

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

PITTSBURGH ATHLETIC ASSOCIATION

and

Case 06-CA-192273

UNITE HERE LOCAL 57, AFL-CIO, CLC

DECISION AND ORDER

Statement of the Case

On August 21, 2017, Pittsburgh Athletic Association (the Respondent), Charging Party UNITE HERE Local 57, AFL-CIO, CLC (the Union), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the parties waived their rights to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

(a) The Respondent has been a non-profit Pennsylvania corporation with an office and place of business in Pittsburgh, Pennsylvania (the Respondent's facility) and was operating a social club which provided food, beverages, and services to members and their guests. The Respondent admits to the Board's jurisdiction in this matter.

(b) At all material times, the Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the National Labor Relations Act (the Act).

2. The labor organization involved

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

3. The appropriate unit

The following employees of the Respondent (the unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time food and beverage and housekeeping employees employed by the Respondent at its Pittsburgh, Pennsylvania facility; excluding guards, professional employees and supervisors as defined in the Act and all other employees.

At all material times, the Respondent has recognized the Union as the exclusive collective-bargaining representative of the unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which was effective by its terms from March 1, 2012 to February 28, 2015.

At all material times, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the unit.

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that the Respondent, Pittsburgh Athletic Association, Pittsburgh, Pennsylvania, its officers, agents, successors and assigns, shall

1. Cease and desist from

(a) Failing and refusing to bargain collectively with UNITE HERE Local 57, AFL-CIO, CLC (the Union) as the collective-bargaining representative of all employees in the unit.

(b) Unilaterally failing to remit to the Union dues and fees deducted from its unit employees' wages.

(c) In any other manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Upon request, bargain collectively with UNITE HERE Local 57, AFL-CIO, CLC as the exclusive representative of the unit employees, with respect to pay, wages, hours of employment and other conditions of employment, and if an understanding is reached, reduce it to writing and sign it.

(b) Make whole the Union in the manner and amount specified in the attached document marked as Appendix B, the amounts of which correspond to the unit employees, set forth opposite their respective names, subject to Bankruptcy Court approval and payment made pursuant to the terms of a Chapter 11 plan.

(c) Within 14 days of service by the Region, post at its facility copies of the attached notice marked as Appendix A.¹ Copies of the notice, on forms provided by Region 6, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material.

(d) The Respondent shall duplicate and mail, at its own expense, a copy of the attached notice marked Appendix A, to all current employees and former employees employed by the Respondent at any time since October 2016.

(e) Within 21 days after service by the Region, file with the Regional Director for Region 6 a sworn certification of a responsible official on a form provided by the Region attesting to the steps the Respondent has taken to comply.

Dated, Washington, D.C., February 22, 2018

Marvin E. Kaplan, Chairman

Mark Gaston Pearce, Member

Lauren McFerran, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

¹ If this Order is enforced by a judgment of a United States Court of Appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

APPENDIX A

**NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER
AND A CONSENT JUDGMENT OF ANY APPROPRIATE
UNITED STATES COURT OF APPEALS**

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join, or assist a union
Choose a representative to bargain with us on your behalf
Act together with other employees for your benefit and protection
Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT refuse to bargain in good faith with UNITE HERE Local 57, AFL-CIO (the Union) as the exclusive collective-bargaining representative of our employees in the following appropriate unit (the unit):

All full-time and regular part-time food and beverage and housekeeping employees employed by the Respondent at its Pittsburgh, Pennsylvania facility; excluding guards, professional employees and supervisors as defined in the Act and all other employees.

WE WILL NOT fail to remit unit employees' dues to the Union.

WE WILL NOT in any other manner interfere with your rights under Section 7 of the Act.

WE WILL, upon request, bargain in good faith with the Union as the exclusive collective-bargaining representative of the unit employees.

WE WILL make whole the Union for the amounts of dues we deducted from unit employees but failed to remit to the Union.

PITTSBURGH ATHLETIC ASSOCIATION

The Board's decision can be found at www.nlr.gov/case/06-CA-192273 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half St., S.E., Washington, D.C. 20570, or by calling (202) 273-1940.



APPENDIX B

Pittsburgh Athletic Association				
Case 06-CA-192273				
		<i>Dues Deducted and Not Remitted, September 2016 to May 30, 2017</i>		
<u>Last Name</u>	<u>First Name</u>		<u>Amount due to Union²</u>	
DeMartino	Michael		274.82	
Dilembo	Maria		235.56	
Dinando	Joseph		80	
Dochev	Diyan		274.82	
Engel	Mary Ann		274.82	
Englert	Kenneth		157.04	
Frey	John		274.82	
Gebet	Ronald		294.45	
Hines	Donald		255.19	
Hruska	David		294.45	
Ismaeli	Ruqqayah		19.63	
Johnson	Brian		294.45	
LaGoy	Alice		78.52	
Madorsky	Alla		19.63	
McPherson	Mark		39.26	
McPherson, Jr.	Stanley		274.82	
Scott	John		314.08	
Smetana	Joseph		8	
Stanziola	Rachel		58.89	
Tratras	John		294.45	
Turkovich	David		39.26	
Varion	Jeffrey		294.45	
Volk	Mark		274.82	
Williams	Antwaun		19.63	
Wilson	Brian		294.45	
Wolfram	Nancy		235.56	
		Total due to Union	4975.87	

² The Respondent owes the claimants an undetermined amount of post-petition interest accruing from amounts claimed in Appendix B. Post-Petition interest is payable pursuant to 11 U.S.C. §726(a)(5) if Respondent is solvent at the close of the case. The Region reserves the right to amend its Proof of Claim regarding Post-Petition interest.