

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NP SUNSET LLC D/B/A SUNSET STATION  
HOTEL & CASINO  
Employer

and

Case 28-RC-242249

LOCAL JOINT EXECUTIVE BOARD OF  
LAS VEGAS A/W UNITE HERE  
INTERNATIONAL UNION  
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Certification of Representative is denied as it raises no substantial issues warranting review.<sup>1</sup>

JOHN F. RING,	CHAIRMAN
MARVIN E. KAPLAN,	MEMBER
WILLIAM J. EMANUEL,	MEMBER

Dated, Washington, D.C., April 13, 2020

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<sup>1</sup> In denying review, we find it unnecessary to pass on whether the union supporters who "stationed" themselves throughout the Employer's facility on the day of the election were acting as special agents of the Petitioner. As the Regional Director found, even if they were agents of the Petitioner, their conduct at the facility on the day of the election was not objectionable. In this regard, we agree with the Regional Director's finding that *Nathan Katz Realty, LLC v. NLRB*, 251 F.3d 981 (D.C. Cir. 2001), is distinguishable from this case, but we do not rely on the Regional Director's reasoning. Instead, we rely on the fact that the alleged party conduct in *Katz* took place within an established no-electioneering zone, was contrary to the instructions of a Board agent, and involved the "continued presence" of union agents in an area employees "had to pass" in order to vote. None of these circumstances are present in the instant case.

Member Kaplan notes that many of the issues in this case could have been avoided by the designation and enforcement of a no-electioneering zone. He believes this issue should be addressed in a future appropriate proceeding.