

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 28**

**HYATT HOTELS CORPORATION, d/b/a HYATT,  
PARK HYATT, ANDAZ, GRAND HYATT, HYATT  
REGENCY, HYATT PLACE, HYATT HOUSE,  
HYATT SUMMERFIELD SUITE, HYATT  
RESIDENCE CLUB, HYATT VACATION CLUB,  
HYATT GOLD PASSPORT, AND HYATT RESORTS**

**and**

**Case 28-CA-061114**

**UNITE HERE INTERNATIONAL UNION**

**COMPLAINT AND NOTICE OF HEARING**

This Complaint and Notice of Hearing, which is based on a charge filed by UNITE HERE International Union (the Union), is issued pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board, and alleges that Hyatt Corp., whose correct name is Hyatt Hotels Corporation d/b/a Hyatt, Park Hyatt, Andaz, Grand Hyatt, Hyatt Regency, Hyatt Place, Hyatt House, Hyatt Summerfield Suite, Hyatt Residence Club, Hyatt Vacation Club, Hyatt Gold Passport, and Hyatt Resorts (Respondent), has violated the Act by engaging in the following unfair labor practices:

1. The charge in this proceeding was filed by the Union on July 12, 2011, and a copy was served by regular mail on Respondent on July 13, 2011.
2. (a) At all material times Respondent has been a corporation, with offices and places of business throughout the United States, including Scottsdale, Arizona, herein called the Scottsdale facility, and has been engaged in the hospitality business which

includes managing, franchising, owning, and developing Hyatt-branded hotels, resorts, residential, and vacation ownership properties, and providing food and lodgings.

(b) In conducting its operations during the 12-month period ending July 13, 2012, Respondent performed services valued in excess of \$50,000 in States other than the State Arizona.

(c) In conducting its operations during the 12-month period ending July 13, 2011, Respondent derived gross revenues in excess of \$500,000.

(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.

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

4. 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):

Thomas J. Pritzker	-	Executive Chairman of the Board of Directors
Mark S. Hoptamajian	-	President, Chief Executive Officer and Director
H. Charles Floyd	-	Chief Operating Officer – North America
Robert W. K. Webb	-	Chief Human Resources Officer
Michael Stevens	-	General Manager Hyatt Regency Scottsdale Resort and Spa
Dona Lowell	-	Director of Human Resources Hyatt Regency Scottsdale Resort and Spa
Isabel Sanchez	-	Assistant Director of Human Resources Hyatt Regency Scottsdale Resort and Spa
Mark Clinton	-	Front Desk Manager Hyatt Regency Scottsdale Resort and Spa

5. (a) Since about January 13, 2011, Respondent has maintained the following overly-broad and discriminatory rule at various Full Service Hotels, Select Service Hotels, and Hyatt Residential Group, Business Units, and Subsidiaries based in the United States:

### **SOCIAL MEDIA POLICY**

This policy applies to all employees of HHC Full Service Hotels, Select Service Hotels, and Hyatt Residential Group, Business Units, and Subsidiaries based in the United States, Canada, and Caribbean locations.

Hyatt recognizes that its employees [or associates] are communicating with family, friends and colleagues through online networks, blogs and other forms of social media. Sites such as Face book, LinkedIn, Twitter, and others offer a variety of opportunities for online engagement. Hyatt supports its associates' involvement in these forms of social media and recognizes the importance of the global exchange of ideas.

#### **Purpose**

To provide Hyatt employees [or associates] with guidelines about the responsibility that comes with participating in social media that is in line with Hyatt's mission to deliver authentic hospitality and in a manner that respects all people and all ideas.

#### **Procedure**

Hyatt employees [or associates] are personally responsible for the content they publish online.

Hyatt policies may apply to your communications online, including policies regarding confidentiality, privacy, harassment and the use of information technology.

Avoid commenting on Hyatt or any Hyatt location. While only certain authorized individuals may use social media for Hyatt as business purposes. Hyatt realizes that you may identify in social media that you work for Hyatt or at a Hyatt location. Please remember that your conduct may reflect upon the Hyatt brand. Be respectful of others and note that the opinions you express are your own and not those of Hyatt.

Refrain from posting images of Hyatt's locations or facilities or displaying Hyatt logos.

Hyatt may review references to it on the Internet to ensure compliance with Hyatt policies.

Hyatt may request that you temporarily confine your use of social media to matters unrelated to Hyatt if it determines this is necessary or advisable to ensure compliance with applicable laws or Hyatt policies.

(b) Since about January 13, 2011, Respondent has maintained the following overly-broad and discriminatory rule in its corporate-wide Code of Business

Conduct and Ethics:

Hyatt Hotels Corporation Code of Business Conduct and Ethics

#### INTRODUCTION

This Code of Business Conduct and Ethics (this “Code”) is designed to reaffirm and promote Hyatt Hotels Corporation’s compliance with laws and ethical standards applicable in all jurisdictions in which Hyatt Hotels Corporation and its subsidiaries conduct their business. This Code is applicable to all directors, officers of Hyatt Hotels Corporation and its subsidiaries, and all associates, including, without limitation, General Managers, members of the Management or Executive Committees and other persons (collectively, “associates”) who work in any hotel or property operated or managed by Hyatt Hotels Corporation and its subsidiaries (individually referred to herein as a “Hotel” and, collectively, as the “Hotels”) or who have any involvement, directly or indirectly, in the ownership, operation, management, providing hospitality services, support or franchising of Hyatt Hotels & Resorts or residential and vacation ownership properties (collectively referred to herein as “Hyatt”).

For the purposes of this Code, the term “Hyatt Hotels & Resorts” shall mean any and all full service or select service hotels that are owned, leased or managed by Hyatt and that are operated under or in association with the “Hyatt,” “Hyatt Regency,” “Grand Hyatt,” “Park Hyatt,” “Andaz,” “Hyatt Place,” “Hyatt Summerfield Suites,” “Summerfield Suites,” or “Hyatt Vacation Club,” trademarks or such other trademarks owned by Hyatt.

References in this Code to “you” and “your” refer to the officers, directors and associates of Hyatt. Similarly, references in this Code to “we” and “our” refer to Hyatt and the Hotels.

Hyatt operations and Hyatt associates are subject to the laws of many countries and other jurisdictions around the world. Associates are expected to comply

with the Code and all applicable government laws, rules and regulations. If a provision of the Code conflicts with applicable law, the law controls.

\* \* \*

#### Reporting Violations of the Code

You have a duty to report any known or suspected violation of this Code, including any violation of the laws, rules, regulations or policies that apply to Hyatt. If you know of or suspect a violation of this Code, immediately report the conduct to your supervisor or in the event of a violation of Section 12, directly to the General Counsel or Vice President of Internal Audit. Your supervisor will contact the General Counsel or any Associate General Counsel of Hyatt's Legal Department, who will work with you and your supervisor to investigate your concern. If you do not feel comfortable reporting the conduct to your supervisor or you do not get a satisfactory response, you should contact the General Counsel, any Associate General Counsel of Hyatt's Legal Department, or Vice President of Internal Audit directly. All reports of known or suspected violations of the law or this Code will be handled sensitively and with discretion. Your confidentiality will be protected to the extent possible, consistent with applicable law and Hyatt's need to investigate your concern.

\* \* \*

#### 4. Confidential Information

You have access to a variety of confidential information while employed at Hyatt or a Hotel, as applicable. Confidential information includes all non-public information that might be of use to competitors, or, if disclosed, harmful to Hyatt or such Hotel or our customers. Examples of such confidential information include, without limitation, brand standards, training materials, operating manuals, data processing systems, programs, procedures, databases, data, sales and marketing information, marketing strategies, financial information and personnel information. Respect the property of Hyatt, including its intellectual property (such as trademarks, logos, brand names and computer systems) and confidential information. You are expected to safeguard all confidential information of Hyatt, the Hotels or third parties with which Hyatt or the Hotels conduct business, except when disclosure is authorized or legally mandated.

(c) Since about January 13, 2011, Respondent has maintained in employee handbooks at various full service hotels in the United States an overly-broad and discriminatory confidentiality rule which include "training materials" and/or "personnel

information” within its definition of confidential information and which prohibits employees from disclosing such confidential information to third parties either during or after their employment with Respondent.

(d) Since about January 13, 2011, Respondent has maintained the following overly-broad and discriminatory rule in employee handbooks at various full service hotels in the United States:

Unacceptable conduct

Common sense and basic values provide a guide as to what is unacceptable behavior in a service business. This list provides examples of prohibited actions as well as illustrates the type of activities that may result in disciplinary action. Hyatt, in its sole discretion will determine the appropriate action to take in each situation. Nothing in this section changes the at-will nature of the employment relationship.

\* \* \*

- Unauthorized disclosure or use of any confidential information about Hyatt, its associates, its clients or guests, or any trade secrets you have learned through, or as a result of, your employment at Hyatt.

(e) Since about January 13, 2011, Respondent has maintained the following overly-broad and discriminatory rule in employee handbooks at various full service hotels in the United States:

Management reserves the right, however to determine when an associate’s activities represent a conflict with the company’s interests and to take whatever action is necessary to resolve the situation, including terminating the associate.

The list below suggests some of the types of activity that would reflect in a negative way on an associate's personal integrity or that would limit the ability to discharge job duties and responsibilities in an ethical manner.

\* \* \*

- \*Participating in civic or professional organization activities in a manner whereby confidential company information is divulged.

- \*Misusing privileged information or revealing confidential data to anyone.

\* \* \*

- Misstating revenues, expenses, or assets; misapplication of applicable accounting principles or wrongful transactions.

(f) Since about January 13, 2011, Respondent has maintained the following overly-broad and discriminatory rule in employee handbooks at various full service hotels in the United States:

Unacceptable conduct

. . . . This list provides examples of prohibited actions as well as illustrates the type of activities that may result in disciplinary action. Hyatt, in its sole discretion will determine the appropriate action to take in each situation.

\* \* \*

- Interfering with or hindering work schedules, failing to work a shift as scheduled or arranging your own replacement on a shift without the permission of your supervisor.
- Leaving your department or work area without the permission of your supervisor or being in locations other than your assigned work areas.

(g) Since about January 13, 2011, Respondent has maintained the following overly-broad and discriminatory rule in employee handbooks at various full service hotels in the United States:

Unacceptable conduct

. . . . This list provides examples of prohibited actions as well as illustrates the type of activities that may result in disciplinary action. Hyatt, in its sole discretion will determine the appropriate action to take in each situation.

\* \* \*

- Refusing to cooperate with a hotel investigation or failing to report a violation of hotel policies and procedures.

(h) Since about January 13, 2011, Respondent has maintained the following overly-broad and discriminatory rule in employee handbooks at various full service hotels in the United States:

Hyatt's Commitment to Our Guests

\* \* \*

Any requests for information regarding the business of the hotel or related matters are to be directed to the General Manager or Director of Sales [and Marketing or Director of Marketing].

(i) Since about January 13, 2011, Respondent has maintained the following overly-broad and discriminatory rule in its employee handbooks at various full service hotels in the United States:

Unacceptable conduct

. . . . This list provides examples of prohibited actions as well as illustrates the type of activities that may result in disciplinary action. Hyatt, in its sole discretion will determine the appropriate action to take in each situation.

\* \* \*

- Unprofessional conduct, such as gambling or fighting on hotel property, coercion, intimidation or threats of any kinds against supervisors, fellow employees, clients or guests; making derogatory or unfounded statements about Hyatt, its employees or its clients or guests using vulgarity or failing to be courteous.

(j) Since about January 13, 2011, Respondent has maintained the following overly-broad and discriminatory rules in its employee handbooks at various full service hotels in the United States:

NONDISPARAGEMENT

You agree that you shall not, at any time, disparage Hyatt or any of its respective subsidiaries, affiliates, directors, officers, or employees [or associates].



(k) Since about January 13, 2011, Respondent has maintained the following overly-broad and discriminatory acknowledgement form in its employee handbooks at various full service hotels in the United States:

Acknowledgment of Employee Handbook

I acknowledge receiving a copy of part 1 of the [name of hotel handbook] and I agree to comply with it. I also acknowledge that I have received or will be receiving a copy of part 2 of the [employee handbook] and I agree to comply with it. I understand that the Employee Handbook is a guide to the practices and policies of [the named Hotel]. I also acknowledge that if Hyatt does not enforce a policy, guideline or rule, or delays enforcement of a policy, guideline or rule, it does not mean Hyatt has waived its ability to enforce any policy, guideline or rule in the future.

I understand my employment is "at will." This means I am free to separate my employment at any time, for any reason, and Hyatt has these same rights. Nothing in this handbook is intended to change my at-will employment status. I acknowledge that no oral or written statements or representations regarding my employment can alter my at-will employment status, except for a written statement signed by me and either Hyatt's Executive Vice-President/Chief Operating Officer or Hyatt's President.

In order to retain flexibility in its policies and procedures, I understand Hyatt, in its sole discretion, can change, modify or delete guidelines, rules, policies, practices and benefits in this handbook without prior notice at any time. The sole exception to this is the at-will status of my employment, which can only be changed in a writing signed by me and either Hyatt's Executive Vice President/Chief Operating Officer or Hyatt's President.

Print Name:

Signature:

Date:

Department Name:

(l) Since about January 13, 2011, Respondent has maintained overly-broad and discriminatory rules in its Style Guide, Appearance Guidelines and employee handbooks at various full service hotels in the United States which require Respondent's permission or approval to wear a union pin, limited employees to the wearing

of only approved or authorized union pins, or limited employees to wearing only one union pin.

6. By the conduct described above in paragraph 5, 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.

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

As part of the remedy for Respondent's unfair labor practices alleged above in paragraph 5, the Acting General Counsel seeks an Order requiring that Respondent on a nationwide basis at all of its facilities rescind and cease maintaining or enforcing the alleged unlawful respective rules, policies, or requirements set forth in paragraphs 5(a) through 5(l), and either 1) furnish all current employees with inserts for Respondent's employee handbooks, guides, policies, and acknowledgements that (a) advise that the unlawful rules, policies, or requirements have been rescinded, or (b) provide language of lawful rules, policies, or requirements; or 2) publish and distribute revised handbooks, policies, or acknowledgements that (a) do not contain the unlawful rules, policies, or requirements, or (b) provide the language of lawful rules, policies, or requirements; post in all of Respondent's facilities on a nationwide basis, where Respondent's employee handbooks, guides, and acknowledgements have been distributed and maintained, a notice to employees regarding the alleged unlawful conduct alleged in paragraph 5; and remove from the Respondent's intranet any of the rules, policies, or requirements described above in paragraph 5. The Acting General Counsel further seeks all 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 March 14, 2012, or postmarked on or before March 13, 2012.** Unless filed electronically in a pdf format, the Respondent should file an original and four copies of the answer with this office.

An answer may also be filed electronically through the Agency's website. *To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **File Case 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 2, 2012, at 9:00 a.m. (local time), at the Hearing Room, National Labor Relations Board, 2600 North Central Avenue, Suite 1400, Phoenix, Arizona, 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 Phoenix, Arizona, this 29<sup>th</sup> day of February 2012.

/s/

\_\_\_\_\_  
Cornele A. Overstreet, Regional Director

Attachments

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

**HYATT HOTELS CORPORATION, d/b/a HYATT,  
PARK HYATT, ANDAZ, GRAND HYATT, HYATT  
REGENCY, HYATT PLACE, HYATT HOUSE,  
HYATT SUMMERFIELD SUITE, HYATT  
RESIDENCE CLUB, HYATT VACATION CLUB,  
HYATT GOLD PASSPORT, AND HYATT RESORTS**

**and**

**UNITE HERE INTERNATIONAL UNION**

**Case 28-CA-061114**

**DATE OF MAILING: February 29, 2012**

**AFFIDAVIT OF SERVICE OF: COMPLAINT AND NOTICE OF HEARING  
with form NLRB-4668 attached**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) by postpaid certified mail and regular mail upon the following persons, addressed to them at the following addresses:

Hyatt Hotels Corporation, d/b/a Hyatt,  
Park Hyatt, Andaz, Grand Hyatt, Hyatt  
Regency, Hyatt Place, Hyatt House,  
Hyatt Summerfield Suite, Hyatt  
Residence Club, Hyatt Vacation Club,  
Hyatt Gold Passport, and Hyatt Resorts  
71 South Wacker Drive  
Chicago, IL 60606-4637  
**7010 1060 0000 1441 4744**

Robert J. Finkel, Attorney at Law  
Finkle, Whitefield, Selik, Ferrara & Feldman  
32300 Northwestern Highway, Suite 200  
Farmington Hills, MI 48334-1567

Unite Here International Union  
225 Broadway, Suite 1902  
New York, NY 10001-6708

Kristin L. Martin, Attorney at Law  
Davis, Cowell & Bowe LLP  
PO Box 438  
San Francisco, CA 94104-0438

Reporters: Argie Reporting Service

**Subscribed and sworn to before me this 29<sup>th</sup> day  
of February 2012.**

**DESIGNATED AGENT**

**NATIONAL LABOR RELATIONS BOARD**

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

NOTICE

Case: 28-CA-072272

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end. An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing.

However, unless otherwise specifically ordered, the hearing will be held at the date, hour and place indicated. Postponements **will not be granted** unless good and sufficient grounds are shown **and** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in **detail**;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; **and**
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Hyatt Hotels Corporation, d/b/a Hyatt,  
Park Hyatt, Andaz, Grand Hyatt, Hyatt  
Regency, Hyatt Place, Hyatt House,  
Hyatt Summerfield Suite, Hyatt  
Residence Club, Hyatt Vacation Club,  
Hyatt Gold Passport, and Hyatt Resorts  
71 S Wacker Dr  
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