

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 13

PERKINS MANAGEMENT SERVICE COMPANY

AND

Case 13-CA-223500

UNITE HERE LOCAL 1

**MOTION TO TRANSFER PROCEEDINGS TO THE BOARD AND**  
**MOTION FOR DEFAULT JUDGMENT**

Now comes Helen I. Gutierrez, Counsel for the General Counsel of the National Labor Relations Board, pursuant to Section 102.50 of the Board's Rules and Regulations, Series 8, as amended, who files this Motion to Transfer Proceedings to the Board and Motion for Default Judgment. These Motions are made upon the assertion that the General Counsel is entitled to judgment pursuant to Section 102.20 of the Board's Rules and Regulations, inasmuch as Respondent has failed to file an Answer to the Complaint and Notice of Hearing within the time required thereby. *Windward Roofing and Construction Co., Inc.*, 333 NLRB 658 (2001); *U.S. Telefactors Corporation*, 293 NLRB 567 (1989).

In support of these motions, Counsel for the General Counsel respectfully submits the following:

1. On July 7, 2018, and October 29, 2018, respectively, UNITE HERE Local 1 (Union) filed an original charge and first-amended charge alleging that Perkins Management Services Company (Respondent) had engaged in certain unfair labor practices affecting commerce as set forth and defined in the National Labor Relations Act, 29 U.S.C. Section 151 *et seq.* (the Act). The original charge was served on Respondent by first-class mail on July 31,

2018. A copy of the charge is attached hereto as **Exhibit 1** and the affidavit of service is attached hereto as **Exhibit 2**. The first-amended charge was served on Respondent on October 30, 2018. A copy of the first-amended charge is attached hereto as **Exhibit 3** and the affidavit of service is attached as **Exhibit 4**.

2. On November 5, 2018, the Regional Director for Region 13 issued a Complaint and Notice of Hearing alleging that Respondent violated Section 8(a)(1) and (5) of the Act by failing to provide necessary and relevant information that the Union requested. The Complaint further advised Respondent that if it failed to file an Answer within 14 days of service of the Complaint as required under Sections 102.20 and 102.21 of the Board's Rules and Regulations, the Board might find, pursuant to a Motion for Default Judgment, all of the allegations to be true. A copy of the Complaint and Notice of Hearing is attached hereto as **Exhibit 5** and the affidavit of service is attached hereto as **Exhibit 6 (a)** and the proof of service as **Exhibit 6 (b)**.

Respondent failed to file an Answer.

3. On November 29, 2018, the undersigned sent Respondent a letter by both certified mail and email confirming that it had failed to file an Answer to the Complaint within the time period set forth in Sections 102.20 and 102.21 of the Board's Rules and Regulations. The letter further stated that a Motion for Default Judgment would be filed with the Board if an Answer was not filed by the close of business on November 19, 2018. A copy of the letter is attached hereto as **Exhibit 7(a)** and the proofs of service are attached hereto as **Exhibits 7( b) and 7(c)**.

4. As of this date, Respondent has failed to file an Answer to the Complaint and none is anticipated.

5. Based on the foregoing, it is clear that no administrative hearing is necessary in this case and it is appropriate for the Board to issue a Decision and Order without further proceedings herein.

WHEREFORE, Counsel for the General Counsel respectfully requests that the Board grant the Motion to Transfer Proceedings to the Board and the Motion for Default Judgment. The Board should also deem all of the allegations in the Complaint to be true and issue an appropriate Decision and Order.

DATED at Chicago, Illinois, this 20<sup>th</sup> day of December 2018.

Respectfully Submitted

/s/ Helen Gutierrez

Helen Gutierrez  
Counsel for the General Counsel  
National Labor Relations Board  
Region 13  
219 South Dearborn Street, Suite 808  
Chicago, Illinois 60604

Attachments

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the Counsel for the General Counsel's Motion to Transfer Proceedings to the Board and Motion for Default Judgment was electronically filed with the National Labor Relations Board on this 20th day of December 2018, and true and correct copies of the document have been served on the parties in the manner indicated below on the same date.

**VIA E-MAIL:**

Barry McCauley Jr.  
Perkins Management Services Company  
7730 England Street, Suite A  
Charlotte, NC 28273-5919  
Email: [bmccauley@perkinsmanagement.com](mailto:bmccauley@perkinsmanagement.com)

Tonya Ford  
Perkins Management Services Company  
7730 England Street, Suite A  
Charlotte, NC 28273-5919  
Email: [tonya@perkinsusa.com](mailto:tonya@perkinsusa.com)

Kasey Nalls  
UNITE HERE Local 1  
218 South Wabash Street Suite 700  
Chicago, IL 60604-2449  
Email: [knalls@unitehere1.org](mailto:knalls@unitehere1.org)

*/s/ Helen Gutierrez*  
Helen Gutierrez  
Counsel for the General Counsel  
National Labor Relations Board  
219 South Dearborn Street, Suite 808  
Chicago, Illinois 60604

# **EXHIBIT 1**

INTERNET  
FORM NLRB-501  
(2-09)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

**DO NOT WRITE IN THIS SPACE**

Case  
13-CA-223500

Date Filed  
07/11/2018

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer

Perkins Management Service Company Operating at Chicago State University

b. Tel. No. 704-372-3439

c. Cell No.

f. Fax No. 704-372-3441

g. e-Mail

tonya@perkinsusa.com

h. Number of workers employed  
10

d. Address (Street, city, state, and ZIP code)  
7730 England St. Suite A  
Charlotte, NC 28273

e. Employer Representative  
Tonya Ford

i. Type of Establishment (factory, mine, wholesaler, etc.)  
University

j. Identify principal product or service  
Food and Beverage Service

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8 (a) 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Within the six months preceding the filing of this charge, the employer has failed and refused to bargain in good faith with the charging party, the exclusive collective bargaining agent for the employer's food and beverage, by failing to comply in a timely manner with the charging party's request for information relevant to the charging party's grievance(s) 20180586, 20180896, 20172085, 20180374, 20172756, 20172767 against the employer

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

UNITEHERE LOCAL 1

4a. Address (Street and number, city, state, and ZIP code)

218 S. Wabash St. ste 700  
Chicago Il. 60604

4b. Tel. No. 312-663-4373

4c. Cell No.

4d. Fax No. 312-986-4510

4e. e-Mail

KNails@unitehere1.org

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

UNITEHERE INTERNATIONAL UNION

**6. DECLARATION**

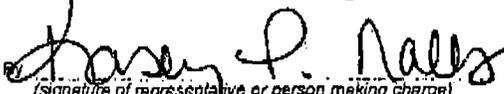
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No. 312-663-4373

Office, if any, Cell No.

Fax No. 312-986-4510

e-Mail

  
(Signature of representative or person making charge)

Kasey Nails  
(Print type name and title or office, if any)

Address 218 S. Wabash St. Ste 700, Chicago Il. 60604

7/11/18  
(Date)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are: to process the charge; to conduct the hearing; to issue the decision; to file the decision with the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

**EXHIBIT**

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1

# **EXHIBIT 2**

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PERKINS MANAGEMENT SERVICE  
COMPANY OPERATING AT CHICAGO STATE  
UNIVERSITY

Charged Party

and

UNITE HERE LOCAL 1

Charging Party

Case 13-CA-223500

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on July 31, 2018, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Tonya Ford  
Perkins Management Service Company  
Operating at Chicago State University  
7730 England Street, Suite A  
Charlotte, NC 28273

July 31, 2018

Date

Denise Gatsoudis Designated Agent of  
NLRB

Name



Signature

EXHIBIT

2

tabbiter

# **EXHIBIT 3**

UNITED STATES OF AMERICA  
 NATIONAL LABOR RELATIONS BOARD  
**FIRST AMENDED CHARGE AGAINST EMPLOYER**

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
13-CA-223500	10/29/2018

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Perkins Management Service Company Operating at Chicago State University		b. Tel. No. (704)372-3439
		c. Cell No.
d. Address (street, city, state ZIP code) 129 West Trade Street, Suite 1260, Charlotte, NC 28202-5320	e. Employer Representative Tonya Ford Human Resources Director	f. Fax No. (704)372-3441
		g. e-Mail www.perkinsusa.com
		h. Dispute Location (City and State) Chicago, IL
i. Type of Establishment (factory, nursing home, hotel) Food Services Provider.	j. Principal Product or Service Food and Beverage Services	k. Number of workers at dispute location 10

1. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the past 6 months the Employer has failed and refused to bargain in good faith by failing to respond and to provide information requested by the Union for the processing of grievances 20172085, 20172758, 20172767, 20180374, 20180586, 20180896 and 20180897 and has failed to abide by the contractual grievance procedure by failing to meet and respond to grievances and by failing to respond to requests to strike arbitrators in grievance 20180897

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

UNITE HERE Local 1

4a. Address (street and number, city, state, and ZIP code) 218 S Wabash Ave, Suite 700, Chicago, IL 60604.	4b. Tel. No. (312)663-4373
	4c. Cell No.
	4d. Fax No. (312)986-4510
	4e. e-Mail knalls@unitehere1.org

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By: <u>Kasey P. Nalls</u> (signature of representative or person making charge)	Kasey Nalls Print Name and Title	Tel. No. (312)663-4373
		Office, if any, Cell No.
Address: 218 S Wabash Ave, Suite 700, Chicago, IL 60604		Fax No. (312)986-4510
Date: 10-29-18		e-Mail knalls@unitehere1.org

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001) PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



RECEIVED  
NATIONAL LABOR  
RELATIONS BOARD

2010 OCT 29 P 4 36

REGION 13  
CHICAGO, IL

# **EXHIBIT 4**

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

**PERKINS MANAGEMENT SERVICE  
COMPANY OPERATING AT CHICAGO STATE  
UNIVERSITY**

Charged Party

and

**UNITE HERE LOCAL 1**

Charging Party

**Case 13-CA-223500**

**AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on October 30, 2018, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

Tonya Ford, Human Resources Director  
Perkins Management Service Company  
Operating at Chicago State University  
7730 England Street, Suite A  
Charlotte, NC 28202-5320

October 30, 2018

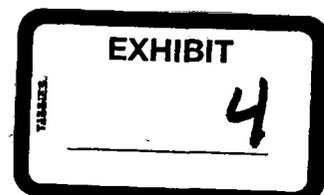
\_\_\_\_\_  
Date

Timothy D. Bennett, Designated Agent of  
NLRB

\_\_\_\_\_  
Name

*/s/Timothy D. Bennett*

\_\_\_\_\_  
Signature



# **EXHIBIT 5**

**ORIGINAL**

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 13**

**PERKINS MANAGEMENT SERVICE COMPANY**

**and**

**Case 13-CA-223500**

**UNITE HERE LOCAL 1**

**COMPLAINT AND NOTICE OF HEARING**

This Complaint and Notice of Hearing is based on a charge filed by UNITE HERE Local 1 (Charging Party). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Perkins Management Service Company Operating at Chicago State University (Respondent) has violated the Act as described below.

**I**

(a) The charge in this proceeding was filed by the Charging Party on July 11, 2018, and a copy was served on Respondent by U.S. mail on July 31, 2018.

(b) The first amended charge in this proceeding was filed by the Charging Party on October 29, 2018, and a copy was served on Respondent by U.S. mail on October 30, 2018.

**II**

(a) At all material times, Respondent has been a corporation with an office and place of business in Chicago, Illinois, Respondent's facility, and has been engaged in the business of providing food and beverage services to colleges and universities.

(b) During the last calendar year, Respondent in conducting its operations described above in paragraph II (a), purchased and received at its Chicago, Illinois facility, goods valued in excess of \$50,000 directly from points outside the State of Illinois.

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

**III**

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



#### IV

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:

Barry McCauley, Jr. – Executive Vice President

Tonya Ford – Human Resources Director

#### V

(a) The following employees of 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 and part-time cooks, grill cook, prep cooks, catering attendants, catering leads, cashiers, lead utility, FSW, utility supervisors, kitchen supervisors, and sous chefs, at Chicago State University located 9501 Martin Luther King Drive, Chicago, Illinois excluding managers, confidential and clerical employee, office/professional employees and guards as defined in the National Labor Relations Act.

(b) Since about July 10, 2017, and at all material times, Respondent has recognized the Union as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in a collective-bargaining agreement, the "Agreement" effective from August 1, 2015, to September 1, 2019.

(c) At all times since July 10, 2017, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

#### VI

(a) Since about February 20, 2018 and continuing to date, Respondent failed to continue in effect all the terms and conditions of the Agreement described in paragraph V(b) by refusing to respond, meet and/or process grievances filed by the Union pursuant to the parties' grievance/arbitration procedure set forth in Section 3 of the Agreement.

(b) Since August 2, 2018, the Respondent has failed to respond to the Union's request to schedule dates to strike arbitrators.

(c) The terms and conditions of employment described above in paragraphs VI(a) and (b) are mandatory subjects for the purposes of collective bargaining.

(d) Respondent engaged in the conduct described above in paragraphs VI(a) and (b) without the Union's consent.

(e) By the conduct described above in Paragraphs VI (a) and (b), respondent repudiated Section 3 of the Agreement.

## VII

On or about the dates specified below, the Union, by email (unless otherwise indicated), to Respondent's Human Resources Director, Tonya Ford, requested that Respondent provide the following information:

(a) February 20, 2018:

1. Respondent's position on grievance # 20180374;
2. Payroll procedures and processes;

(b) March 16, 2018:

1. Respondent's position on grievance # 20180586;
2. Copies of payroll records for the grievants' department from the previous four weeks to the present;

(c) March 22, 2018:

1. Respondent's position on grievance # 20172756;
2. All schedules for the grievant's departments for the previous four weeks to the present;
3. A list of open positions posted for the previous four weeks to the present;

(d) March 22, 2018:

1. Respondent's position on grievance # 20172767;
2. Documentation of paid time off accrued and used by grievants of past 12 months to present;

(e) April 23, 2018:

1. Respondent's position on grievance # 20180896;
2. Relevant rules and policies relating to the incident;
3. Copies of any live discipline in the grievant's file;
4. List of employees who were disciplined for the same offense in the last 30 days;

(f) April 23, 2018:

1. Respondent's position on grievance # 20180897;
2. Relevant company rules and policies relating to the incident;

3. Copies of any live discipline in the grievant's file;
  4. Relevant police reports/documents and video;
- (g) June 1, 2018:
1. Company relationship policy signed by Kenyada Lester;
  2. Felicia Branch's disciplinary record;
  3. Police/campus statements;
  4. Video footage of the incident;
- (h) Verbally on June 1, 2018:
1. Statements or reports from campus police regarding the incident that led to the unjust discipline of employee Kenyada Lester;
  2. Any documents from the University in which they said they did not want employee Kenyada Lester back on Campus;
  3. Whether Lester was the only employee disciplined over the incident;
  4. Whether the other employee involved in the incident, Felicia Branch, was still employed;
  5. Whether the other employee involved in the incident had also been disciplined;
- (i) Verbally on June 5, 2018:
- All documents in which the University stated that they did not want Kenyada Lester on University property.

## VIII

(a) The information requested by the Union described above in Paragraph VII (a)-(i), is necessary for, and relevant to, the Union's performance of their duties as the exclusive collective-bargaining representative of the Unit.

(b) At all material times since about February 20, 2018, Respondent has failed and refused to furnish the information requested in paragraphs VI(a) – (i).

## IX

(a) By the conduct described above in Paragraphs VI(d) and (e) and VIII(b), Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

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

### **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 complaint. The answer must be **received by this office on or before November 19, 2018 or postmarked on or before November 18, 2018**. 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.

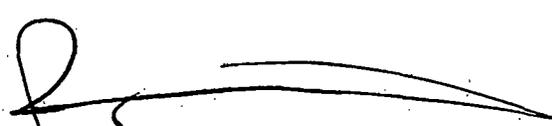
An answer may also be filed electronically through the Agency's website. To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests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

### **NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on **March 4, 2019, 11:00 am** at **219 S. Dearborn Street, Ste 808, Chicago, IL. 60604**, 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 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: November 5, 2018



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Peter Sung Ohr  
Regional Director  
National Labor Relations Board  
Region 13  
Dirksen Federal Building  
219 South Dearborn Street, Suite 808  
Chicago, IL 60604-2027

Attachments

# **EXHIBIT 6 (a)**

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 13**

**PERKINS MANAGEMENT SERVICE COMPANY**

**and**

**Case 13-CA-223500**

**UNITE HERE LOCAL 1**

**AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on **November 5, 2018**, I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

Tonya Ford , Human Resources Director  
Perkins Management Service Company  
Operating at Chicago State University  
7730 England Street  
Suite A  
Charlotte, NC 28202-5320

**CERTIFIED MAIL, RETURN RECEIPT  
REQUESTED**

Kasey Nalis  
Unite Here Local 1  
218 S Wabash Ave  
Suite 700  
Chicago, IL 60604

**CERTIFIED MAIL**

November 5, 2018

Brendan Zarling, Designated Agent of  
NLRB

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

*/s/ Brendan Zarling*

\_\_\_\_\_  
Signature



# **EXHIBIT 6 (b)**

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Tonya Ford, Human Resources Director  
Perkins Management Service Company  
7730 England Street  
Suite A  
Charlotte, NC 28202-5320

13-CA-223500 / *Customer*

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) *AMISALA BENN* B. Date of Delivery *11/8/18*

C. Signature *X Amisala Benn*  Agent  Addressee

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number  
(Transfer from service label)

PS Form 3811, March 2001

7008 3230 0000 9923 5315

UNITED STATES POSTAL SERVICE  
**CHARLOTTE**  
**NC 282**  
**08 NOV '18**  
**PM 3:11**

First-Class Mail  
 Postage & Fees Paid  
 USPS  
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

*219 S. Dearborn, Ste 208*  
*Chicago, IL 60604*

**EXHIBIT**  
**6(b)**

# **EXHIBIT 7 (a)**



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 13  
Dirksen Federal Building  
219 South Dearborn Street, Suite 808  
Chicago, IL 60604-2027

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (312)353-7570  
Fax: (312)886-1341

Agent's Direct Dial: (312)353-7584

November 29, 2018

SENT VIA CERTIFIED MAIL AND EMAIL

Tonya Ford, Human Resources Director  
Perkins Management Service Company Operating at Chicago State University  
7730 England Street  
Suite A  
Charlotte, NC 28202-5320

Re: Perkins Management Service Company  
Case 13-CA-223500

Dear Ms. Ford:

On November 5, 2018, the Region Director issued a Complaint and Notice of Hearing alleging that Perkins Management Services Company (Employer) had violated Section 8(a)(1) and (5) of the Act by failing to provide necessary and relevant information that was requested by UNITE HERE Local 1. This Complaint was served on the Employer by certified mail on the same date.

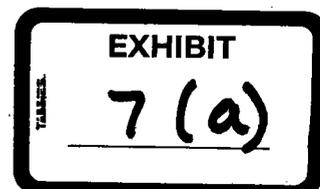
Pursuant to Section 102.20 and 102.21 of the Board's Rules and Regulations, you were required to file an Answer to the Complaint by no later than November 19, 2018. But as of this date, the Regional Office has still not received your Answer. Accordingly, please be advised that a Motion for Default Judgment will be filed with the Board, if an Answer to the Complaint is not received in the Regional Office by close of business on December 6, 2018. For your convenience, I have enclosed a copy of the Complaint.

If you have any questions, please feel free to contact me at the above telephone number.

Very truly yours,

/s/ Helen I. Gutierrez

Helen I. Gutierrez  
Field Attorney



# **EXHIBIT 7 (b)**

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- Addressee's Address
- Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:  
 Tonya Ford, HR Director  
 Perkins Management Services Co.  
 Operating at Chicago State University  
 7730 England Street, Suite A  
 Charlotte, N.C. 28202-5320

4a. Article Number

4b. Service Type

Registered  Certified  
 Express Mail  Insured  
 Return Receipt for Merchandise  COD

7. Date of Delivery  
 12/3/18

5. Received By: (Print Name)  
 TAMISHA BENN

6. Signature: (Addressee or Agent)  
 X *Tamisha Benn*

8. Addressee's Address (Only if requested and fee is paid)

PS 7001 2510 0002 1540 9555 Domestic Return Receipt

Thank you for using Return Receipt Service.

UNITED STATES POSTAL SERVICE

CHARLOTTE NC

03 DEC 2018 PM

First Class Mail  
 Postage & Fees Paid  
 USPS  
 Permit No. G-10

RECEIVED  
 NATIONAL LABOR RELATIONS BOARD  
 REGION 13  
 CHICAGO, IL

DEC 0 P 13

Print your name, address, and ZIP Code in this box •

NATIONAL LABOR RELATIONS BOARD  
 Dirksen Federal Building  
 219 South Dearborn Street, Suite 808  
 Chicago, IL 60604-2027

EXHIBIT  
 7(b)

# **EXHIBIT 7 (c)**

**Gutierrez, Helen I.**

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**From:** Gutierrez, Helen I.  
**Sent:** Thursday, November 29, 2018 3:04 PM  
**To:** tonya@perkinsusa.com  
**Subject:** Case 13-CA-223500  
**Attachments:** default warning letter.pdf; CPT.13-CA-223500.Complaint and Notice of Hearing.pdf

**NxGen:** Uploaded

Ms. Ford,

Please see the attached letter regarding Perkins Management Services Company's failure to file an Answer in the above case.

Thank you,

Helen Gutiérrez  
National Labor Relations Board  
Region 13  
219 S. Dearborn St., Suite 808  
Chicago, IL 60604  
Office: 312 353 7584  
Fax: (312) 886-1341  
helen.gutierrez@nlrb.gov

