

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

**KIMPTON HOTEL & RESTAURANT GROUP,
LLC & KHRG EMPLOYER, LLC, D/B/A HOTEL
BURNHAM & ATWOOD RESTAURANT**

Case 13-CA-162485

And

UNITE HERE LOCAL 1, AFL-CIO

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by UNITE HERE LOCAL 1, AFL-CIO (“Union” or “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 Kimpton Hotel & Restaurant Group, LLC and KHRG Employer, d/b/a Hotel Burnham & Atwood Restaurant (“Respondent”) has violated the Act as described below.

I

The charge in Case 13-CA-162485 was filed by the Charging Party on October 22, 2015, and a copy was served on Respondent by U.S. mail on the same date.

II

(a) At all material times, Respondent has been a limited liability company with an office and place of business in Chicago, Illinois, among other places; and has been engaged in the business of operating hotels and restaurants.

(b) During the past calendar year, a representative period, Respondent, in conducting the business operations described above in paragraph II(a), derived gross revenues in excess of \$500,000.00.

(c) During the past calendar year, a representative period, Respondent, in conducting the business operations described above in paragraph II(a), purchased and received at its Chicago facility goods and services in excess of \$5,000 directly from points outside the State of Illinois.

(d) 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 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:

Tonya Scott	Housekeeping Manager
Jennifer Hayes	Senior Regional Director of People and Culture
Brian Millman	Head Chef at the Atwood Restaurant
Damien Palladino	General Manager of the Atwood Restaurant
John Radosevich	Assistant General Manager of the Atwood Restaurant
Kelly Stepto	Assistant General Manager of the Atwood Restaurant
Carlos Tahuada	Former Housekeeping Supervisor

IV

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

V

(a) About October 9, 2015, Respondent's employee Evan Demma, concertedly complained to Respondent regarding wages, hours and working conditions of Respondent's employees by delivering an employee petition seeking better terms and conditions of employment to Respondent's Housekeeping Manager, Tonya Scott.

(b) About October 22, 2015, Respondent discharged employee Evan Demma.

(c) Respondent engaged in the conduct described above in paragraph V(b) because Evan Demma engaged in the conduct described above in paragraph V(a), and to discourage employees from engaging in these or other concerted activities.

VI

By the conduct described above in paragraph V, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

VIII

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

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraphs V, the General Counsel seeks an order requiring Respondent to reimburse Evan Demma for all search-for-work and work-related expenses regardless of whether he received interim earnings in excess of these expenses, or at all, during any given quarter, or during the overall backpay period; and for any other relief as may be just and proper to remedy the unfair labor practices alleged.

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 February 9, 2016, or postmarked on or before February 8, 2016.** 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, 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 May 18, 2016, 10:00 a.m. at **219 South Dearborn Street, Suite 808, Chicago, Illinois** 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: at Chicago, Illinois, this 25th day of January, 2016.

/s/ Peter Sung Ohr

Peter Sung Ohr
Regional Director
National Labor Relations Board
Region 13
209 South La Salle Street, Suite 900
Chicago, Illinois 60604-1443

Attachments