



United States Government  
**NATIONAL LABOR RELATIONS BOARD**  
**REGION 6**

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February 7, 2014

Re: UPMC, et al.  
Cases 06-CA-102465, et al.

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Counsel:

At the hearing in the above-captioned matter now scheduled to begin on February 10, 2014, Counsel for the General Counsel will make a motion to further amend the Amended Consolidated Complaint, which issued on January 9, 2014, in the following particulars:

1. Paragraph 7(a) - Add the following individuals with their respective titles;

Gloria Maxie	-	Supervisor, Respondent Shadyside
Karen Reynolds	-	Supervisor, Respondent Shadyside
Nikolay Stoichkov	-	Supervisor, Respondent Shadyside

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2. Add a subparagraph 34(g) to read as follows:

(g) late July 2013 - Nikolay Stoichkov - Shadyside

With respect to number 1 above, we propose that these three individuals be added to the list of individuals that the parties will stipulate are supervisors within the meaning of Section 2(11) of the Act, and agents within the meaning of Section 2(13) of the Act.

If you have any questions, please do not hesitate to contact us.

Very truly yours,



Suzanne S. Donsky  
Julie R. Stern  
Counsel for the General Counsel

cc:  
Claudia Davidson  
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JRS/sm

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

UPMC PRESBYTERIAN SHADYSIDE, 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

ORDER FURTHER CONSOLIDATING CASES AND AMENDMENT  
TO CONSOLIDATED COMPLAINT

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 Case 06-CA-107896, which is based on a charge filed by SEIU Healthcare Pennsylvania, CTW, CLC (the Union) against UPMC Presbyterian Shadyside, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital is consolidated with 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-

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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 and 06-CA-108547.

Pursuant to Section 102.17 of the Rules and Regulations of the National Labor Relations Board (the Board), the Consolidated Complaint and Notice of Hearing issued on September 30, 2013 is amended as follows:

1. Add to paragraph 1 the following:

<i>Case No.</i>	<i>Amendment</i>	<i>Date Filed</i>	<i>Date Served</i>
06-CA-107896		June 24, 2013	June, 25, 2013
06-CA-107896	First Amended	September 10, 2013	September 11, 2013
06-CA-107896	Second Amended	November 4, 2013	November 5, 2013

2. Amend paragraph 7(a) as follows:

- replace Dan Durkovic with Dan Gasparovic
- replace Lisa Fenick with Lisa Fennick
- replace Christine Keefer-Wolfe with Kristine Keefer Wolff
- replace Ed Keller with Ed Kellar
- add the following names and titles:

Amy Bush - Executive Director of Surgical Services

Darnell Grinage - Supervisor of Transport

3. Amend paragraph 7(b) as follows:

- add the following name and title:

Kathy Grills - Human Resources Manager

4. In paragraphs 17 and 18, replace Dan Durkovic with Dan Gasparovic.

5. In paragraph 19, replace Ed Keller with Ed Kellar.
6. Renumber existing paragraph 23 to be 23(a), and add the following as paragraph 23(b):

(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.

7. Replace existing paragraph 33(d) with the following:

(d) April 2013 - Tim Nedley - Respondent's Employee Transit facility
8. In paragraph 33(e), replace Lisa Fenick with Lisa Fennick.

#### ANSWER REQUIREMENT

RESPONDENT IS FURTHER NOTIFIED that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, Respondent must file an answer to the above amendment to consolidated complaint. The answer must be **received by this office on or before November 19, 2013, or postmarked on or before November 18, 2013.** 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 amendment to consolidated complaint are true.

Dated: November 5, 2013



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KIM R. SIEGERT  
ACTING REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 06  
1000 LIBERTY AVE, RM 904  
PITTSBURGH, PA 15222-4111

Attachments

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

UPMC PRESBYTERIAN SHADYSIDE, d/b/a UPMC  
PRESBYTERIAN HOSPITAL AND d/b/a UPMC  
SHADYSIDE HOSPITAL

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SEIU HEALTHCARE PENNSYLVANIA, CTW, CLC

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06-CA-104104  
06-CA-106636  
06-CA-107127  
06-CA-107431  
06-CA-107532  
06-CA-108547

ORDER CONSOLIDATING CASES, CONSOLIDATED  
COMPLAINT AND NOTICE OF HEARING

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 Case 06-CA-102465 and Cases 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 and 06-CA-108547, which are based on charges filed by SEIU Healthcare Pennsylvania, CTW, CLC, (the Union) against UPMC Presbyterian Shadyside, d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital (Respondent) are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, 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 Respondent has violated the Act as described below:

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>
06-CA-102465		April 10, 2013	April 11, 2013
06-CA-102465	First Amended	September 27, 2013	September 30, 2013, concurrently with Consolidated Complaint
06-CA-102494		April 10, 2013	April 11, 2013
06-CA-102494	First Amended	June 17, 2013	June 18, 2013
06-CA-102494	Second Amended	September 27, 2013	September 30, 2013, concurrently with Consolidated Complaint
06-CA-102516		April 10, 2013	April 11, 2013
06-CA-102516	First Amended	May 23, 2013	May 29, 2013
06-CA-102516	Second Amended	September 13, 2013	September 13, 2013
06-CA-102516	Third Amended	September 27, 2013	September 30, 2013, concurrently with Consolidated Complaint
06-CA-102518		April 10, 2013	April 11, 2013
06-CA-102518	First Amended	May 23, 2013	May 29, 2013

<i>Case No.</i>	<i>Amendment</i>	<i>Date Filed</i>	<i>Date Served</i>
06-CA-102518	Second Amended	September 27, 2013	September 30, 2013, concurrently with Consolidated Complaint
06-CA-102525		April 10, 2013	April 11, 2013
06-CA-102525	First Amended	September 27, 2013	September 30, 2013, concurrently with Consolidated Complaint
06-CA-102534		April 10, 2013	April 11, 2013
06-CA-102534	First Amended	September 27, 2013	September 30, 2013, concurrently with Consolidated Complaint
06-CA-102540		April 10, 2013	April 11, 2013
06-CA-102540	First Amended	September 27, 2013	September 30, 2013, concurrently with Consolidated Complaint
06-CA-102542		April 10, 2013	April 11, 2013
06-CA-102542	First Amended	September 27, 2013	September 30, 2013, concurrently with Consolidated Complaint
06-CA-102544		April 10, 2013	April 11, 2013
06-CA-102544	First Amended	May 23, 2013	May 29, 2013
06-CA-102544	Second Amended	September 27, 2013	September 30, 2013, concurrently with Consolidated Complaint

<i>Case No.</i>	<i>Amendment</i>	<i>Date Filed</i>	<i>Date Served</i>
06-CA-102555		April 10, 2013	April 11, 2013
06-CA-102555	First Amended	September 27, 2013	September 30, 2013, concurrently with Consolidated Complaint
06-CA-102559		April 10, 2013	April 11, 2013
06-CA-102559	First Amended	September 27, 2013	September 30, 2013, concurrently with Consolidated Complaint
06-CA-102566		April 10, 2013	April 11, 2013
06-CA-102566	First Amended	May 23, 2013	May 29, 2013
06-CA-102566	Second Amended	September 27, 2013	September 30, 2013, concurrently with Consolidated Complaint
06-CA-104090		May 1, 2013	May 2, 2013
06-CA-104090	First Amended	September 27, 2013	September 30, 2013, concurrently with Consolidated Complaint
06-CA-104104		May 1, 2013	May 1, 2013
06-CA-104104	First Amended	September 27, 2013	September 30, 2013, concurrently with Consolidated Complaint
06-CA-106636		June 6, 2013	June 6, 2013

<i>Case No.</i>	<i>Amendment</i>	<i>Date Filed</i>	<i>Date Served</i>
06-CA-106636	First Amended	September 27, 2013	September 30, 2013, concurrently with Consolidated Complaint
06-CA-107127		June 13, 2013	June 13, 2013
06-CA-107127	First Amended	September 27, 2013	September 30, 2013, concurrently with Consolidated Complaint
06-CA-107431		June 18, 2013	June 18, 2013
06-CA-107431	First Amended	September 27, 2013	September 30, 2013, concurrently with Consolidated Complaint
06-CA-107532		June 18, 2013	June 19, 2013
06-CA-107532	First Amended	September 27, 2013	September 30, 2013, concurrently with Consolidated Complaint
06-CA-108547		July 3, 2013	July 5, 2013
06-CA-108547	First Amended	September 4, 2013	September 6, 2013
06-CA-108547	Second Amended	September 27, 2013	September 30, 2013, concurrently with Consolidated Complaint

2. At all material times, Respondent, a Pennsylvania non-profit corporation with offices and places of business in Pittsburgh, Pennsylvania, including facilities herein called UPMC Presbyterian Hospital and UPMC Shadyside Hospital, and herein collectively referred to

as Respondent's facilities, has been engaged in the operation of acute care hospitals providing inpatient and outpatient medical care.

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

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

5. 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. At all material times, the Union 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 - UPMC Presbyterian Hospital
- Ryan R. Beaver - Senior Manager, Supply Chain Department
- John Burns - Supervisor
- Donald Charley - Executive Director of Parking and Security
- Carlton Clark - Process Analyst
- William Dilla - Operations Manager, Department of Environmental Services
- Amy DiPasquale - Director of Environmental Services - UPMC Shadyside Hospital

Dan Durkovic	-	Director of Housekeeping
Lisa Fenick	-	Unit Director, UPMC Presbyterian Hospital
Linda Haas	-	Clinical Director
Jane Hackett	-	Chief Anesthesia Technologist
Ted Hill	-	Supervisor of Fleet Transportation
Jason Hogan	-	Supervisor, Environmental Services - UPMC Shadyside Hospital
Keith Lewis	-	Supervisor of Fleet Transportation
Samuel A. Kane	-	Retail Manager, 11th Floor Cafeteria - UPMC Presbyterian Hospital
Christine Keefer-Wolfe	-	Clinical Administrator
Ed Keller	-	Supervisor, Transportation Department
Robert Knezovich	-	Senior Manager, Materials Management - UPMC Presbyterian Hospital
Holly Lorenz	-	Chief Nursing Officer
Gerald T. Moran	-	Security Operations Manager
Tim Nedley	-	Senior Director, Supply Chain Management
Paul Ondo	-	Supervisor, Materials Management
Carolyn Perry	-	Environmental Services Supervisor - UPMC Shadyside Hospital
Mara L. Schubert	-	Unit Director - UPMC Presbyterian Hospital
Jim Szilargy	-	Chief Executive Officer, Supply Chain Department
Sally Sterritt	-	Supervisor, Environmental Services Department - UPMC Shadyside Hospital
Kimberly N. Stewart	-	Clinician, GI Lab and Medical Procedures Unit - UPMC Presbyterian Hospital
Denise Touray	-	Director of Patient Transport and Linen Services - UPMC Presbyterian Hospital
Albert Wright	-	Vice President of Operations, UPMC Presbyterian Shadyside

Bart E. Wyss	-	Assistant Director of Transportation, Supply Chain Department
Betsy Yetiskul	-	Unit Director, GI Lab and Medical Procedures Unit - UPMC Presbyterian Hospital
Jill Zonker	-	Executive Director - Pulmonary, Neuro and GI Services - UPMC Presbyterian Hospital and UPMC Shadyside Hospital

(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
Shannon Corcoran	-	Manager, Human Resources Department
Marina Goodman	-	Senior Human Resources Consultant
Christopher Kovaly	-	Accounting Associate for Parking and Security - UPMC Presbyterian Hospital and UPMC Shadyside Hospital
Jacyln Loveridge	-	Senior Human Resources Consultant - UPMC Presbyterian Hospital

8. About November 19, 2012, Respondent, by Bart E. Wyss, at UPMC Presbyterian Hospital, 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 UPMC Presbyterian Hospital, impliedly threatened its employees with discipline because of their union membership, activities and sympathies.

10. About February 14, 2013, Respondent, by Jane Hackett, at UPMC Presbyterian Hospital, 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 UPMC Presbyterian Hospital, 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 UPMC Presbyterian Hospital, 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 UPMC Presbyterian Hospital, 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 UPMC Presbyterian Hospital, 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 UPMC Presbyterian Hospital, interrogated its employees about their union membership, activities and sympathies.

16. About February 28, 2013, Respondent, by Jaclyn Loveridge and/or Linda Haas, at UPMC Presbyterian Hospital, interrogated its employees by asking them 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 Durkovic, at UPMC Presbyterian Hospital, 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 Durkovic, at UPMC Presbyterian Hospital, 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 Keller, at UPMC Presbyterian Hospital, 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 UPMC Shadyside Hospital, 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 UPMC Presbyterian Hospital, 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. 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.

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 UPMC Presbyterian Hospital, interrogated its employees about their union membership, activities and sympathies.

26. 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.

...

## 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.

27. About February 28, 2013, Respondent, by Gina Barry, enforced the rule described above in paragraph 26 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.

28. About March 28, 2013, Respondent, by Denise Touray, enforced the rule described above in paragraph 26 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.

29. About late March 2013, Respondent, by Emily Bowman, enforced the rule described above in paragraph 26 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 April 4, 2013, Respondent, by Ryan Beaver and Paul Ondo, enforced the rule described above in paragraph 26 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.

31. About April 26, 2013, Respondent, by Paul Ondo, enforced the rule described above in paragraph 26 selective 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 May 14, 2013, Respondent, by Betsy Yetiskul, enforced the rule described above in paragraph 26 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.

33. 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 26, 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 - UPMC Presbyterian Hospital
- (b) March 2013 - Jane Hackett - UPMC Presbyterian Hospital
- (c) March 3, 2013 - Ted Hill - Respondent's Employee Transit facility
- (d) April 2013 - Ted Hill - Respondent's Employee Transit facility
- (e) April 5, 2013 - Lisa Fenick - UPMC Presbyterian Hospital
- (f) April 16, 2013 - Carlton Clark - Respondent's Employee Transit facility

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

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

36. About February 28, 2013, Respondent issued a final written warning to its employee Leslie Poston.

37. About March 9, 2013, Respondent discharged its employee Finley Littlejohn.

38. About March 20, 2013, Respondent discharged its employee Ronald Oakes.

39. About March 28, 2013, Respondent issued a final written warning to its employee Chaney Lewis.

40. About April 4, 2013, Respondent issued a verbal warning to its employee James Staus.

41. About April 23, 2013, Respondent issued a final written warning to its employee Albert Turner.

42. About April 26, 2013, Respondent issued a verbal warning to its employee James Staus.

43. About May 14, 2013, Respondent placed its employee James Staus on a Performance Improvement Plan.

44. About June 18, 2013, Respondent discharged its employee Albert Turner.

45. About July 1, 2013, Respondent discharged its employee James Staus.

46. Respondent engaged in the conduct described above in paragraphs 34-45 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.

47. Respondent engaged in the conduct described above in paragraph 38 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.

48. Respondent engaged in the conduct described above in paragraph 39 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.

49. By the conduct described above in paragraphs 8-25 and 27-33, 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.

50. By the conduct described above in paragraphs 34-46, 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.

51. By the conduct described above in paragraphs 38, 39, 47 and 48, 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.

52. 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 25 and paragraphs 27 through 48, the Acting General Counsel seeks an Order requiring Respondent to take the following affirmative actions:

(a) Post, for 120 days, in all appropriate locations in Respondent's UPMC Presbyterian Shadyside 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 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 37, 38, 44 and 45, 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, as part of the remedy for the allegations in paragraphs 37, 38, 44 and 45, 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 or before October 15, 2013, or postmarked on or before October 14, 2013.** 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.

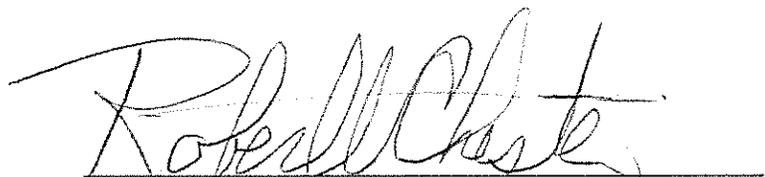
An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer 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 consolidated complaint are true.

**NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on December 16, 2013, at 10:00 a.m. at the William S. Moorhead Federal Building, 1000 Liberty Avenue, Room 904, Pittsburgh, Pennsylvania, 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: September 30, 2013.



ROBERT W. CHESTER  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 06  
1000 LIBERTY AVE, RM 904  
PITTSBURGH, PA 15222-4111

Attachments