

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

STATION GVR ACQUISITION, LLC D/B/A  
GREEN VALLEY RANCH RESORT SPA CASINO  
Employer

and

Case 28-RC-208266

LOCAL JOINT EXECUTIVE BOARD  
OF LAS VEGAS AFFILIATED WITH  
UNITE HERE INTERNATIONAL UNION  
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Certification of Representative is denied as it raises no substantial issues warranting review.<sup>1</sup>

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<sup>1</sup> In denying review, we find that the Employer failed to prove that any employees knew or would have reasonably inferred that the Petitioner had made a list of employees who had not yet voted in the election. Absent such proof, the Petitioner's conduct could not have reasonably tended to interfere with the employees' free choice in the election. See, e.g., *Indeck Energy Services*, 316 NLRB 300, 301 (1995) (Board refused to set aside election where there was no "clear" evidence that the petitioner's observer or representative actually kept a list or that the employees even suspected that their names were being recorded); *A.D. Juilliard & Co.*, 110 NLRB 2197, 2199 (1954) (conduct not objectionable where employer agents inspected the voter list for several minutes but did not record the names of those who had or had not voted, and there was no affirmative evidence that employees knew their names were being recorded by the employer at the time of the election and such knowledge could not be inferred from the circumstances); see also *Robert's Tours, Inc.*, 244 NLRB 818, 818 fn. 5 & 824 (1979) (adopting judge's decision declining to set aside election based on union adherents' list keeping because "[a named voter] was the only voter (excluding the union adherents involved in the list keeping, whose voting choices could have hardly been affected) shown to have known that the unauthorized list of voters was being maintained" in an election the union won by 12 votes), rev. denied mem. 633 F.2d 223 (9th Cir. 1980). Further, because all of the Petitioner's actions were in response to information that employees voluntarily provided to it (either directly or through known committee leaders), this conduct could not reasonably give rise to an impression of surveillance. Member McFerran notes that the Board apparently has never found union list-keeping objectionable when it did not occur at or near the polls.

In a footnote at the conclusion of the Request for Review, the Employer seemingly concedes that there are no "compelling reasons" (see Sec. 102.67(d) of the Board's Rules and Regulations) for the Board to grant review with respect to certain arguments the Employer raised to the Regional Director, but the Employer then states that in order to "avoid any inference of waiver" it continues to maintain its positions on these counts. The Employer briefly summarizes its

JOHN F. RING, CHAIRMAN

LAUREN McFERRAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

Dated, Washington, D.C., July 18, 2018.

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positions on these arguments, but offers no meaningful supporting explanation regarding these matters. As such, the Request for Review fails to comply with the requirement that such a request be a self-contained document enabling the Board to rule on the issues on the basis of its contents. See Sec. 102.67(e) of the Board's Rules and Regulations.