

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

**TRUMP RUFFIN COMMERCIAL, LLC,
d/b/a TRUMP INTERNATIONAL HOTEL
LAS VEGAS**

and

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

**Cases 28-CA-177639
28-CA-177647
28-CA-179488**

**ORDER CONSOLIDATING CASES, CONSOLIDATED
COMPLAINT AND NOTICE OF HEARING**

Pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board (the Board) and to avoid unnecessary costs or delay, IT IS ORDERED THAT Cases 28-CA-177639, 28-CA-177647, and 28-CA-179488, which are based on charges filed by Local Joint Executive Board of Las Vegas, affiliated with Unite Here International Union (the Union), against Trump Ruffin Commercial, LLC, d/b/a Trump International Hotel Las Vegas (Respondent) are consolidated.

This Order Consolidating Cases, Consolidated Complaint and Notice of Hearing, which is based on these charges, is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Board's Rules and Regulations and alleges Respondent has violated the Act as described below.

1. (a) The charge in Case 28-CA-177639 was filed by the Union on June 3, 2016, and a copy was served on Respondent by U.S. mail on June 6, 2016.

(b) The charge in Case 28-CA-177647 was filed by the Union on June 3, 2016, and a copy was served on Respondent by U.S. mail on June 6, 2016.

(c) The charge in Case 28-CA-179488 was filed by the Union on July 6, 2016, and a copy was served on Respondent by U.S. mail on the same date.

2. (a) At all material times, Respondent has been a corporation with an office and place of business in Las Vegas, Nevada (Respondent's facility), and has been engaged in the operation of a hotel providing food and lodging.

(b) During the 12-month period ending June 6, 2016, Respondent in conducting its operations described above in paragraph 2(a), purchased and received at Respondent's facility goods valued in excess of \$50,000 directly from points outside the State of Nevada.

(c) In conducting its operations during the 12-month period ending June 6, 2016, Respondent derived gross revenues in excess of \$500,000.

(d) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

3. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

4. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

(b)(6), (b)(7)(C)
[Redacted]

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-
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-
-
-
-

(b)(6), (b)(7)(C)
[Redacted]

(b)(6), (b)(7)(C) - (b)(6), (b)(7)(C)
-

5. About early April 2016, a more precise date unknown to the General Counsel but particularly within the knowledge of Respondent, Respondent, by (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) at (b)(6), (b)(7)(C) office at Respondent's facility, threatened its employees with unspecified reprisals because they formed a union.

6. (a) Since about the beginning of 2016, a more precise date unknown to the General Counsel but particularly within the knowledge of Respondent, Respondent changed the start/stop times of its employee (b)(6), (b)(7)(C)

(b) Around (b)(6), (b)(7)(C) 2016, a more precise date unknown to the General Counsel but particularly within the knowledge of Respondent, Respondent disparately enforced its new Grooming Policy against its employee (b)(6), (b)(7)(C) by making (b)(6), (b)(7)(C) change (b)(6), (b)(7)(C) hair color.

(c) About (b)(6), (b)(7)(C) 2016, Respondent disciplined its employee (b)(6), (b)(7)(C)

(d) About (b)(6), (b)(7)(C) 2016, a more precise date unknown to the General Counsel but particularly within the knowledge of Respondent, Respondent disparately enforced its new Grooming Policy against its employee (b)(6), (b)(7)(C) by making (b)(6), (b)(7)(C) change (b)(6), (b)(7)(C) hair color.

(e) About (b)(6), (b)(7)(C) 2016, a more precise date unknown to the General Counsel but particularly within the knowledge of Respondent, Respondent

disparately enforced its new Grooming Policy against its employee (b)(6), (b)(7)(C) by making (b)(6), (b)(7)(C) change (b)(6), (b)(7)(C) hair color.

(f) Since about (b)(6), (b)(7)(C) 2016, Respondent changed the start/stop times of its employee (b)(6), (b)(7)(C)

(g) About (b)(6), (b)(7)(C), (b)(6), (b)(7)(C) and (b)(6), 2016, Respondent more closely supervised its employee (b)(6), (b)(7)(C)

(h) About early (b)(6), (b)(7)(C) 2016, a more precise date unknown to the General Counsel but particularly within the knowledge of Respondent, Respondent verbally disciplined its employee (b)(6), (b)(7)(C) by calling (b)(6), (b)(7)(C) to the office and telling (b)(6), (b)(7)(C) could not take (b)(6), (b)(7)(C) break towards the end of (b)(6), (b)(7)(C) shift.

(i) About (b)(6), (b)(7)(C) 2016, Respondent disciplined its employee (b)(6), (b)(7)(C) .

(j) About (b)(6), (b)(7)(C) 2016, Respondent disciplined its employee (b)(6), (b)(7)(C)

(k) About (b)(6), (b)(7)(C) 2016, Respondent more closely supervised its employee (b)(6), (b)(7)(C)

(l) About (b)(6), (b)(7)(C) 2016, Respondent, at Respondent's facility more closely supervised its employee (b)(6), (b)(7)(C)

(m) About (b)(6), (b)(7)(C) 2016, Respondent changed the job assignment and work station of its employee (b)(6), (b)(7)(C) .

(n) About (b)(6), (b)(7)(C) 2016, Respondent increased the workload of its employee (b)(6), (b)(7)(C)

(o) Respondent engaged in the conduct described above in paragraphs 6(a) through 6(n) because the named employees formed, joined, and assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

7. (a) The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

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; excluding all other employees including but not limited to front-desk employees, engineering and maintenance employees, office clerical employees, sales and marketing employees, security employees, human resources employees, finance employees, revenue employees, reservations, gift shop, spa, concierge and owner/guest relations, PBX, confidential employees, managerial employees, guards, and all supervisors as defined under the Act.

(b) On December 4 and 5, 2015, a representation election was conducted among the employees in the Unit and, on March 21, 2016, the Union was certified as the exclusive collective-bargaining representative of the Unit.

(c) At all times since December 5, 2015, the Union has been the exclusive collective-bargaining representative of the Unit.

(d) About (b)(6), (b)(7)(C) 2015, Respondent changed the work schedule of Unit employee (b)(6), (b)(7)(C)

(e) Since about the beginning of 2016, a more precise date unknown to the General Counsel but particularly within the knowledge of Respondent, Respondent changed the start/stop times of its Unit employee (b)(6), (b)(7)(C)

(f) About January 2016, Respondent changed its Grooming Policy for its Unit employees and enforced its grooming policy against its Unit employees, including (b)(6), (b)(7)(C)

(g) Since about (b)(6), (b)(7)(C) 2016, Respondent changed the start/stop times of its Unit employee (b)(6), (b)(7)(C).

(h) About early April 2016, a more precise date unknown to the General Counsel but particularly within the knowledge of Respondent, Respondent changed the time when its Unit employee (b)(6), (b)(7)(C) could take (b)(6), (b)(7)(C) breaks.

(i) About (b)(6), (b)(7)(C) 2016, Respondent changed the job assignment and work station of its Unit employee (b)(6), (b)(7)(C)

(j) About (b)(6), (b)(7)(C) 2016, Respondent increased the workload of its Unit employee (b)(6), (b)(7)(C)

(k) The subjects set forth above in paragraphs 7(d) through 7(j) relate to wages, hours, and other terms and conditions of employment of the Unit and are mandatory subjects for the purposes of collective bargaining.

(l) Respondent engaged in the conduct described above in paragraphs 7(d) through 7(j) without prior notice to the Union and without affording the Union an opportunity to bargain with respect to this conduct and the effects of this conduct.

8. By the conduct described above in paragraph 5, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

9. By the conduct described above in paragraph 6, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

10. By the conduct described above in paragraph 7, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees within the meaning of Section 8(d) of the Act in violation of Section 8(a)(1) and (5) of the Act.

11. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the consolidated complaint. The answer must be **received by this office on or before October 14, 2016, or postmarked on or before October 13, 2016.** Respondent should file the original copy of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website

informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the consolidated complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on November 29, 2016, at 9:00 a.m. (local time), at the Hearing Room of the National Labor Relations Board, 300 Las Vegas Blvd. South, Suite 2-901, Las Vegas, Nevada, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondents and any other party to this proceeding have the right to

appear and present testimony regarding the allegations in this consolidated complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Phoenix, Arizona, this 30th day of September 2016.

/s/ Cornele A. Overstreet

Cornele A. Overstreet, Regional Director

Attachments