

MOUNT POCAHONTAS PROPERTY OWNERS' ASSOCIATION OPEN MEETING
NLRB SETTLEMENT
6/19/2024
6:00 PM

PRESENT:

Paulette Leslie, President
Tom Hollywood, Director Architectural Standards/Code Enforcement
Alan Ingrassia, Security
Ellen Cuffari, Director Activities/Aquatics
Rick Libbey, Director Maintenance
Lori Ann Sveda, Recording Secretary

VACANT:

Vice President
Treasurer

GUEST SPEAKERS:

Jack Dean, Esquire (Elliott Greenleaf & Dean)
Keighlyn Oliver, Esquire (Elliott Greenleaf & Dean)

PURPOSE: Attorney Dean to present to homeowners, within the scope of attorney/client privilege, the status of the NLRB (National Labor Relations Board) Settlement made against MPPOA.

Approximately a year, year and a half ago, the employees at that time, had voted to organize with Teamsters Local 773 and negotiations commenced thereafter, and a bargaining unit was established.

The Teamsters are governed under the NLRB, not the PLRB (Public Labor Relations Board.)

During negotiations, two employees were terminated for various reasons. Termination of any employee during union negotiations naturally led the union to investigate an Unfair Labor Practice charge which was investigated by the NLRB. That's when Elliott Greenleaf & Dean Associates was brought on to represent MPPOA. Justification/documentation was provided for their termination. Attorney Dean expressed that in his experience the NLRB often errs on the side of the employees despite the allegations made against them.

The NLRB issued the charge against MPPOA. Through discovery it was determined that certain former BOD members leaked confidential attorney/client information and affidavits (which will be further discussed.)

We were headed to court, but because former BOD members were going to testify against MPPOA, it was not looking promising.

Originally the terminated employees wanted two times their backpay and reinstatement, but we negotiated 90% backpay. Had gone to court, in Attorney Dean's opinion, the terminated employees might have returned to work with full backpay. The employees have since moved on and we wish them well.

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We currently have four (4) employees now (one (1) who is probationary) who are covered by the bargaining unit. We restarted negotiations tonight, starting with noneconomic issues.

I (Attorney Dean) have negotiated with the Teamsters for the past fifteen (15) years and find them very easy to work with. We anticipate having a contract within the next several months.

Going back to what was mentioned before about previous BOD members that may have breached their fiduciary duties, we are taking a "hard look" at their liability associated therewith.

HOMEOWNER QUESTIONS/ATTORNEY DEAN'S RESPONSE:

1. Questioned what is meant by former BOD repercussions: Fiduciary to the entity, breach of fiduciary claim, "acting outside of what you're supposed to be doing."
2. Can probationary employees be let go while organizing? You must have solid documentation/reason. Although the employees are in a bargaining unit right now (which is a whole class of employees covered in a union), you officially belong to a union when dues are paid to the union.
3. Outcome of MPPOA Lawsuit?: It was settled and again, due to attorney/client privilege, specifics cannot be discussed, but 90% of the terminated employee's backpay was paid and MPPOA can only state said employee's hire – end dates.
4. Are Managers in the union?: The NLRB certified those titles as being in the bargaining unit during the last negotiation talks. If MPPOA didn't want those titles covered in the bargaining unit, it should've been dealt with then. Managers "usually" have the right to hire/fire.
5. Shouldn't the proposed settlement have been brought to the homeowners?: Attorney Dean responded with, "I don't know that your Bylaws spoke to that.?"
6. If you agreed to settle, what did that mean for MPPOA?: It meant there was no wrongdoing by the employees.
7. Who terminated the employees?: That's what we're looking into; who internally caused the issue and if it leads to a breach of fiduciary claim and if the BOD authorizes action, then we'll pursue it.
8. Was the settlement paid out of insurance or MPPOA monies?: It was paid out of the MPPOA Operating Account. It was approximately \$60,000 (both employee's base pay together) plus lawyer fees. Had we gone to court in Philadelphia, the amount of monies, just to show up, would've been almost as much as the pay out plus every other fee, especially had we lost.
9. Do we have something in place now to prevent negligence?: Proper documentation is absolutely necessary and assuring insurances are in place.

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10. Who supervises the employees now?: The current BOD keeps in constant contact/supervises the employee(s) within the scope of their departments.
11. Will homeowners have any input in the current union contract?: For the sake of transparency, we will keep the homeowners updated as we are able.
12. Can a BOD member be permanently removed from ever returning the BOD that was involved in the wrongdoing?: Legally no, but Bylaw amendment changes, recently sent out to be returned 7/13/24, recommends longer years in between serving on the BOD if removed.
13. Will we ever know the details of the settlement?: Due to the NLRB Law and to avoid a future lawsuit, NO.

The homeowners were informed that this was the time to ask questions about the settlement while Attorneys Dean and Oliver were here to respond and now that it's settled, it will not be discussed at future meetings.

ADJOURNMENT: President Leslie made a motion to adjourn the meeting, which was seconded by Secretary Sveda. The meeting was adjourned at 6:40 PM.

RESPECTFULLY SUBMITTED,

Lori Ann Sveda

LORI ANN SVEDA
MPPOA RECORDING SECRETARY

LAS

Cc: J. Dean, Esquire
K. Oliver, Esquire
MPPOA