

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

**TRUMP RUFFIN COMMERCIAL LLC**

**Employer**

**and**

**Case 28-RC-153650**

**LOCAL JOINT EXECUTIVE BOARD  
OF LAS VEGAS, affiliated with UNITE HERE  
INTERNATIONAL UNION**

**Petitioner**

**DECISION AND  
CERTIFICATION OF REPRESENTATIVE**

Pursuant to a Stipulated Election Agreement, an election was conducted on December 4 and 5, 2015, in a unit of full-time, regular part-time, and on-call employees in housekeeping, food and beverage (including all pool employees), and guest services employed by Trump Ruffin Commercial LLC (the Employer) at its Trump International Hotel in Las Vegas, Nevada. The tally of ballots showed that of the approximately 523 eligible voters, 238 cast ballots for Local Joint Executive Board of Las Vegas, affiliated with UNITE HERE International Union (the Petitioner), and 209 cast ballots against representation. There were 9 challenged ballots, an insufficient number to affect the results of the election. A majority of the votes were cast for the Petitioner.

The Employer timely filed 15 objections. A hearing was held over a period of 16 days in January 2016. After the hearing closed, the Employer moved to withdraw Objections 3 and 5. The hearing officer granted the Employer's motion to withdraw these two objections on February 2, 2016. On February 18, 2016, the hearing officer issued a report in which she recommended overruling the remaining 13 objections in their entirety. On March 3, 2016, the Employer filed exceptions, and the Petitioner filed limited exceptions to the hearing officer's recommendations.

The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed. I have considered the evidence and the arguments presented by the parties and, as discussed below<sup>1</sup>, I agree with the hearing officer that all of the Employer's objections should be overruled. Accordingly, I am issuing a Certification of Representative.

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<sup>1</sup> The Employer has excepted to some of the hearing officer's credibility findings. The Board's established policy is that a hearing officer's credibility findings in proceedings of this type only should only be reversed "when the clear preponderance of all the relevant evidence convinces [the Board] that the [hearing officer's] resolution is incorrect."

### **COMMITTEE LEADERS**

In its exceptions, the Employer claims that employees who served as Committee Leaders for the Petitioner during its organizing campaign should be treated as agents of the Petitioner. The Employer avers that Committee Leaders acted at the direction of the Petitioner in performing campaign activities, were held out to employees as being representatives of the Petitioner, were the primary conduits of information between the Petitioner and the employees, and performed the majority of campaigning for the Petitioner. For the reasons set forth in the hearing officer's report, and as amplified below, I agree with her finding that Committee Leaders are not agents of the Petitioner.

Contrary to the Employer's contentions, the record shows only that Committee Leaders were directed, in broad terms, by the Petitioner to talk to the employees about topics such as respect, dignity at work, and seniority. While several flyers posted by the Petitioner told employees to "Talk to your Committee Leaders," the large majority of these flyers also had the Petitioner's telephone number on them with a directive to "Call the Union," a message that employees could text "Trump" to a certain telephone number in order to receive more information about the campaign, the Petitioner's website and social media information, or some combination of these directives and information. These telephone numbers and internet addresses provided employees direct access to the Petitioner without having to go through Committee Leaders. In addition, organizers employed by the Petitioner regularly made home visits with employees in order to discuss the Petitioner and its organizing campaign. This example of direct access to the Petitioner goes against arguments that Committee Leaders were the "primary conduits" of information between employees and the Petitioner. While Committee Leaders did much of the campaigning for the Petitioner at the Employer's facility, as the Petitioner was not permitted on the premises, this level of involvement by Committee Leaders does not confer agency status upon them. *Advance Products Corp.*, 304 NLRB 436 (1991); *United Builders Supply*, 287 NLRB 1364 (1988).

In *Advance Products Corp., Id.*, the employee at issue was an active supporter of the union and served as one of seven members of an In-House Organizing Committee (IHOC). As a member of the IHOC, the employee solicited support for the union; discussed the union with employees, answered their questions, and gave them the business card of the union representative involved in the organizing effort; informed the union organizers of the concerns expressed by employees but did not decide or approve the contents of union literature and had little, if any, input into campaign strategy; distributed union literature, buttons, hats, and shirts; and kept the union representative informed of events that occurred in the plant, including the employer's campaign activities. The employee also served as the union's election observer during one voting session. The Board found that all of those activities did not demonstrate

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*Stretch-Tex Co.*, 118 NLRB 1359, 1361 (1957). I have carefully examined the record and find no basis for reversing the findings.

general agency. *Advance Products Corp., Id.* at 436. In reviewing the evidence in the instant case, I find that the Committee Leaders' activities do not even rise to the level of the activities of the IHOC employee. Accordingly, I agree that Committee Leaders in this case are not agents of the Petitioner.

### **THE OBJECTIONS**

#### **Objection 1: During a Polling Session, the Petitioner Observer Told Two Voters to Mark the Left (Vote Yes for the Petitioner)**

For the reasons set forth in the hearing officer's report, and as amplified below, I agree with her recommendation to overrule Objection 1.

In its exceptions, the Employer contends that Petitioner's election observer, acting as an agent of the Petitioner, engaged in objectionable misconduct at the election. The Board has held that an election observer for a petitioner is an agent of the petitioner and is subject to the party standard to evaluate allegedly objectionable conduct. *Dubovsky & Sons, Inc.*, 324 NLRB 1068, 1068 (1997). This standard, an objective one, is whether a party to an election has engaged in conduct that has a tendency to interfere with employees' freedom of choice. *Cambridge Tool Pearson Education, Inc.*, 316 NLRB 716 (1995). As such, I find the hearing officer correctly applied the party standard when reviewing the Petitioner's observer's conduct while that person was acting in that capacity.

Specifically, the Employer contends that the Petitioner's observer engaged in objectionable conduct by instructing two voters to vote "yes" for the Petitioner. The Employer excepts to the Hearing Officer's finding that the observer's comment did not constitute electioneering and that the comment did not interfere with the free choice of the voters. The hearing officer found that the Petitioner's observer made one comment to one voter about the left (yes) side of the ballot.<sup>2</sup> According to the credited testimony of one of the Board Agents overseeing the election, the Employer's observer reported the comment to the Board Agent, who had not heard it. When the Employer's election observer reported the comment to the Board Agent, the Petitioner's observer told the Board Agent that she had made the comment to a voter after she received her ballot because the voter could not see.<sup>3</sup> The hearing officer credited this testimony and found that the Petitioner's observer was answering a question and not instructing someone how to vote. The Board Agent testified at the hearing that he reminded both observers that they were not to give instructions to voters regarding the ballot; after that instruction was given, there were no further incidents of this conduct.

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<sup>2</sup> Hearing testimony is unclear as to whether the election observer said, "Yes is on the left," or "Left, left."

<sup>3</sup> The Petitioner's limited exception takes issue with the hearing officer's finding on this point. The Board's established policy is that a hearing officer's credibility findings in proceedings of this type only should only be reversed "when the clear preponderance of all the relevant evidence convinces [the Board] that the [hearing officer's] resolution is incorrect." *Stretch-Tex Co.*, 118 NLRB 1359, 1361 (1957). I have carefully examined the record and find no basis for reversing the findings.

The Board looks at any alleged electioneering to see if, under the circumstances, the actions are “sufficient to warrant an inference that it interfered with the free choice of the voters.” *Boston Insulated Wire & Cable Co.*, 259 NLRB 1118, 1118-19 (1982). The Board uses several factors in determining whether the activity interfered with voters’ free choice: whether the conduct occurred within or near the polling place, the extent and nature of the alleged electioneering, whether it is conducted by a party to the election or by employees, whether the electioneering is conducted within a designated “no electioneering area,” and whether the electioneering is conducted contrary to the instructions of the Board Agent. *Id.* at 119. Here, a few of the *Boston Insulated Wire* factors are met since the comment was spoken in the polling area in a “no electioneering area” by a party to the election. However, the comment at issue here was brief, was made only one time, was not overheard by any other voter, and was not explicitly contrary to the instructions of the Board Agent. Once the Petitioner’s observer was told that the instructions not to help any voter included answering the type of inquiry at issue here, there is no evidence she repeated the conduct or said anything, aside from cursory greetings, to any other voter.

In its brief, the Employer cites *Brinks, Inc.*, 331 NLRB 46, 46 (2000), as controlling in the instant case. In *Brinks, Inc.*, the union’s observer told four employees, as each approached the observer table, to vote for the union. One of these employees then told other employees who were in line to vote what the observer had said. The observer also gave a “thumbs up” to additional employees as they approached the table. The Board analyzed the observer’s conduct under *Boston Insulated Wire* and found that the observer’s egregious conduct met all of the *Boston Insulated Wire* factors and was enough to warrant setting aside the election. Unlike the facts in *Brinks, Inc.*, here, there was only a brief discussion between the Petitioner’s observer and a voter in line. Moreover, unlike *Brinks*, where the observer told several people *how* to vote and was very demonstrative in doing so, in this case, the credited testimony shows the Petitioner’s observer only spoke to one voter. Accordingly, I find that the Petitioner’s observer conduct does not rise to the level of the observer’s conduct in *Brinks*.

The applicable standard regarding alleged conversations that take place near or at the polling place can be found in *Milchem, Inc.*, 170 NLRB 362, 362 (1968). In *Milchem, Inc.*, the secretary-treasurer of the union stood for several minutes near the line of employees waiting to vote and engaged them in conversation regarding the weather and other such topics. The employer objected to this conduct, and the Board in its decision set for a standard that it has consistently applied in analyzing whether such conduct is objectionable. The Board stated that “prolonged conversations between representatives of any party to the election and voters waiting to cast ballots is of sufficient concern to warrant a strict rule against such conduct, without inquiry into the nature of the conversations.” *Id.* The Board, however, made clear that the standard should not be used to void an election based on “any chance, isolated, innocuous comment or inquiry by an employer or union official to a voter.” *Id.* at 363. The Board stated it would be guided “by the maxim that ‘the law does not concern itself with trifles.’” *Id.*

The credited testimony in this matter shows that a voter was told, “Yes is on the left,” or “Left, left.” “Yes” is on the left-hand side of the ballot and the location for marking support for the Petitioner. Insofar as the Petitioner observer’s advice to vote “yes” could be considered electioneering, it was both minimal and noncoercive and only affected one voter. The credited

evidence shows that the comment was made in only one instance to one voter and was not heard by anyone else, including the Board Agent who was five feet away. In light of the Petitioner's 20-vote victory, the exchange between the Petitioner's observer and the voter could not materially have affected the results of the election. *Milchem, Inc.*, 170 NLRB at 363; *Lucky Cab Company*, 360 NLRB No. 43, slip op at 22 (2014); *Battle Creek Health System*, 341 NLRB No. 119 (2004) (innocuous remark to one voter had no impact on the fairness of the election); *Intertype Co.*, 170 NLRB 771-772 (1967) (Board affirming ALJ's finding that one isolated episode of a party telling a voter to vote "yes" was too trivial to warrant setting aside the election).

In sum, an employee who has received her ballot and is on her way to the voting booth is arguably still in line to vote; however, I agree with the finding of the hearing officer that the "conversation," such as it was, between the employee and the Petitioner's observer was not prolonged and only involved a "chance, isolated, innocuous comment" between two persons that was not overheard by others. Such a comment, without more, is *de minimis* and does not violate the standard enunciated by the Board in *Milchem*.

As the Board stated in *Boston Insulated Wire*, "[E]lections must be appraised realistically and practically, and should not be judged against theoretically ideal, but nevertheless artificial, standards." *Id.* at 1118. In viewing the election realistically and practically, I find that a single comment in response to being asked a question by a single voter is r enough in itself to overturn an election.<sup>4</sup>

### **Objection 2: A Petitioner Committee Leader and Others Surveilled Areas Near the Polling Area**

For the reasons set forth in the hearing officer's report, and as amplified below, I agree with her recommendation to overrule Objection 2.

In Objection 2, the Employer avers that Committee Leaders and pro-Union supporters were present and electioneering at the service elevator landing during polling times of the election. The Employer asserts that the service landing area is an area where employees have to pass to get to the polling area to vote. In *Boston Insulated Wire*, there was a similar "must pass" zone as in the present case. The entrance to the polling place in *Boston Insulated Wire* was approximately 10 feet up from a set of glass-paneled doors opening to the Employer's parking lot. *Id.* at 1118. During voting, agents of the union passed out campaign leaflets and spoke to employees as they entered the main entrance to the building and the glass-paneled doors on their way to vote or to work. *Id.* The Board pointed out that the area had not been declared a

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<sup>4</sup> The Employer also excepts to the hearing officer's findings regarding the Petitioner observer's cell phone use and the fact that she hugged one voter who had been away from work, ill, for quite some time. The hearing officer found that the Petitioner observer did not use her cell phone, and I adopt that finding. The evidence is indisputable that the hug between the Petitioner observer and a voter took place, but the Petitioner observer testified that she had asked the Board Agent for permission first and had briefly hugged a colleague who had been ill and away from work. There is no evidence that this hug, even taken in conjunction with the Petitioner's observer's "left, left" comment, rises to the level set forth in *Brinks* or that the election should be overturned based on the factors set out in *Boston Insulated Wire*.

“no electioneering” area and that the electioneering did not violate any instructions by the Board Agent. *Id.* at 1119. The Board found that, even though the people passing out leaflets and speaking to employees were agents of the union, the evidence was “insufficient to warrant an inference that it interfered with the exercise of the employees’ free choice.” *Id.*

Here, the objection calls into question conduct that, even if true, is far less problematic than the conduct involved in *Boston Insulated Wire*. The record only shows that some people were in the landing area for the service elevator, which was 31 feet away from the voting location. These people did nothing more than offer cursory greetings to employees who passed by on the way to the polling area. In addition, the record does not show that any one person was in the landing area for a significant period of time. Even if Committee Leaders were agents of the Petitioner, the conduct described does not rise to the level of that in *Boston Insulated Wire*, where the Board found insufficient evidence to overturn the election.

In its exceptions brief, the Employer cites two primary cases in support of its objection: *Electric Hose & Rubber Co.*, 262 NLRB 186 (1982) and *Nathan Katz Realty*, 251 F.3d 981, 983 (D.C. Cir 2001). The facts in these cases are distinguishable from those present in this matter. The cases cited by the Employer are not electioneering cases or cases that address alleged electioneering conduct pursuant to an election. Rather, the cited cases involve unfair labor practices committed by the employer. This matter involves the processing of a petition and a question concerning representation, not whether the Employer has violated the Act. Second, the persons involved with the alleged surveillance of voting were management personnel, not employees or mere supporters of the union. Unfair labor practice conduct that interferes with employee Section 7 rights is not the same as electioneering conduct related to a representation election. As such, I find the cases cited by the Employer to be distinguishable from the objectionable surveillance conduct alleged in this matter.

**Objection 4 and 13: Petitioner Committee Leaders and Others (a) Photographed and Threatened to Report an Employee Who Was Opposed to the Petitioner to OSHA; (b) Photographed Employees Who Were Opposed to the Petitioner; (c) Threatened to Have an Employee Who Was Opposed to the Petitioner Arrested for Engaging in Anti-Petitioner Activities; (d) Engaged in Surveillance, Photographed, and, in Some Cases, Recorded Employees Who Were Opposed to the Petitioner; and (e) Recorded Employees Attending a Rally While Exercising Their Statutory Right to Display Pro-Employer Signs**

For the reasons set forth below and in the hearing officer’s report, I agree with her recommendation to overrule Objections 4 and 13.

In addition to the hearing officer’s analysis, I take administrative notice that Board Notices contain the following language:

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE. THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT

BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL.

...

ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER.

Because employees may not know who the Compliance Officer is, they may think the appropriate action is to report a defaced Notice to management or to some other authority, such as the police. Employees may also believe that persons who alter or deface Notices can be held responsible for their actions. Accordingly, under these circumstances, I do not consider the act of threatening to report someone for defacing a Notice to be objectionable conduct. To make it such would have the undesirable consequence of preventing employees from cooperating with Board proceedings.

**Objections 6 through 10: Petitioner Committee Leader Misconduct**

For the reasons set forth in the hearing officer's report, I agree with her recommendation to overrule Objections 6 through 10.

**Objection 11: Flyers Were Circulated to Employees Promising \$25 to Each Bargaining Unit Employee Who Voted for the Petitioner**

For the reasons set forth below and in the hearing officer's report, I agree with her recommendation to overrule Objection 11.

The only witnesses who testified about the alleged circulated flyers were found not credible, and I adopt the hearing officer's credibility determination regarding those witnesses. Further, as discussed above, Committee Leaders and other Petitioner supporters are not agents of the Petitioner. Even if a Committee Leader had placed the flyers as alleged by the Employer, the third-party standard would apply. Assuming that the flyers existed and as many as two employees saw them placed by Committee Leaders, that conduct, when analyzed under the third party standard would not be "so aggravated as to create a general atmosphere of fear and reprisal rendering a free election impossible." *See Westwood Horizons Hotel*, 270 NLRB 802, 803 (1984). Lastly, and perhaps most critically, the alleged flyers were not offered into evidence by the Employer during the hearing. The record thus lacks any credible evidence regarding the alleged content of these flyers.

**Objection 12: Petitioner Forged Employee Names on Campaign Materials to Make It Appear Those Employees Were Supporting the Petitioner When They Were Not**

For the reasons set forth in the hearing officer's report, and as amplified below, I agree with her recommendation to overrule Objection 12.

The Employer claims in Objection 12 that the Petitioner engaged in forgery as to certain of its campaign materials. This claim is not supported by the record. The Petitioner did not misrepresent how the "Trump Las Vegas Workers Petition" was going to be used. Likewise, the

Petitioner did not inform employees that the Petition they signed was confidential or mislead employees into believing that it was. The workers' petition was available for employees to sign and purported to be a letter to management asking that the Employer respect the signatures and agree to a fair election process. There is evidence that the workers petition was sent to management as stated. The Petitioner simply reproduced the workers' petition and signatures with a larger font. The Employer cites no authority to support its position that the enlargement of a document by its creator and owner constitutes forgery or fraud. However, even if the workers petition could be considered a forgery, it does not rise to the standard set forth in *Midland National Life Insurance Co.*, 263 NLRB 127, 133 (1982), as the document did not "render the voters unable to recognize propaganda for what it [was]." Under these circumstances, I find the Petitioner's conduct with regard to the flyers is neither objectionable nor a basis for directing a rerun of the election.

**Objection 14: A Petitioner Committee Leader Almost Completely Tore Down a Board Notice Posting and Photographed It to Make It Appear that the Employer Was Not Complying with Its Posting Requirements**

For the reasons set forth below and in the hearing officer's report, I agree with her recommendation to overrule Objection 14.

In Objection 14, the Employer contends objectionable conduct occurred during the critical period when a posted Board Notice was torn down by an alleged Committee Leader. There is no potential to "create a general atmosphere of fear and reprisal rendering a free election impossible" when a Board Notice posting is hanging loosely for ten minutes. *See Westwood Horizons Hotel*, 270 NLRB 802, 803 (1984). Any claim of a nefarious purpose by the Petitioner Committee Leader is belied by the quick reporting by that Committee Leader and the subsequent re-hanging of the Board Notice by the Employer. If the Petitioner Committee Leader wanted to show employees that the Employer did not care about the election process, she thwarted her own efforts. Accordingly, under these circumstances, the quick reporting and quick re-posting of the Board Notice negated any purported intent by the Petitioner or its Committee Leader. The Board Notice being down for ten minutes did not affect the results of the election, and the Committee Leader's actions to correct this problem does not amount to objectionable conduct.

**Objection 15: The Regional Director Improperly Held the Election on Prior to the Expiration of the 60-Day Notice Posting Period Without Obtaining a Waiver from the Petitioner as Required by Section 11734 of the Board's Casehandling Manual**

Contrary to the Employer's contentions in Objection 15, Section 11734 of the Board's Casehandling Manual does not apply to this case. On April 20, 2015, the Petitioner filed an unfair labor practice charge against the Employer in Case No. 28-CA-150529. On June 5, 2015, the Petitioner filed its Petition seeking to represent a unit of employees employed by the Employer. On June 12, 2015, the parties entered into a Stipulated Election Agreement. On June 24, 2015, the Petitioner filed a request that the Petition be blocked by Case No. 28-CA-150529. On June 24, 2015, I responded to the Request to Block by issuing an Order that postponed the election indefinitely. On August 31, 2015, I issued a Complaint in Case No. 28-CA-150529. On November 6, 2015, the Petitioner filed a Request to Proceed requesting that the



representation case proceed notwithstanding the unfair labor practice cases still pending, including Case No. 28-CA-150529. The Petitioner's November 6, 2015, Request to Proceed resulted in the petition being unblocked. On November 16, 2015, the parties entered into a Second Stipulated Election Agreement.

The Board's Casehandling Manual Part Two Representation Cases, Section 11731.1(a) states that a petition "may be processed notwithstanding the pendency of a Type I charge in a related C case, subject to the limitations set forth below, if the party filing the charge requests that the petition proceed". The limitations do not include the necessity of a written waiver from the Petitioner. Moreover, no waiver from Petitioner was required before commencing with the election because the requirements of Section 11734 did not apply at the time of the processing of the Second Stipulated Election Agreement. Once the petition was unblocked, there was no restriction as to when the election could proceed. Thus, the fact that a Settlement Agreement was entered into on November 20, 2015, in Case No. 28-CA-150529 and that the notice posting period was still in effect during the election is of no consequence.<sup>5</sup> The Petition was properly processed after being unblocked, and the election was held at an appropriate time.

### **Additional Exceptions**

#### **1. The Region Erred in Refusing to Add the TCPA Objection**

During the hearing, the hearing officer correctly stated my position that amendments to objections are not permitted during the hearing. Under Section 102.69(a) of the Board Rules and Regulations, objections must be filed by the close of business on the seventh day after the tally of ballots has been prepared and made available to the parties. Parties do not have the right to amend objections or file further objections after the seven-day filing period. *Rhone-Poulenc, Inc.*, 271 NLRB 1008 (1984); *Burns Security Services*, 256 NLRB 959 (1981). Further, I am not authorized by the Rules to extend the time for filing objections. *John I. Haas, Inc.*, 301 NLRB 300 (1991).

#### **2. The Hearing Officer Erred in Limiting the Employer's Subpoenas**

The hearing officer ruled that paragraph 4 of the Employer's subpoena would be limited to require only the production of responsive photographs or recordings if the Employer presented evidence of the taking of those photographs and recordings as part of its case in chief in the hearing on objections. This ruling was appropriate. The Employer filed objections to certain alleged conduct, investigated that alleged conduct, and presented a case based on that alleged conduct. Its investigations revealed a few instances of photographing and recording hotel employees, and the Employer placed witnesses on the stand testifying to these events. By requesting any and all photographs and recordings made or possessed by the Petitioner that show employees at work in the three weeks prior to the election, the Employer was going on a fishing expedition, trying to find potential witnesses it could not find during its investigation. It would

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<sup>5</sup> Section 11734 of the Board's Casehandling Manual addresses the processing of a petition **held** in abeyance, not a petition that at some prior time **had been held** in abeyance (emphasis supplied). There was no petition being held in abeyance at the time in which the Settlement Agreement in Case No. 28-CA-150529 was entered.

have been inappropriate for the hearing officer to have allowed the subpoena to stand as it was drafted by the Employer.

### **CONCLUSION**

Based on the above and after having carefully reviewed the entire record, the hearing officer's report and recommendations, and the exceptions and arguments made by the Employer and the limited exception and argument made by the Petitioner, I overrule the objections, and I shall certify the Petitioner as the representative of the appropriate bargaining unit.

### **CERTIFICATION OF REPRESENTATIVE**

**IT IS HEREBY CERTIFIED** that a majority of the valid ballots have been cast for Local Joint Executive Board of Las Vegas, A/W Unite Here International Union, and that it is the exclusive representative of all the employees in the following bargaining unit:

All full-time, regular part-time, and on-call employees in housekeeping, food and beverage (including all pool employees), and guest services employed by the Employer at the Trump International Hotel in Las Vegas, Nevada.

### **REQUEST FOR REVIEW**

Pursuant to Section 102.69(c)(2) of the Board's Rules and Regulations, any party may file with the Board in Washington, DC, a request for review of this decision. The request for review must conform to the requirements of Sections 102.67(e) and (i)(1) of the Board's Rules and must be received by the Board in Washington by April 4, 2016. If no request for review is filed, the decision is final and shall have the same effect as if issued by the Board.

A request for review may be E-Filed through the Agency's website but may not be filed by facsimile. To E-File the request for review, go to [www.nlr.gov](http://www.nlr.gov), select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the Request for Review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Room 4012 | Washington, D.C. 20003. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Dated at Phoenix, Arizona, this 21<sup>st</sup> day of March 2016.

*/s/ Cornele A. Overstreet*  
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Cornele A. Overstreet, Regional Director  
National Labor Relations Board, Region 28