



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

FFR 21 2017



REGION 6  
1000 Liberty Ave Rm 904  
Pittsburgh, PA 15222-4111

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
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February 16, 2017

United Food and Commercial Workers  
Local Union No. 23, CLC  
Anthony Helfer, President  
345 Southpointe Blvd  
Ste. 300  
Canonsburg, PA 15317-8571

Re: United Food and Commercial Workers  
Local Union No. 23, CLC (Giant Eagle  
Markets Company)  
Case 06-CB-193177

Dear Mr. Helfer:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner Paul C. Fink whose telephone number is (412)690-7105. If this Board agent is not available, you may contact Supervisory LMR Examiner Janet L. Schaefer whose telephone number is (412)690-7114.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

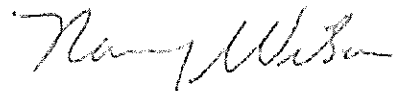
We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Nancy Wilson  
Regional Director

Enclosure: Copy of Charge

jk

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST LABOR ORGANIZATION  
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 06-CB-193177	Date Filed 02-15-17

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

<b>1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT</b>			
a. Name United Food and Commercial Workers Local Union No. 23		b. Union Representative to contact Anthony Helfer, President	
c. Address (Street, city, state, and ZIP code) 345 Southpointe Boulevard, Suite 300 Canonsburg, PA 15317		d. Tel. No. 724-514-3228	e. Cell No.
		f. Fax No. 724-514-3236	g. e-Mail cook@ufcw23.com
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) <u>8(b)(3); 8(b)(1)(A)</u> of the National Labor Relations Act, and these unfair labor practices are unfair 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.			
<p><b>2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</b></p> <p>Since on or about January 23, 2017, and at all times thereafter, the above-named labor organization, by its officers, agents, and representatives, has failed and refused to bargain collectively and in good faith with Giant Eagle Markets Company, by unilaterally circumventing the contractual Grievance Procedure and established Grievance Processing Ground Rules, and by unilaterally and surreptitiously recording for publication on the Union's Facebook page, a First Step Meeting within the framework of the Contract's Grievance and Arbitration Procedure, although the said labor organization has been designated and selected by a majority of the employees of the said employer in an appropriate unit for the purpose of collective bargaining in respect to rates of pay, wages, hours of employment and other conditions of employment. Pursuant to Section 10(c), and in addition to ordering the traditional remedies, the Employer requests reimbursement by the Union for all work time lost to the Employer as a result of employee participation in the recorded meeting.</p> <p>See "A" Attached.</p>			
3. Name of Employer Giant Eagle Markets Company 101 Kappa Drive, RIDC Park Pittsburgh, PA 15238		4a. Tel. No. 412-963-6200	b. Cell No.
5. Location of plant involved (street, city, state and ZIP code) 2021 Wharton Avenue Pittsburgh, PA 15203		c. Fax No. 412-968-1612	d. e-Mail lora.dikun@gjanteagle.com
		6. Employer representative to contact Lora Dikun	
7. Type of establishment (factory, mine, wholesaler, etc.) Supermarket chain	8. Identify principal product or service Grocery	9. Number of workers employed Approximately 6,000	
10. Full name of party filing charge Giant Eagle Markets Company		11a. Tel. No. 412-963-6200	b. Cell No.
		c. Fax No. 412-968-1612	d. e-Mail
11. Address of party filing charge (street, city, state and ZIP code.) 101 Kappa Drive, RIDC Park Pittsburgh, PA 15238			
<p><b>12. DECLARATION</b></p> <p>I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.</p> <p>By <u>Glenn M. Olcerst</u> Glenn M. Olcerst, Counsel (signature of representative or person making charge) (Print/type name and title or office, if any)</p> <p>301 Grant Street, 35th Floor, One Oxford Center Address Pittsburgh, PA 15219 (date) 1/30/2017</p>		Tel. No. 412-338-5218	
		Cell No. 412-999-2539	
		Fax No. 412-391-8758	
		e-Mail olcerst@marcus-shapira.com	

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.

## ATTACHMENT A TO NLRB CHARGE

Since on or about January 23, 2017, and at all times thereafter, the above-named labor organization, by its officers, agents and representatives, has by recording a First Step Grievance Meeting over the objection of the Store Leader, and contrary to past practice, and by other acts and conduct, restrained and coerced employees of Giant Eagle Markets Company in the exercise of the rights guaranteed in Section 7 of the Act.