

NOT TO BE INCLUDED
IN BOUND VOLUMES

MHMc
Las Vegas, NV

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HACIENDA HOTEL, INC.
GAMING CORP. d/b/a
HACIENDA RESORT HOTEL
AND CASINO

and

SAHARA NEVADA CORP. d/b/a
SAHARA HOTEL AND CASINO

and

Cases 28-CA-013274 and
28-CA-013275

LOCAL JOINT EXECUTIVE BOARD
OF LAS VEGAS, CULINARY WORKERS
UNION LOCAL 226, and BARTENDERS
UNION LOCAL 165

ORDER DENYING MOTION¹

The Charging Party's motion for reconsideration of the Board's Decision and Order reported at 363 NLRB No. 7 (2015) is denied. The Charging Party has not identified any material error or demonstrated extraordinary circumstances warranting reconsideration under Section 102.48(d)(1) of the Board's Rules and Regulations.²

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² In determining an appropriate remedy for the conduct found unlawful by the court, the Board exercised its broad authority under Sec. 10(c) of the Act to tailor the remedy to fit the circumstances of the case. See 363 NLRB No. 7, slip op. at 2. Exercising this authority, the Board determined that dues reimbursement was not necessary to effectuate the purposes of the Act given the unusual circumstances of this case. See *id.* It is irrelevant that the Board, in fashioning this remedy, may have relied

Dated, Washington, D.C., July 26, 2016.

Philip A. Miscimarra, Member

Lauren McFerran, Member

Member Hirozawa, concurring.

While I disagree with the majority's conclusion in the underlying decision regarding the appropriate remedy for the reasons set forth in my partial dissent, I agree that the Charging Party has not established "extraordinary circumstances" warranting reconsideration under the Board's rules.

Kent Y. Hirozawa, Member

on factors relevant to whether to apply a new rule retroactively. See *id.* at 3 fn. 26. In addition, we disagree with the Charging Party's contention that the Board's Order is meaningless and moot. Assuming, as the Charging Party asserts, the Respondents have ceased operations, the Board's Order accounts for such a situation and requires the Respondents to mail a copy of the notice to all affected employees. See *id.* at 4. The Board has long viewed a notice mailing as an appropriate remedy because the mailing adequately informs employees of their rights under the Act and the violations that have occurred. See, e.g., *Indian Hills Care Center*, 321 NLRB 144, 144 (1996); see also *Parkview Hospital, Inc.*, 343 NLRB 76, 76 fn. 3 (2004).