

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

Cases 06-CA-171117 and
06-CA-171123

SEIU HEALTHCARE PENNSYLVANIA, CTW,
CLC

UPMC AND ITS SUBSIDIARY UPMC
CHILDREN'S HOSPITAL, A SINGLE
EMPLOYER

and

Case 06-CA-171126

SEIU HEALTHCARE PENNSYLVANIA, CTW,
CLC

UPMC AND UPMC MERCY HOSPITAL, A
SINGLE EMPLOYER D/B/A MERCY HOSPITAL

and

Case 06-CA-171621

SEIU HEALTHCARE PENNSYLVANIA, CTW,
CLC

**MOTION TO APPROVE WITHDRAWAL OF THE SINGLE EMPLOYER
ALLEGATIONS BASED ON SETTLEMENT OF SINGLE EMPLOYER
ALLEGATIONS IN LIEU OF LITIGATION**

Pursuant to multiple charges filed by SEIU Healthcare Pennsylvania; CTW, CLC ("the Union"), in the above-captioned matter, the Regional Director for Region Six of the National

Labor Relations Board issued an Order Consolidating Cases, Consolidated Complaint, and Notice of Hearing (“Complaint”) on January 30, 2017¹ naming UPMC as a single-integrated business enterprise and single employer with its subsidiaries, UPMC Mercy Hospital, UPMC Presbyterian Shadyside, and Children’s Hospital of Pittsburgh of UPMC.

By Order dated April 11, 2017, this matter was officially bifurcated into separate phases: a “merits” phase, the evidence for which was presented on the below dates, and a “single employer” phase, which has yet to be heard on the administrative record. The hearing regarding the merits phase in this matter was held before Administrative Law Judge Thomas M. Randazzo (“the ALJ”) in Pittsburgh, Pennsylvania, over four days between April 13, 2017 and July 21, 2017. On January 18, 2018, the Administrative Law Judge’s Decision issued, which addressed only matters related to the substantive merits of the case.

Prior to the resumption of the trial for the purpose of receiving evidence related to the single employer allegations, Respondents UPMC, UPMC Mercy Hospital, UPMC Presbyterian Shadyside, and Children’s Hospital of Pittsburgh of UPMC and the General Counsel entered into a Settlement of single Employer Allegations in Lieu of Litigation which provides, in pertinent part that Respondent UPMC will guarantee the remediation of any violation found in the corresponding case. This Settlement obviates the need to reopen the record in this matter for the single employer phase. The Charging Party Union has not executed this Settlement.

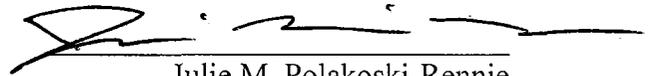
Inasmuch as this Settlement agreed upon by the General Counsel and Respondents UPMC, UPMC Mercy Hospital, UPMC Presbyterian Shadyside, and Children’s Hospital of Pittsburgh of UPMC provides a satisfactory resolution of remedial issues implicated by the single employer allegations, Counsel for the General Counsel requests withdrawal of paragraphs 3(a) and 3(b) of the Complaint, as well as the phrase “and collectively” contained in paragraph 5

¹ The Complaint was amended on March 24, 2016.

of the Complaint, all of which pertain to the single employer status of Respondents UPMC, UPMC Mercy Hospital, UPMC Presbyterian Shadyside, and Children's Hospital of Pittsburgh of UPMC.

Counsel for the General Counsel moves that this request for withdrawal of the single employer allegations be granted in its entirety and submits that such approval is appropriate in light of the Settlement of Single Employer Allegations in Lieu of Litigation.

Dated at Pittsburgh, Pennsylvania, this 25th day of April 2018.



Julie M. Polakoski-Rennie
Counsel for the General Counsel
Region Six of the National Labor Relations Board
1000 Liberty Avenue, Room 904
Pittsburgh, Pennsylvania 15222

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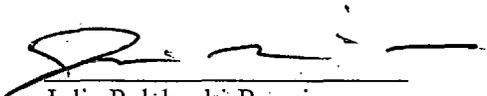
SEIU HEALTHCARE PENNSYLVANIA, CTW,
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SETTLEMENT OF SINGLE EMPLOYER ALLEGATIONS IN LIEU OF LITIGATION

If after all appeals are exhausted, UPMC Presbyterian Shadyside, Children's Hospital of Pittsburgh of UPMC and/or UPMC Mercy Hospital are found to have been in violation of the Act, the Respondent UPMC, shall be the guarantor of any remedies that the National Labor Relations Board may order in any decision in Cases 06-CA-171117, 06-CA171123, 06-CA-171126 and/or 06-CA-171621. As the guarantor, Respondent UPMC will guarantee the remediation of any violation found in the corresponding case. To the extent UPMC Presbyterian Shadyside, Children's Hospital of Pittsburgh of UPMC and/or UPMC Mercy Hospital fail to remediate any unfair labor practice on their own following the exhaustion of all appeals, UPMC must take any necessary action to ensure compliance.

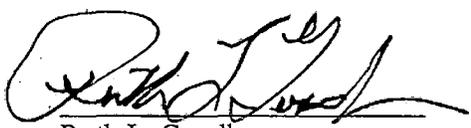
Moreover, if after all appeals are exhausted, the Board finds any of the policies at issue in the above captioned matters to be unlawful, Respondent UPMC agrees to expunge the unlawful policies on a system-wide basis at any and all UPMC, UPMC Presbyterian Shadyside, Children's Hospital of Pittsburgh of UPMC and UPMC Mercy Hospital facilities within the United States and its territories and will notify all of their employees via the internet (Infonet) at all their facilities where the unlawful policies were in existence that those policies have been rescinded and will no longer be enforced. The physical posting of any notices required by the Board's Order will be at the acute care facility locations named in the case(s) which gave rise to the dispute, UPMC Presbyterian Shadyside, Children's Hospital of Pittsburgh of UPMC and UPMC Mercy Hospital.

By entering into this Settlement of Single Employer Allegations in Lieu of Litigation, Respondent UPMC and General Counsel waive their right to a hearing and decision as to whether Respondent UPMC and UPMC Presbyterian Shadyside, Children's Hospital of Pittsburgh of UPMC and UPMC Mercy Hospital constitute a single employer within the meaning of the National Labor Relations Act, as amended.



Julie Polakoski-Rennie
Counsel for the General Counsel
National Labor Relations Board

Date: 4/25/18



Ruth L. Goodboe
Counsel for Respondent
UPMC Mercy Hospital
UPMC Presbyterian Shadyside
Children's Hospital of Pittsburgh of UPMC
UPMC

Date: 4/25/18

Claudia Davidson
Counsel for the Charging Party
SEIU Healthcare Pennsylvania, CTW, CLC

Date: _____

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**SEIU HEALTHCARE PENNSYLVANIA, CTW,
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**AFFIDAVIT OF SERVICE OF: MOTION TO APPROVE WITHDRAWAL OF THE
SINGLE EMPLOYER ALLEGATIONS BASED ON SETTLEMENT OF SINGLE
EMPLOYER ALLEGATIONS IN LIEU OF LITIGATION**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on April 26, 2018 I served the above-entitled document(s) by **electronic mail**, as noted below, upon the following persons, addressed to them at the following addresses:

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April 26, 2018

Julie M. Polakoski-Rennie
Field Attorney, NLRB

Date

Name

/s/ Julie M. Polakoski-Rennie
Signature