

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

UNITE HERE LOCAL 1

RESPONDENT

AND

HYATT REGENCY CHICAGO

CHARGING PARTY

Cases 13-CB-217959
13-CB220319
13-CB-228165

RESPONDENT'S EXCEPTIONS TO ALJ DECISION

Submitted by:

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Pursuant to Section 102.46 of the Board’s Rules and Regulations, Respondent UNITE HERE Local 1 submits the following exceptions to the decision of the Administrative Law Judge:

1. The ALJ’s decision to impose an extraordinary remedy. ALJD 36:6-16.

Grounds for exception: The evidence did not demonstrate that an ordinary remedy—ordering Respondent to post and comply with a notice that required it to provide responses to Charging Party’s information requests—would be in any way inadequate to vindicate the Section 7 rights at issue. See Section 1 of the Argument in Respondent’s Brief in Support of Exceptions, filed herewith.

2. The ALJ’s decision to impose an extraordinary remedy requiring training for Respondent’s officials. ALJD 36:6-16.

Grounds for exception: There is no precedent for ordering a respondent’s officials and employees to undergo training in responding to information requests as a remedy for the kinds of violations found here, and the ALJ gave no reason to believe such training would be necessary. See Section 2 of the Argument in Respondent’s Brief in Support of Exceptions, filed herewith.

3. The ALJ’s decision to require Respondent’s organizers and representatives who are required to attend the training to acknowledge in writing “that he or she has attended the training and has been furnished with a copy of this settlement agreement, the notice to employees, and written instructions, understands them and will conduct himself or herself consistently therewith, and will not in any way commit, engage in, induce, encourage, permit, or condone, by action or inaction, any violation of this settlement agreement.” ALJD 37:31-37.

Grounds for exception: This personal pledge remedy is without precedent and is both unnecessary and humiliating. See Section 3 of the Argument in Respondent’s Brief in Support

of Exceptions, filed herewith.

4. The ALJ's inadequate justification for the imposition of an extraordinary remedy involving mandatory training for Respondent's officials.

Grounds for exception: The ALJ did not provide adequate justification from legal authority or record evidence for the extraordinary remedy. See Sections 1 through 3 of the Argument in Respondent's Brief in Support of Exceptions, filed herewith.

5. The ALJ's mistaken references to a "settlement agreement" rather than to her own order. ALJD 37:10-37.

Grounds for exception: The ALJ's training order refers to a "settlement agreement," but there is no settlement agreement in this case. See Section 4 of the Argument in Respondent's Brief in Support of Exceptions, filed herewith.

6. The ALJ's order that Respondent provide responses to information requests about grievances that have been completely resolved.

Grounds for exception: Hyatt's only valid reason for making the information requests at issue was to process the grievances, so when a grievance has been resolved, Hyatt's request about that grievance is no longer relevant. See Section 5 of the Argument in Respondent's Brief in Support of Exceptions, filed herewith.

Date: October 24, 2019

Respectfully submitted,

McCracken, Stemerman & Holsberry

/s/ David L. Barber

David L. Barber

Attorneys for UNITE HERE Local 1

**PROOF OF SERVICE
STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO**

I am employed in the city and country of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is 595 Market Street, Suite 800, San Francisco, CA 94105.

I hereby certify that a true and correct copy of the foregoing document entitled **RESPONDENT'S EXCEPTIONS TO ALJ DECISION** was filed using the National Labor Relations Board on-line E-filing system on the Agency's website and copies of the aforementioned were therefore served upon the following parties via electronic mail on this 24th day of October, 2019 as follows:

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I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on October 24, 2019 at San Francisco, California.

/s/Noorullah Baheej
Noorullah Baheej