UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CAESARS ENTERTAINMENT d/b/a
RIO ALL-SUITES HOTEL AND CASINO

and **Case 28-CA-060841**

INTERNATIONAL UNION OF PAINTERS
AND ALLIED TRADES, DISTRICT COUNCIL 15,
LOCAL 159, AFL-CIO

ACTING GENERAL COUNSEL'S EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE

Pursuant to Section 102.46 of the Board's Rules and Regulations, the Acting General Counsel (General Counsel) files the following Brief in Support of Exceptions to the Decision of Administrative Law Judge William L. Schmidt, JD(SF)-11-12, issued on March 20, 2012, in this matter:

1. The Administrative Law Judge's (ALJ) failure to find that a rule governing employee "appearance standards" maintained in the employee handbook of Caesars Entertainment, Inc., d/b/a Rio All-Suites Hotel and Casino (Respondent) would not be reasonably construed by employees to prohibit Section 7 activity. (ALJD 4:2-20; JTX 1, pg. 2.7)

2. The ALJ's finding and conclusion that the maintenance of a rule requiring employees to obtain prior authorization before using Respondent's "public facilities" when off-duty was not overly broad and facially invalid. (ALJD 5:10-32; JTX 1, pg. 2.19, no. 9)

3. The ALJ's finding and conclusion that Respondent's maintenance of a rule requiring off duty employees to seek a "supervisor's or manager's" approval prior to visiting and utilizing Respondent's "public areas" is lawful and not facially invalid. (ALJD 5:10-32; JTX 1, pg 2.34)

4. The ALJ's finding and conclusion that a rule prohibiting employees from disclosing "organizational charts, salary structures, policy and procedure manuals" set forth in Respondent's employee handbook is not unlawful and facially invalid. (ALJD 7:15-48; JTX 1, 2.21)

5. The ALJ's finding and conclusion that a rule prohibiting employees from revealing "confidential information to unauthorized persons" is not overly broad and unlawful. (ALJD 7:15-48; JTX 1, pg 2.19, no. 10)

6. The ALJ's finding and conclusion of law that Respondent's "computer usage" policy set forth in the employee handbook is not does not violate the Act. (ALJD 8:42-45; 9:2-3; JTX 1. pg. 2.14)

7. The ALJ's finding and conclusion of law that the prohibition against the disclosure of confidential information under Respondent's "computer usage" policy is not violative of the Act. (ALJD 9:5-25; JTX 1, pg. 2.14)

8. The ALJ's finding and conclusion of law that the rule set forth in the employee handbook prohibiting employees from using camera phones to take photographs on Respondent's property without prior authorization is lawful. (ALJD 11:2-10; JTX 1, pg. 2.20, no. 24)

9. The ALJ's finding and conclusion of law that the rule set forth in the employee handbook prohibiting employees from using "[c]ameras, any type of audio visual recording

equipment and/or record device" unless authorized for business purposes is not violative of the Act. (ALJD 11:2-10; JTX 1, pg. 2.20, no. 24)

10. The ALJ's application of the Board's holding in *Flagstaff Medical Center,* 357 NLRB No. 65, slip op. (2001), in the context of an employer not in the health care industry to reach his finding and conclusion of law discussed in paragraph 9 and 10. (ALJD 10:20-45)

Dated at Las Vegas, Nevada, this 17th day of April 2012.

/s/ Pablo A. Godoy

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CERTIFICATE OF SERVICE

I hereby certify that the **ACTING GENERAL COUNSEL'S EXCEPTIONS TO THE DECISION OF THE ADMINISTRATIVE LAW JUDGE** in Case 28-CA-060841, were served via E-Gov, E-Filing, and electronic mail, on this 17th day of April 2012, on the following:

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