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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

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

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

and

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

ORDER DENYING MOTION

The Respondent's motion for reconsideration of the Board's Fourth Supplemental Decision and Order, reported at 367 NLRB No. 101 (2019), is denied both as untimely and on the merits. It is untimely because Section 102.48(c)(2) of the Board's Rules and Regulations requires the filing of motions for reconsideration within 28 days after service of the Board's decision, and the motion here was filed more than 1 year after service of the challenged decision. On the merits, the Respondent has not identified any material error or demonstrated extraordinary circumstances warranting reconsideration under Section 102.48(c)(1) of the Board's Rules and Regulations. In this regard, we reject the

Respondent's argument that the Board's recent decision in *Valley Hospital Medical Center*, 368 NLRB No. 139 (2019), warrants reconsideration of the underlying decision here, which was issued as a matter of law of the case pursuant to the court's orders in *Local Joint Executive Board of Las Vegas v. NLRB*, 883 F.3d 1129 (9th Cir. 2018), and *Local Joint Executive Board of Las Vegas v. NLRB*, 657 F.3d 865 (9th Cir. 2011). Any request for relief from the Board's order must therefore be directed to the Ninth Circuit.¹

Dated, Washington, D.C., June 3, 2020.

John F. Ring, Chairman

Marvin E. Kaplan, Member

William J. Emanuel, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

¹ On May 14, 2020, Intervenor Archon Corporation filed a Motion to Stay the compliance proceedings in this case pending the disposition of the present motion for reconsideration. Having denied the latter motion, we deny the Motion to Stay as moot.