

Eldorado Hotel Associates, a Nevada Limited Partnership, d/b/a El Dorado Hotel & Casino, Employer-Petitioner, and International Union of Operating Engineers Stationary Local No. 39, AFL-CIO.
Case 20-RM-1912

March 5, 1976

DECISION ON REVIEW

BY CHAIRMAN MURPHY AND MEMBERS JENKINS
AND PENELLO

On December 3, 1975, the Regional Director for Region 20 issued a Decision and Direction of Election in the above-entitled proceeding in which she found appropriate and directed an election in the Employer's alleged unit of maintenance employees employed at its Reno, Nevada, facilities. Thereafter, in accordance with Section 102.67 of the National Labor Relations Board Rules and Regulations, the Union filed a timely request for review of the Regional Director's decision on the grounds, *inter alia*, that in concluding that the alleged unit is appropriate she made findings of fact which are clearly erroneous and departed from officially reported precedent.

On January 12, 1976, the National Labor Relations Board, by telegraphic order, granted the request for review and stayed the election pending decision on review. Thereafter, the Employer filed a brief on review.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has considered the entire record in this proceeding with respect to the issue under review, including the Employer's brief on review, and hereby affirms the Regional Director's Decision and Direction of Election.¹

Accordingly, we shall remand the case to the Regional Director for the purposes of conducting an election pursuant to her Decision and Direction of Election, except that the payroll period for determining eligibility shall be that immediately preceding the date of this Decision on Review. [*Excelsior* footnote omitted from publication.]

¹The record discloses that, pursuant to a consent election in Case 20-RC-12261, the Union was certified for a unit of employees classified as maintenance engineers. In the course of negotiations with the Union in August 1975, after the Union had commenced to picket in support of its demands, the Employer presented wage proposals for the then existing classifications of maintenance engineer, maintenance man, and utility man, and the Union counterproposed that one employee should not be classified as utility but as maintenance man. The Employer testified that at present it employs four senior mechanics, three maintenance mechanics, and three utility men, and that they perform the same duties as were previously performed by the employees classified as maintenance engineers at the time of the certification. The Union does not controvert this testimony. Upon our review of the record we are satisfied that, despite the changes in size and description of the unit, it is essentially the same as that certified in 1974 pursuant to the consent election agreement. Also, although not specifically stated by the Regional Director, we have ascertained that she was administratively satisfied that sufficient "objective considerations" were present for the Employer to believe that the Union had lost its majority status. See *United States Gypsum Company*, 157 NLRB 652 (1966).