

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NP PALACE LLC
Employer

and

Case 28-RC-211644

INTERNATIONAL UNION OF OPERATING
ENGINEERS LOCAL 501, AFL-CIO
Union

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.¹

MARK GASTON PEARCE, MEMBER

LAUREN McFERRAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

Dated, Washington, D.C., April 12, 2018.

¹ In denying review, we agree with the Regional Director that the D.C. Circuit's decision in *Bellagio, LLC v. NLRB*, 863 F.3d 839 (D.C. Cir. 2017), is distinguishable. Unlike the employees at issue in *Bellagio*, the technicians in the present case play no special role in enforcing the Employer's rules against their coworkers and other persons beyond that of any other employee, do not control access to the Employer's surveillance technology or play a key role in its use, and do not otherwise enforce the Employer's rules in a security context. Instead, the technicians merely provide a defined, supportive role to investigators or state gaming agents through technical assistance at the request of the slot supervisors. In this respect, we reject the Employer's argument that the court's decision in *Bellagio* dispensed with the requirement that guards act to enforce the Employer's rules in a security context. Last, we observe that the technicians are part of the Employer's Slot Department, whose core function is to install and maintain the Employer's gaming machines, not the Employer's separate Security Department, which provides traditional guard services and otherwise handles the Employer's security needs.