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Ashok Bodke, Esq., N

James S. Frank, Esq. Philip H. Wang, Esq.  
(Epstein, Becker & Green, PC N  
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Gillian Costello, Esq. (Spivak, Lipton, Watanabe,  
Spivak & Moss, LLP N N

**DECISION**

**Statement of the Case**

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**FINDINGS OF FACTS**

**I. Jurisdiction and Labor Organization**

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**II. Facts**

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### **III. Analysis**

#### **A. The Gift Cards and Breakfast**

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North American Pipe N (

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Borg-Warner Corp.

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NLRB v.

( Benchmark Industries  
Amalgamated Clothing v. NLRB

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Inland Steel Co. N

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NLRB v. Wonder State Mfg. Co.

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Benchmark Indus.

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NLRB v. Wonder State Mfg.

( Nello Pistoresi & Sons  
Freedom WLNE-TV, Inc.

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NLRB v. Wonder State Mfg. Co.



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*North American Pipe*

*North American Pipe*

*Mr. Potty*

*Unite Here*

*North American Pipe*

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*North American Pipe*

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*Exxel-Atmos*

*North American Pipe*

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*International Automated Machine* N

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North American Pipe

Unite Here

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Company N ( Niles-Bement-Pond (

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Waste Management of Puerto Rico N (

Waxie Sanitary Supply N ( Flambeau Airmold Corp. N (

( Sykel Enterprises N ( Q-1 Motor Express N

( Phelps Dodge Mining Co. N (

( Getty Refining Co. N (

Freedom WLNE-TV N ( Stovall Mfg. Co. N

( Loredo Coca-Cola Gas Machinery Co., N

( Ryder Technical Institute N (

( Nello Pistoresi and Sons N (

( Wonder State Mfg. Co. N (

( General Telephone Co. of Florida N

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North American Pipe<sup>N</sup>

Benchmark

Brake Parts N Benchmark ( J EIS

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Benchmark

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Stone Container Corp. N ( ( (

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Stone Container

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*fait accompli*

*Pontiac Osteopathic Hospital* N

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*Ciba-Geigy Pharmaceutical Division* N

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*accompli NLRB v. Crystal Springs Shirt Corp.*

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*NLRB v. Citizens Hotel Co.*

*Ladies Garment Workers v. NLRB*

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( ( Gannett Co. N  
Ciba-Geigy Pharmaceutical Division

Pontiac Osteopathic

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Apartment ANG Newspapers N ( Success Village  
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Newspapers N Bohemian Club N ( ANG  
Success Village N

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Supply N ( Hi-Tech Cable Corp. N ( Waxie Sanitary  
Bohemian Club ANG Newspaper

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**B. The Refusal to Supply Information**

NLRB v. Acme Industrial Co. ( Detroit Edison Co. v. NLRB  
Services N ( Beth Abraham Health

N Certco Distribution Centers N ( AK Steel Corp.

A-plus Roofing N ( Proctor & Gamble Mfg. Co. v. NLRB

Holdings N National Broadcasting Company N ( Dodger Theatrical

N Acme Industrial Pennsylvania Power & Light Co.  
National Broadcasting Wisconsin Bell Co. N

Park N ( Dodger Theatrical N Disneyland

N National Broadcasting N Certco Distribution center  
Shoppers Food Warehouse N (

( Cowles Communications N ( BC Industries N

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*Edison Co.* N *Ingham Regional Med. Center* N ( *Detroit*  
( *BC Industries*

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( ( *Star Tribune* N

( *North Star Steel Co.* N (

*Southern California Gas* N ( (

*Certco Distribution Centers* N ( (

*Cross Blue Shield* N ( ( *Blue*

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*Blue Cross Blue Shield*

*North Star Steel*

*Star Tribune*

*Disneyland Park*

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Newspaper Agency N ( ( Detroit  
N ( ( The Kroger Co.

N JHP & Associates N ( Southern California Gas  
( King Soopers N ( BP Exploration N  
Co. ( ); Hospitality Care Center N ( Illinois-American Water  
N (

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Milford Manor Nursing N ( ( ( (

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*Disneyland Park*

*Pennsylvania Power &*

*Light Co.* N

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*vis a vis*

*LBT Inc.* N

*Allied Mechanical Services* N

*U.S. Postal Service* N

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*Hofstra University* N

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*Washington Hospital*

*Center* N

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*NLRB v. Pratt & Whitney*

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*Proctor and Gamble Mfg. Co. v. NLRB*

*Safeway Stores* N

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*Tex Ton Welhausen Co. v. NLRB*

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*Southern California Gas* N *Beth Abraham Health Services*  
*Shops' Food Warehouse* N ( *Reis Viking*  
N (

*Broadcasting Co.* N *Dodger Theatricals* *National*  
*Distribution* N *Pennsylvania Power & Light* N *Certco*  
N

*Southern California Gas* *Shoppers Food Warehouse*

*Hofstra University* N (

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*Champion Enterprises Co.* N ( (

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Center ( N ( Washington Hospital  
LBT N  
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National Broadcasting System N

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N U.S. Postal Service N ( NLRB v. U.S. Postal Service  
( ( Global Stores Inc. N ( ( Northwest Publications Inc.  
( N ( (

California Gas Associates N N King Soopers N Southern JHP  
Global Services N Allied Mechanical Services N  
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**Conclusions of Law**

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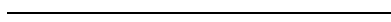
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**APPENDIX A**

**Press Ganey Summary**

APPENDIX B

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The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: [www.nlr.gov](http://www.nlr.gov).

Two MetroTech Center, 100 Myrtle Avenue, Suite 5100

Brooklyn, New York 11201-4201

Hours: 9 a.m. to 5:30 p.m.

718-330-7713.

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