

ORDER

The Respondent, YWCA of Western Massachusetts, its officers, agents, successors, and assigns, shall

1. Cease and desist from:
 - a. failing and refusing to reduce to writing and sign the collective-bargaining agreement reached with the Union and ratified by employees on April 20, 2005; and
 - b. failing and refusing to recognize and bargain with the Union as the exclusive bargaining representative for the following bargaining unit of its employees:

All full-time and regular part-time employees employed by
Respondent at its facilities located in Hampden and Hampshire

²⁴If no exceptions are filed as provided by Sec. 102.46 of the Board's Rules and Regulations, the findings, conclusions, and recommended Order shall, as provided in Sec. 102.48 of the Rules, be adopted by the Board and all objections to them shall be deemed waived for all purposes.

counties including direct service advocates, service coordinators/case managers, hotline counselors, community educators, father's and youth outreach workers, program cook, housing advocates, construction managers, construction trainer, coordinator of operations, and youth development, education coordinator, teacher, counselor/case manager, rape crisis counselor, program coordinator, site coordinators, staff associates, safeplan advocates, mentor coordinators, counselor/volunteer coordinator, and youth development program coordinator, but excluding all office clerical employees, managerial employees, professional employees, confidential employees, casual employees, all relief staff, building maintenance, custodians, guards, site/program directors, and supervisors as defined in the Act.

- c. In any like or related manner interfering with, restraining or coercing employees in the exercise of rights guaranteed to them by Section 7 of the Act.

2. Take the following affirmative action which is necessary to effectuate the purposes of the Act:

- a. Reduce to writing and sign the collective-bargaining agreement reached with the Union and ratified by the employees on April 20, 2005, giving effect to its terms retroactive to April 20, 2005.
- b. Recognize and, upon the Union's request, bargain with the Union as the exclusive collective-bargaining representative of the bargaining unit employees described above.
- c. Make all affected employees whole, with interest, in the manner set forth in the remedy section of this Decision and Order, for any loss of earnings or benefits resulting from the failure to sign and honor the collective-bargaining agreement reached with the Union and ratified by the employees on April 20, 2005.
- d. Reimburse the Union, with interest, for any dues it was required to withhold and transmit under the collective-bargaining agreement, in a manner described in the remedy section of this Decision and Order.
- e. Preserve and, within 14 days of a request, make available to the Board or its agents for examination and copying, all payroll records, social security payment records, timecards, personnel records and reports, and all other records, including an electronic copy of the records if stored in electronic form, necessary to analyze the amount of backpay due under the terms of this Order. *Bryant & Stratton Business Institute*, 327 NLRB 1135 (1994).
- f. Within 14 days after service by the Region, post at its facilities in Hampden and Hampshire counties, in the Commonwealth of Massachusetts, copies of the attached

notice marked Appendix.”²⁵ Copies of the notice, on forms provided by the Regional Director for Region 1, after being signed by the Respondent’s authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places including all places where notices to employees are customarily posted. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material.

- g. Within 21 days after service by the Region, file with the Regional Director of Region 1 a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply with the provisions of this Order.

Dated, Washington, D.C., February 10, 2006

David I. Goldman

David I. Goldman
Administrative Law Judge

²⁵If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading “Posted by Order of the National Labor Relations Board” shall read “Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board.”