

FORM NLRB-31
(12-12)

SUBPOENA DUCES TECUM

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

To Custodian of Records - UPMC
600 Grant Street, 58th Floor, Pittsburgh, PA 15219

As requested by Claudia Davidson, Counsel for SEIU Healthcare Pennsylvania, CTW, CLC
whose address is 429 Fourth Ave-5th Floor, Pittsburgh, PA 15219
(Street) (City) (State) (ZIP)

YOU ARE HEREBY REQUIRED AND DIRECTED TO APPEAR BEFORE _____
an Administrative Law Judge _____ of the National Labor Relations Board
at a hearing to be held at 1000 Liberty Ave., Room 904
in the City of Pittsburgh, PA

on the 3rd day of February 20 14 at 1:1 00 (a.m.) (p.m.) or any adjourned
or rescheduled date to testify in _____

UPMC, ET AL., CASES 06-CA-102465, ET AL.

(Case Name and Number)

UPMC and its subsidiary UPMC Presbyterian Shadyside, single employer,
d/b/a UPMC Presbyterian Hospital and d/b/a UPMC Shadyside Hospital
And you are hereby required to bring with you and produce at said time and place the following books, records, correspondence,
and documents:

See schedule of documents attached

In accordance with the Board's Rules and Regulations, 29 C.F.R. Section 102.31(b) (unfair labor practice proceedings) and/or 29 C.F.R. Section 102.86(c) (representation proceedings), objections to the subpoena must be made by a petition to revoke and must be filed as set forth therein. Petitions to revoke must be received within five days of your having received the subpoena. 29 C.F.R. Section 102.111(b) (3). Failure to follow these regulations may result in the loss of any ability to raise such objections in court.

Under the seal of the National Labor Relations Board, and by direction of the Board, this Subpoena is

B - 720504

Issued at Pittsburgh, Pennsylvania

this 25th day of October 20 13



[Signature]
Chairman, National Labor Relations Board

NOTICE TO WITNESS. Witness fees for attendance, subsistence, and mileage under this subpoena are payable by the party at whose request the witness is subpoenaed. A witness appearing at the request of the General Counsel of the National Labor Relations Board shall submit this subpoena with the voucher when claiming reimbursement.

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 representation and/or unfair labor practice proceedings 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 mandatory in that failure to supply the information may cause the NLRB to seek enforcement of the subpoena in federal court.

RESPONDENT UPMC

SUBPOENA DUCES TECUM
ATTACHMENT A

DEFINITIONS

- A. **RESPONDENT, YOU, YOUR, and ANYONE ACTING ON YOUR BEHALF** includes Respondent UPMC and all its directors, officials, agents, supervisors, managers, employees, attorneys, accountants, investigators, representatives, and anyone else acting or purporting to act on its behalf.
- B. **UPMC PRESBYTERIAN SHADYSIDE** refers to the non-profit corporation doing business as UPMC Presbyterian Hospital and doing business as UPMC Shadyside Hospital, and all its directors, officials, agents, supervisors, managers, employees, attorneys, accountants, investigators, representatives, and anyone else acting or purporting to act on its behalf.
- C. **UPMC-RELATED FACILITY OR OPERATION** shall mean any entity in which UPMC, or any of its subsidiaries, joint venture partners or affiliates maintains an ownership, operational or affiliation interest or connection.
- D. **PERSON** includes a natural person, firm, association, organization, partnership, joint venture, business, trust, corporation, or government entity, and every other form and kind of public or private entity. Reference herein to any **PERSON** includes representatives, agents and employees of such **PERSON**.
- E. **UNION** refers to SEIU Healthcare Pennsylvania (including and regardless of whatever names or designations by which that organization is referred to in documents responsive to these Requests). **UNION ORGANIZING CAMPAIGN** refers to the UNION's or UPMC Presbyterian Shadyside's employees' efforts to persuade UPMC Presbyterian

Shadyside's employees to support, assist, participate in or associate with the UNION, sign a UNION authorization card or other expression of support or interest, select the UNION as their exclusive representative under the National Labor Relations Act, or engage in any other protected, concerted Section 7 activity under the auspices of the Union.

F. DOCUMENT(S) shall mean the same as the words "writings and recordings" as defined in Rule 1001 of the Federal Rules of Evidence which provides:

"Writings' and 'recordings' consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic impulse, mechanical or electronic recording, or other form of data compilation."

DOCUMENTS thus includes, but is not limited to, any and all sound recordings, tape recordings, video or film recordings, sound and video recordings, sound and film recordings, electronic mail ("E-mail"), voicemails, text messages, photographs, notes, note-books, memoranda, proposals, discussions, schedules, timesheets, calendars, diaries, correspondence, letters, telexes, telegrams, facsimile transmissions, reports, statements, policies, manuals or binders, handbooks, books, business records, personal records, financial statements, audit reports, budget documents, forecast documents, ledgers, employment applications, notices, warnings, medical records, checkbooks, checks, check stubs, employment references, employment resumes, diplomas, transcripts, incident reports, patient logs, affidavits, declarations under penalty of perjury, and unsworn statements. DOCUMENT also includes, as used herein, all drafts and non-identical copies of any document, including but not limited to those that contain markings, symbols, interlineations, comments, "post-it notes" or notations of any kind on the front or back thereof. DOCUMENT also includes ESI as defined below.

G. DOCUMENTS "RELATING TO" or "RELATED TO" includes all DOCUMENTS "concerning," "pertaining to," "relating to," "related to," "mentioning," or "referring in any way to," the matters specified in the Request.

H. COMMUNICATIONS includes all verbal and written contact, conversations, discussions, emails, electronic communications, text messages, instant messages, social media, and DOCUMENTS conveyed to or from or between the persons designated in the Request.

I. DISCIPLINE includes any and all forms of corrective action taken by a supervisor or manager relating to an employee's work performance and employment by Respondent, including without limitation, counseling, warning, reprimands, memo's, performance improvement plans, and termination, regardless of whether such action was later rescinded.

J. COMPLAINT refers to the Second Amended Consolidated Complaint issued by the Regional Director in this matter on January 9, 2014.

K. ESI or ELECTRONICALLY STORED INFORMATION shall mean and include all information that is stored on any medium other than paper, including, but not limited to, computer files, photographs, digital images, data of any sort, databases, word processing, emails, text messages, instant messages, social media, metadata relating to any other data, and all information stored on electronic devices of any kinds, shape or category. ESI includes, but is not limited to, data stored on computers, networks, servers, PDAs, cell phones, smart phones, tablets, iPads, laptops, disks drives, flash memory, cameras, video, Blackberry devices (or similar devices by other manufacturers), internet storage, backup media, and all other information stored, sent, retrieved or read with the aid of electronic devices.

L. Unless otherwise specified, the time periods included in this Document Request are from January 1, 2012 to the present date.

M. If any document is withheld from your response on grounds of any privilege or objection, you shall describe in full the nature of the information or document withheld and provide a detailed explanation of the basis for any claim of privilege or objection in a privilege log.

In accordance with the attached subpoena, please produce the following documents:

REQUESTS FOR DOCUMENTS

1. Produce all non-privileged Documents relating to the allegations in ¶¶2(a) and (b) of the Complaint. This Request includes all non-privileged Documents relating to any denial of, or defense to, any of the allegations in ¶¶2(a) and (b) of the Complaint, and the bases therefore.
2. Produce all non-privileged Documents relating to the allegations in ¶¶3(a) and (b) of the Complaint. This Request includes all non-privileged Documents relating to any denial of, or defense to, any of the allegations in ¶¶3(a) and (b) of the Complaint, and the bases therefore.
3. Produce all non-privileged Documents relating to the Second through Eleventh Affirmative Defenses in Respondent UPMC Presbyterian Shadyside's Answer to the Amended Consolidated Complaint dated November 18, 2013.
4. Produce all non-privileged Documents relating to Respondent's knowledge or involvement in any of the incidents or allegations in ¶¶8-55 of the Complaint. This Request includes all non-privileged Documents relating to any denial of, or defense to, any of the allegations in ¶¶8-55 of the Complaint, and the bases therefore, including that the incident did not occur on the date or in the manner or with the persons alleged in that paragraph or that Respondent did not act with a discriminatory intention or motive.

5. Produce all non-privileged Documents relating to any of your officers, owners, directors, management and supervisors who are employed by or hold any position with UPMC Presbyterian Shadyside.
6. Produce all non-privileged Documents relating to any labor or employment policy you have formulated and/or administered with, by, for, or for the benefit of, UPMC Presbyterian Shadyside.
7. Produce all non-privileged Documents relating to any premises or facilities owned, leased or occupied by you in which UPMC Presbyterian Shadyside has any offices or conducts any operations, and any premises or facilities owned, leased or occupied by UPMC Presbyterian Shadyside in which you have any offices or conduct any operations.
8. Produce all non-privileged Documents relating to any services you have provided for UPMC Presbyterian Shadyside, including but not limited to, information services, Human Resources, regulatory/compliance, finance, treasury, risk management, facilities, quality and governmental relations.
9. Produce all non-privileged Documents relating to any services UPMC Presbyterian Shadyside has provided to you, including but not limited to the services set forth in Request No. 8, above.
10. Produce all non-privileged Documents relating to any facilities or operations in which you and UPMC Presbyterian Shadyside share common system-wide technology resources.
11. Produce all non-privileged Documents relating to any investment portfolios for UPMC Presbyterian Shadyside.

12. Produce all non-privileged Documents relating to any Revenue Bonds issued by any person, including but not limited to the Allegheny County Hospital Development Authority, on which you and UPMC Presbyterian Shadyside are jointly and severally obligated.

13. Produce all non-privileged Documents relating to your joint or common ownership or leases of any real property with UPMC Presbyterian Shadyside, including identification of each property or lease and the respective percentage ownership of each.

14. Produce all non-privileged Documents relating to any health and life insurance, pension, stock option, retirement or other benefit plans sponsored or administered by you for the benefit of the employees UPMC Presbyterian Shadyside.

15. Produce all non-privileged Documents relating to your joint or common ownership or control of any bank accounts, securities, notes, bonds, and/or other types of financial instruments or assets with UPMC Presbyterian Shadyside. This Request includes Documents identifying the locations and account numbers of such accounts, instruments or assets and the individuals designated as authorized signators or having comparable authority with respect to each.

16. Produce all non-privileged Documents relating to any liability insurance you provide for UPMC Presbyterian Shadyside.

17. Produce all non-privileged Documents relating to any contracts or agreements you have entered into with any third party vendors or consultants, or funding you have provided, relating to providing quality improvement, technology, or patient safety consulting services for the benefit of UPMC Presbyterian Shadyside or any other UPMC-Related Facility or Operation.

18. Produce all non-privileged Documents relating to any contracts or agreements you have entered into with any third party vendors or consultants or funding you have provided

relating to security services for the benefit of UPMC Presbyterian Shadyside or any other UPMC-Related Facility or Operation.

19. Produce all non-privileged Documents related to the delegation of any authority or functions, including but not limited to policy making, from UPMC to UPMC Presbyterian Shadyside. This Request includes all Documents related to the implementation by you or UPMC Presbyterian Shadyside of such delegation.

20. Produce all non-privileged Documents relating to the withdrawal of the delegation of any authority or functions to UPMC Presbyterian Shadyside . This Request includes all Documents related to the implementation by you of such withdrawal of delegation.

21. Produce all non-privileged Documents relating to any actions of the UPMC Ethics and Compliance Committee of the UPMC Board concerning the review and approval of the UPMC Code of Conduct.

22. Produce all non-privileged Documents relating to UPMC's implementation, delegation or withdrawal of the delegation of any labor or industrial relations functions to UPMC Presbyterian Shadyside.

23. Produce all non-privileged Documents relating to UPMC's implementation, delegation, or withdrawal of the delegation of any employee relations functions to UPMC Presbyterian Shadyside.

24. Produce all non-privileged Documents relating to UPMC's implementation, delegation, or withdrawal of the delegation of any human resources or personnel functions to UPMC Presbyterian Shadyside.

25. Produce all non-privileged Documents relating to UPMC's implementation, delegation, or withdrawal of the delegation of any employee disciplinary functions to UPMC Presbyterian Shadyside.

26. Produce all non-privileged Documents relating to policies and procedures concerning UPMC's operation, administration and governance, including UPMC's human resources, personnel and labor relations.

27. Produce all non-privileged Documents relating to UPMC's policies and procedures concerning its relationships or dealings with UPMC Presbyterian Shadyside.

28. Produce all non-privileged Documents relating to UPMC's governance, supervision or oversight of UPMC Presbyterian Shadyside, including but not limited to any reports by UPMC Presbyterian Shadyside to UPMC.

29. Produce all non-privileged Documents relating to UPMC's creation, approval or oversight of, or participation in the formulation or implementation of, any strategic plans related to UPMC Presbyterian Shadyside, including but not limited to any reports by UPMC Presbyterian Shadyside to UPMC regarding such strategic plans.

30. Produce all non-privileged Documents relating to UPMC's creation, approval or oversight of, or participation in the formulation or implementation of, any operating and capital budgets, borrowing or any transaction relating to indebtedness for UPMC Presbyterian Shadyside, including but not limited to any reports by UPMC Presbyterian to UPMC regarding such matters. This Request includes all Documents relating to any pledge of assets, major expenditures outside the approved budgets, and audited financial reports.

31. Produce all non-privileged Documents relating to UPMC's approval, oversight of, or involvement in, any UPMC Presbyterian Shadyside transactions involving the acquisition or sale of real property or improvements thereto, or material leases for the same.

32. Produce all non-privileged Documents relating to UPMC's approval of, or involvement in, any amendments to the Articles of Incorporation or the Bylaws of UPMC Presbyterian Shadyside.

33. Produce all non-privileged Documents relating to UPMC's approval of or involvement, in the hiring or appointment of any senior management staff, however structured or titled, at UPMC Presbyterian Shadyside. This Request includes but is not limited to, approval for or involvement in, the hiring or appointment of, UPMC Presbyterian Shadyside's Senior Executive, President, Chief Executive Officer, Chief Operating Officer, Chief Financial Officer, Chief Nursing Officer, Medical Director, Department Chairpersons and Chiefs of Service, as well as the terms of the employment or contractual relationship with each.

34. Produce all non-privileged Documents relating to UPMC's approval of or involvement in, any decisions regarding the provision of management services to UPMC Presbyterian Shadyside, including but not limited to services to be provided by UPMC or other subsidiaries of UPMC.

35. Produce all non-privileged Documents relating to UPMC's approval of or involvement in any change in corporate structure or reorganization for UPMC Presbyterian Shadyside.

36. Produce all non-privileged Documents relating to UPMC's approval of or involvement in, UPMC Presbyterian Shadyside's major information systems and other operational systems.

37. Produce all non-privileged Documents relating to UPMC's approval of or involvement in, UPMC Presbyterian Shadyside's contracts, including clinical, administrative or other, employee benefits and compensation plans.

38. Produce all non-privileged Documents relating to UPMC's Articles of Incorporation and By Laws, including all amendments.

39. Produce all non-privileged Documents relating to minutes of all UPMC Board of Directors and Board Committee meetings, including any other documents utilized in conjunction with these meetings for any purpose.

40. Produce all non-privileged Documents relating to the identities and employment position of each member of the UPMC Board of Directors, each UPMC corporate officer, and each UPMC executive or senior management employee.

41. Produce all non-privileged Documents relating to each member of the UPMC Board of Directors who is also a member of the Board of Directors of UPMC Presbyterian Shadyside. This Request includes all Documents identifying such common Board members by name, title, employment and position held.

42. Produce all non-privileged Documents relating to each UPMC corporate officer, executive, or member of senior management who is also employed by or who holds any position with UPMC Presbyterian Shadyside. This Request includes all Documents identifying such common officials and employees, and each position held with UPMC and with UPMC Presbyterian Shadyside.

43. Produce all non-privileged Documents relating to the interpretation, application, dissemination, enforcement or non-enforcement of any versions of the Solicitation Policy (HS

HR 0717) relating to solicitations and distribution of literature not related to UPMC business, from January 1, 2012 to the present.

44. Produce all non-privileged Documents relating to the interpretation, application, dissemination, enforcement or non-enforcement of any versions of the Solicitation Policy (HS HR 0717) relating to the use of the UPMC electronic messaging system to engage in solicitation, from January 1, 2012 to the present.

45. Produce all non-privileged Documents relating to the interpretation, application, dissemination, enforcement or non-enforcement of any versions of the Solicitation Policy (HS HR 0717) relating to the wearing of non-UPMC approved buttons or insignia, from January 1, 2012 to the present.

46. Produce all non-privileged Documents relating to the interpretation, application, dissemination, enforcement or non-enforcement of any versions of the Solicitation Policy (HS HR 0717) relating to the use of UPMC bulletin boards for purposes not approved by or related to, UPMC sponsored matters, from January 1, 2012 to the present.

47. Produce all non-privileged Documents relating to the interpretation, application, dissemination, enforcement or non-enforcement of any versions of the Electronic Mail and Messaging Policy (HS ISO 147) from January 1, 2012 to the present.

48. Produce all non-privileged Documents relating to any training, guidance, instruction or directives provided to any UPMC manager or supervisors or UPMC Presbyterian Shadyside manager or supervisor, relating to the enforcement or non-enforcement of any version of UPMC's Solicitation Policy (HS HR 0717) or the Electronic Mail and Messaging Policy (HS ISO 147) from January 1, 2012 to the present.

49. Produce all non-privileged Documents which relate to any audit or investigation undertaken since January 2012 of the non-work use of the UPMC electronic messaging system by any employees of UPMC Presbyterian Shadyside and the results of same.

50. Produce all non-privileged Documents relating to the interpretation, application, dissemination, enforcement or non-enforcement of any version of the UPMC Absenteeism and Tardiness Policy (HR-03) , including any audit or investigation undertaken since January 2012 of the implementation and/or enforcement of this Policy in any or all departments of UPMC Presbyterian Shadyside and the results of same.

51. Produce all non-privileged Documents relating to the interpretation, application, dissemination, enforcement or non-enforcement of any version of the UPMC Time Entry Submission Policy (HS HR-0741) , including any audit or investigation undertaken since January 2012 of the implementation and/or enforcement of this Policy in any or all departments of UPMC Presbyterian Shadyside and the results of same.

52. Produce all non-privileged Documents relating to the interpretation, application, dissemination, enforcement or non-enforcement of any version of the UPMC Supply Chain Management – Distribution and Materials Management Attendance Policy, including any audit or investigation undertaken since January 2012 of the implementation and/or enforcement of this Policy in any or all departments of UPMC Presbyterian Shadyside and the results of same.

53. Produce all non-privileged Documents relating to the interpretation, application, dissemination, enforcement or non-enforcement of any version of the UPMC Supply Chain Management – Distribution and Materials Management Tardiness Policy, including any audit or investigation undertaken since January 2012 of the implementation and/or enforcement of this Policy in any or all departments of UPMC Presbyterian Shadyside and the results of same.

54. Produce all non-privileged Documents relating to the interpretation, application, dissemination, enforcement or non-enforcement of any versions of the Corrective Action and Discharge Policy (HS HR 0704) from January 1, 2012 to the present. This Request also includes any other policies relating to the placement and/or monitoring of employees placed on Performance Improvement Plans.

55. Produce all non-privileged Documents relating to the interpretation, application, dissemination, enforcement or non-enforcement of any policies relating to job abandonment from January 1, 2012 to the present.

56. Produce all non-privileged Documents relating to the interpretation, application, dissemination, enforcement or non-enforcement of any versions of the UPMC Grievance Procedure Policy (HS-HR 0707) from January 1, 2012 to the present.

Produce all non-privileged Documents relating to the interpretation, application, dissemination, enforcement or non-enforcement of the any policies governing the use of cell phones by employees of Presbyterian Shadyside in the Corporate Services/Employee Transit Department.

57. Produce all non-privileged Documents relating to compliance with the National Labor Relations Act (NLRA), consequences of non-compliance with the NLRA, compliance with the settlement agreements in *UPMC I* (Case Nos. 06-CA-081896 et al), and consequences of non-compliance with the settlement agreements in *UPMC I* (Case Nos. 06-CA-081896 et al). This Request includes any training, guidance, directives or instruction given to or received by any person employed by or holding any position with UPMC Presbyterian Shadyside relating to the foregoing topics.

58. For each person identified in ¶7 (a) and ¶7 (b) of the Complaint, produce all non-privileged Documents relating to any Discipline imposed upon that person, relating to any of the

incidents alleged in any of the Complaints in *UPMC I* (Case Nos. 06-CA-081896 et al) or the Complaint in the instant case. This Request includes any training, guidance, directives or instruction given to or received by each identified person.

59. For each person employed and identified in ¶7 (a) and ¶7 (b) of the Complaint, produce all non-privileged Documents relating to any Discipline imposed by that person upon any employees of Respondent Presbyterian Shadyside from January 1, 2012 to the present.

60. For each person identified in ¶7 (a) and ¶7 (b) of the Complaint, produce all non-privileged Documents relating to any training, guidance, directives or instruction given to or received by that person relating to the Union, the Union Organizing Campaign, Union avoidance, preventing the Union from representing the employees of UPMC Presbyterian Shadyside, or any activity in support of or opposition to the Union.

61. Produce all non-privileged Documents relating to any meeting concerning the Union, the Union Organizing Campaign, Union avoidance, preventing the Union from representing the employees of UPMC Presbyterian Shadyside, or any activity in support of or opposition to the Union. This Request includes, but is not limited to, all minutes, recordings, notes, and materials disseminated at such meetings.

62. Produce all non-privileged Documents relating to any training, guidance, directives, or instruction provided to employees of UPMC Presbyterian Shadyside relating to the Union, the Union Organizing Campaign, Union avoidance, preventing the Union from representing the employees of UPMC Presbyterian Shadyside, or any activity in support of or opposition to the Union.

63. Produce all non-privileged Documents relating to any contract, agreement or arrangement with any consultant or vendor relating to the training of management and

supervisory personnel of UPMC Presbyterian Shadyside concerning the Union, the Union Organizing Campaign, union-avoidance or maintaining a "union free" workplace, preventing the Union from representing the employees of UPMC Presbyterian Shadyside, or any activity in support of or opposition to the Union.

64. Produce all non-privileged Documents relating to any internal complaints or observations by any employee of UPMC Presbyterian Shadyside concerning discrimination, retaliation, abusive treatment, or hostile work environment because of actual or perceived support for the Union from January 1, 2012 to the present.

65. Produce all non-privileged Documents relating to the Union and/or the Union Organizing Campaign, including without limitation, electronic intranet postings, employee computer monitor screen savers, web pages, archived web pages, social media postings, Communications between and among managers and supervisors, and Communications with employees of UPMC Presbyterian Shadyside or any other UPMC-related facility or operation. This Request includes all Documents relating to the creation, placement, transmission and distribution of each computer monitor screen saver in each of UPMC Presbyterian Shadyside's facilities or at any other UPMC-related facility or operation, as well as the duration, timing, manner and locations of their display.

66. Produce all non-privileged Documents relating to the maintenance, operation, establishment, and utilization of the UPMC Infonet website. This Request includes all Documents relating to any joint maintenance, operation, establishment, and utilization of the UPMC Infonet with UPMC Presbyterian Shadyside.

67. Produce all non-privileged Documents relating to the incident which occurred in the cafeteria of Presbyterian Hospital on February 21, 2013 as described in ¶¶11-14 of the

Complaint. This Request includes but is not limited to, incident reports, logs, telephone records, investigations, directives, instructions, guidance, photographs and recordings relating to the incident.

68. Produce all non-privileged Documents relating to any incident, event or occurrence where UPMC Presbyterian Shadyside's agents or employees conducted surveillance or were instructed to conduct surveillance or appear to conduct surveillance upon any of UPMC Presbyterian Shadyside's employees concerning any matter related to the Union or the employees' concerted activities.

69. Produce all non-privileged non-work-related emails sent or received by, or from, each supervisor or manager of UPMC Presbyterian Shadyside to any other employee of UPMC Presbyterian Shadyside, using the UPMC email system from January 1, 2012 to the present.