

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604



Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

FINAL JUDGMENT

Submitted July 23, 2019

Decided September 10, 2019

Before:

MICHAEL S. KANNE, Circuit Judge

CERTIFIED COPY

A True Copy

Teste:

Cathy E. ...
Deputy Clerk
of the United States
Court of Appeals for the
Seventh Circuit

No. 19-2389	NATIONAL LABOR RELATIONS BOARD, Petitioner v. PERKINS MANAGEMENT SERVICES, Respondent
Originating Case Information:	
Agency Case No: 13-CA-223500 National Labor Relations Board	

Upon consideration of the **APPLICATION FOR SUMMARY ENTRY OF A JUDGMENT ENFORCING AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD**, filed on July 23, 2019, by counsel for the petitioner,

IT IS ORDERED that the application for summary entry of judgment is **GRANTED** and the attached judgment is **ENFORCED**.

NATIONAL LABOR RELATIONS BOARD

v.

PERKINS MANAGEMENT SERVICES COMPANY

ORDER

Perkins Management Service Company, its officers, agents, successors, and assigns, shall:

1. Cease and desist from
 - (a) Failing to continue in effect all the terms and conditions of the August 1, 2015–September 1, 2019 collective-bargaining agreement with UNITE HERE, Local 1 by repudiating the grievance/arbitration procedure of the contract without the Union’s consent, by failing and/or refusing to respond, meet, and/or process grievances, and by failing to respond to the Union’s request to schedule dates to strike arbitrators.
 - (b) Refusing to bargain collectively with the Union by failing and refusing to furnish it with requested information that is necessary and relevant to the Union’s performance of its functions as the collective-bargaining representative of the Respondent’s unit employees.
 - (c) In any like or related manner interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
 - (a) Comply with the contractual grievance/arbitration procedure, process all grievances that have not been processed since February 20, 2018, and respond to the Union’s request to schedule dates to strike arbitrators.
 - (b) Furnish to the Union in a timely manner the information it requested by email on February 20, March 16 and 22, April 23, and June 1, 2018, and verbally on June 1 and 5, 2018.
 - (c) Within 14 days after service by the Region, post at its facility in Chicago, Illinois copies of the attached notice marked “Appendix.” Copies of the notice, on forms provided by the Regional Director for Region 13, 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, notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. If the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since February 20, 2018.

- (d) Within 21 days after service by the Region, file with the Regional Director for Region 13 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

APPENDIX

NOTICE TO EMPLOYEES

POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES
COURT OF APPEALS ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union

Choose representatives 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 repudiate, or fail and refuse to adhere to, the grievance/arbitration provision of our collective-bargaining agreement with UNITE HERE, Local 1.

WE WILL NOT refuse to bargain collectively with the Union by failing and refusing to furnish it with requested information that is necessary and relevant to the performance of its functions as the collective-bargaining representative of our unit employees.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights listed above.

WE WILL adhere to the grievance/arbitration provision of our collective-bargaining agreement with the Union and WE WILL process any grievances we failed to process pursuant to that provision and respond to the Union's request to schedule dates to strike arbitrators.

WE WILL furnish to the Union in a timely manner the information it requested by email on February 20, March 16 and 22, April 23, and June 1, 2018, and verbally on June 1 and 5, 2018.

PERKINS MANAGEMENT SERVICE COMPANY

The Board's decision can be found at www.nlrb.gov/case/13-CA-223500 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 Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.



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NOTICE OF AGENCY CASE CLOSING

November 6, 2019

To: National Labor Relations Board

Table with case details: No. 19-2389, NATIONAL LABOR RELATIONS BOARD, Petitioner v. PERKINS MANAGEMENT SERVICES, Respondent. Includes Originating Case Information: Agency Case No: 13-CA-223500, National Labor Relations Board.

Herewith is the final order of this court in this matter, along with the Bill of Costs, if any. This court's order is final and this case is closed in this court.

RECORD ON APPEAL STATUS: No record to be returned.

Received above closing letter, if any, from the Clerk, U.S. Court of Appeals for the Seventh Circuit.

Date

Agency Rep., National Labor Relations Board