

BakerHostetler

Baker&Hostetler LLP

Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5403

T 202.861.1500
F 202.861.1783
www.bakerlaw.com

Louis J. Cannon
direct dial: 202.861.1563
ljcannon@bakerlaw.com

March 6, 2019

VIA ELECTRONIC FILING

Roxanne Rothschild
Executive Secretary
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Re: Club Quarters Hotel Times Square - Midtown, Case Nos. 02-RC-232157 and 02-RC-237044: Supplement to Request for Review

Dear Madam Executive Secretary:

Club Quarters Hotel Times Square, the Employer in the above-referenced cases (the “Employer”), filed a Request for Review yesterday in the above-referenced matters. Please consider this letter to be a supplement to the Request for Review.

As noted in the Request for Review, the Employer requested reconsideration of the Regional Director, Region 2’s acceptance of the Petitioner’s request to withdraw the petition in Case 02-RC-232157. As of 1:51 p.m. today, no decision has been communicated to the Employer. Presumably, one is not forthcoming. After the Request for Review was filed, the Region issued a docketing letter in Case 02-RC-237044 stating that a hearing on the new petition has been scheduled for March 13, 2019. Because the Region has indicated its intent to process the petition and hold a hearing, the Employer is of the opinion that its request for reconsideration has been denied *sub silentio*. There is, therefore, no impediment to the Board’s consideration of the Request for Review filed yesterday.

The setting of a hearing next week in the new case highlights the urgency of the Employer’s request that the processing of the new petition be stayed pending the Board’s consideration of the Request for Review. The threat to employees’ Section 7 rights is real and immediate. Housekeeping employees voted on January 2, 2019. The Employer’s contention is that the ballots cast on that day should be counted. If Housekeeping employees vote again and the result

Roxanne Rothschild
March 6, 2019
Page 2

is certified with their votes from January 2 in an earlier election impounded and potentially counted at a later date, there will be confusion as to whether or not those employees are represented by the Petitioner.

Additionally, the Employer already has been put to the expense *twice* of preparing for hearings only to be thwarted on the day of the hearing by a refusal to hear evidence. It is fundamentally unfair to the Employer to have this happen a third time, and potentially a fourth time in the event the Board agrees that the Regional Director should be instructed to take evidence regarding the appropriateness of the unit in which he ordered an election on January 2, 2019. It also is unfair to the Employer to have its operations disrupted by a second election campaign that likely will turn out not to have been necessary.

Finally, significant agency resources have been expended already. It simply is not in the public interest to have a second petition involving the same employees who already have voted processed, where the ballots in the first election may (and should) be counted at a later date and that result certified.

We reiterate, then, the urgent request that the Board intervene immediately and stay the processing of the petition in Case 02-RC-237044. We thank the Board in advance for its consideration of the Employer's urgent request.

Sincerely,

/s/

Louis J. Cannon

Cc: Sheri Preece, Esq. (counsel for Petitioner,
via email)
John Walsh (via Board's e-filing system)
Jay Krupin
Charles Guzak