondent, by Carlton Clark, at Respondent's South Lot, interrogated its employees about their union membership, activities and sympathies.

23. (a) About April 15, 2013, Respondent, by Tim Nedley, intimidated and coerced its employees in the exercise of their Section 7 rights by demanding to take a photograph of an employee's union buttons while the employee was wearing the buttons.



(b) About June 18, 2013, Respondent, by Amy Bush and Emily Bowman, intimidated and coerced its employees in the exercise of their Section 7 rights by disparaging employees who engaged in protected concerted activities.

24. About April 16, 2013, Respondent, by Carlton Clark and Tim Nedley, interrogated its employees about their union membership, activities and sympathies.

25. About April 26, 2013, Respondent, by Paul Ondo, at Presbyterian, interrogated its employees about their union membership, activities and sympathies.

26. (a) About early July 2013, Respondent, by Bart Wyss, interrogated employees about their participation in a Board investigation.

(b) About early July 2013, Respondent, by Bart Wyss, requested from employees copies of testimony they provided to the Board during a Board investigation.

27. At all material times, Respondent has maintained a Solicitation Policy which reads, in pertinent part, as follows:

...

## II. SCOPE

This policy applies both to the person doing the soliciting or distribution of literature and the person being solicited or receiving the distribution in UPMC facilities located in the United States. Covered activities include, but are not limited to: solicitation for raffles, charity drives, sale of goods, proposing or procuring membership in any organization, or canvassing. Activities sponsored and approved by UPMC or a business unit's President are permitted, such as United Way campaigns.

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## IV. PROCEDURE

A. No staff member shall engage in solicitation of other staff members, patients, and visitors during working time.

B. No staff member may engage in solicitation during working or non-working time in patient care areas, such as patient rooms, operating rooms, patient lounges, areas where patients receive treatment, corridors and sitting rooms adjacent to patient care areas if a patient or family member is present. For other work areas, no staff member may engage in solicitation during working time.

C. No staff member may distribute any form of literature that is not related to UPMC business or staff duties at any time in any work, patient care, or treatment areas. Additionally, staff members may not use UPMC electronic messaging systems to engage in solicitation . . . .

...

E. Only professional recognition, employer service pins, and staff member ID badges may be worn in patient care or treatment areas.

...

G. All situations of unauthorized solicitation or distribution must be immediately reported to a supervisor or department director and the Human Resources Department and may subject the staff member to corrective action up to and including discharge.

28. About February 28, 2013, Respondent, by Gina Barry, enforced the rule described above in paragraph 27 selectively and disparately by applying it for disciplinary purposes only against employees who formed, joined, or assisted the Union and/or by prohibiting union solicitations and distributions, while permitting nonunion solicitations and distributions.

29. About March 28, 2013, Respondent, by Denise Touray, enforced the rule described above in paragraph 27 selectively and disparately by permitting its employees to utilize Respondent's bulletin boards for purposes not approved by, or related to, Respondent-sponsored matters, while prohibiting its employees from posting items in support of the Union on Respondent's bulletin boards.

30. About late March 2013, Respondent, by Emily Bowman, enforced the rule described above in paragraph 27 selectively and disparately by permitting its employees to utilize Respondent's bulletin boards for purposes not approved by, or related to, Respondent-sponsored matters, while prohibiting its employees from posting items in support of the Union on Respondent's bulletin boards.

31. About April 4, 2013, Respondent, by Ryan Beaver and Paul Ondo, enforced the rule described above in paragraph 27 selectively and disparately by applying it for disciplinary

purposes only against employees who formed, joined, or assisted the Union and/or by prohibiting union solicitations and distributions, while permitting nonunion solicitations and distributions.

32. About April 26, 2013, Respondent, by Paul Ondo, enforced the rule described above in paragraph 27 selectively and disparately by applying it for disciplinary purposes only against employees who formed, joined, or assisted the Union and/or by prohibiting union solicitations and distributions, while permitting nonunion solicitations and distributions.

33. About May 14, 2013, Respondent, by Betsy Yetiskul, enforced the rule described above in paragraph 27 selectively and disparately by permitting its employees to solicit in patient care areas for purposes not approved by, or related to, Respondent-sponsored matters, while prohibiting its employees from soliciting in patient care areas in support of the Union.

34. About the dates set forth below, in the locations described below, Respondent, by the below-named supervisors, selectively and disparately enforced its rule described above in paragraph 27, by requiring its employees to remove items bearing pro-Union insignia, while permitting its employees to wear, in patient care areas, items bearing insignia that did not qualify as "professional recognition" items, "employer service pins" and/or "staff member ID badges":

- (a) Early February 2013 - Albert Wright - Presbyterian
- (b) March 2013 - Jane Hackett - Presbyterian
- (c) March 3, 2013 - Ted Hill - Respondent's Employee Transit facility
- (d) April 2013 - Tim Nedley - Respondent's Employee Transit facility
- (e) April 5, 2013 - Lisa Fennick - Presbyterian
- (f) April 16, 2013 - Carlton Clark - Respondent's Employee Transit facility

35. (a) Since about February 20, 2013, Respondent, by John Krolicki and Dan Gasparovic, has participated in the affairs of the ESS Employee Council (the Employee Council) at Presbyterian Hospital, a labor organization that Respondent established in or about September 2012, and has supervised the Employee Council's regular meetings.

(b) Since about February 20, 2013, Respondent, by John Krolicki and Dan Gasparovic, has given assistance and support to the ESS Employee Council by permitting the Employee Council to utilize Respondent's facilities and equipment, by compensating employees for their participation in the Employee Council, and by providing funds and food items for the Employee Council's social event on May 26, 2013.

(c) Since about February 20, 2013, Respondent, by John Krolicki and Dan Gasparovic, has dominated and given assistance and support to the Employee Council by funding the "Employee of the Month" award at the Employee Council's request.

(d) Since about February 20, 2013, Respondent, by John Krolicki and Dan Gasparovic, has recognized the Employee Council as the exclusive collective-bargaining representative of its ESS employees at Presbyterian Hospital and has dealt with the Employee Council concerning the working conditions, wages and hours of its employees.

36. About December 20, 2012, Respondent issued a final written warning to its employee Felicia Penn.

37. About February 27, 2013, Respondent issued a written warning to its employee David Jones.

38. (a) About February 28, 2013, Respondent suspended its employee Leslie Poston.

(b) About March 11, 2013, Respondent issued a final written warning to its employee Leslie Poston.

39. About March 9, 2013, Respondent discharged its employee Finley Littlejohn.
40. About March 20, 2013, Respondent discharged its employee Ronald Oakes.
41. About March 28, 2013, Respondent issued a final written warning to its employee Chaney Lewis.
42. About April 4, 2013, Respondent issued a verbal warning to its employee James Staus.
43. About April 23, 2013, Respondent issued a final written warning to its employee Albert Turner.
44. About April 26, 2013, Respondent issued a verbal warning to its employee James Staus.
45. About May 14, 2013, Respondent placed its employee James Staus on a Performance Improvement Plan.
46. About June 18, 2013, Respondent discharged its employee Albert Turner.
47. About July 1, 2013, Respondent discharged its employee James Staus.
48. Respondent engaged in the conduct described above in paragraphs 36-47 because the named employees of Respondent joined or assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.
49. Respondent engaged in the conduct described above in paragraph 40 because Ronald Oakes gave testimony to the Board in the form of an affidavit and cooperated in a Board investigation in connection with Cases 06-CA-081896, et al.
50. Respondent engaged in the conduct described above in paragraph 41 because Chaney Lewis gave testimony to the Board in the form of an affidavit and cooperated in a Board investigation in connection with Cases 06-CA-081896, et al.

51. By the conduct described above in paragraphs 8-26 and 28-34, 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.

52. By the conduct described above in paragraphs 35(a) through 35(d), Respondent has dominated and interfered with the administration of, and has been rendering unlawful assistance and support to, a labor organization in violation of Section 8(a)(1) and (2) of the Act.

53. By the conduct described above in paragraphs 36-48, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

54. By the conduct described above in paragraphs 40, 41, 49 and 50, Respondent has been discriminating against employees for filing charges or giving testimony under the Act in violation of Section 8(a)(1) and (4) of the Act.

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

#### **REQUESTED REMEDIES**

As part of the remedy for the unfair labor practices alleged above in paragraphs 8 through 26 and paragraphs 28 through 50, the General Counsel seeks an Order requiring Respondent Presbyterian Shadyside to take the following affirmative actions:

(a) Post, for 120 days, in all appropriate locations in Respondent UPMC Presbyterian Shadyside's facilities where notices to employees are customarily posted, any NLRB Notice to Employees that may issue in this proceeding;

(b) At a meeting or meetings of UPMC Presbyterian Shadyside employees, scheduled to ensure the widest possible employee attendance, during employees' working hours and in the presence of a Board agent, read aloud any NLRB Notice to Employees that may issue in this proceeding;

(c) Grant to the Union access to public areas in its UPMC Presbyterian Shadyside facilities, with the right to speak to employees during employees' non-working time; and

(d) During the period that the NLRB Notice to Employees is posted in connection with this proceeding, permit current employees to post Union literature and notices on its bulletin boards and all places where notices to employees are customarily posted within Respondent's UPMC Presbyterian Shadyside facilities.

Furthermore, as part of the remedy for the unfair labor practices alleged above in paragraphs 38(a), 39, 40, 46 and 47, the 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 General Counsel further seeks, as part of the remedy for the allegations in paragraphs 38(a), 39, 40, 46 and 47, that Respondent be required to submit the appropriate documentation to the Social Security Administration so that when back pay is paid, it will be allocated to the appropriate periods.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

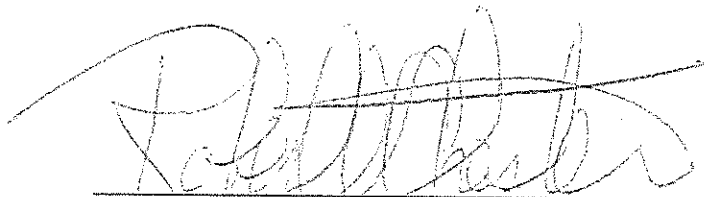
#### **ANSWER REQUIREMENT**

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 amended consolidated complaint. The answer must be **received by this office on or before January 23, 2014, or postmarked on or before January 22, 2014.** 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 through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website

informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, 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. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within 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, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the amended consolidated complaint are true.

Dated: January 9, 2014.

A handwritten signature in black ink, appearing to read "Robert W. Chester", is written over a horizontal line. The signature is stylized and cursive.

Robert W. Chester, Regional Director  
National Labor Relations Board, Region 6  
1000 Liberty Avenue, Room 904  
Pittsburgh, PA 15222-4111