

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 20**

**HAWAII PRINCE HOTEL WAIKIKI LLC DBA  
PRINCE WAIKIKI**

**Employer**

**and**

**Case 20-RC-261009**

**UNITE HERE LOCAL 5**

**Petitioner**

**DECISION AND DIRECTION OF ELECTION**

Hawaii Prince Hotel Waikiki LLC dba Prince Waikiki (Employer) operates a hotel in Honolulu, Hawaii that provides hospitality and resort services. UNITE HERE Local 5 (Petitioner) seeks by the instant Petition to represent a unit of approximately 358 hotel employees.

The Employer contends that an election is inappropriate at this time due to the hotel's operations being substantially curtailed because of the COVID-19 pandemic, resulting in the layoff of a majority of its workforce. The Employer believes that if an election is directed at this time, it should be a manual election, or at the very least, a mixed manual-mail election. The Petitioner argues that an election is appropriate at this time, and that it should be a mail-ballot election.

A hearing officer of the National Labor Relations Board (Board) held a hearing in this matter on June 15, 2020. Both parties made an oral argument at the conclusion of the hearing. Based on the record evidence and extant law, I find that the Employer has not met its burden to show that the layoffs are permanent, rather than temporary. Accordingly, the temporarily laid-off employees are eligible to vote and an election is appropriate at this time. Additionally, under the circumstances of this case, a mail-ballot election is appropriate. I have directed an election accordingly.

**I. STATEMENT OF FACTS**

In lieu of witnesses, a stipulation was received on the substantive issue regarding the layoffs. The parties submitted Joint Exhibit 1, which reads:

1. On or about March 21, 2020, the State of Hawaii imposed a mandatory 14-day quarantine on all visitors and residents entering the State of Hawaii as of March 26, 2020. That quarantine was later extended to travel between the Hawaiian Islands. On June 10, 2020, the Governor of Hawaii announced that the 14-day quarantine will be extended to July 31, 2020 with the exception of interisland travel which will resume on June 15, 2020. True and correct copies of the Governor's Orders are attached hereto as Exhibit A without the exhibits attached to the June 10, 2020 Order.
2. On March 28, 2020, the Hotel temporarily suspended its operations except as set forth in this Stipulation. The Hawaii Prince Golf Club, which is not part of the petitioned for unit, suspended and then resumed operations independently of the Hotel as golf courses are addressed separately in the Mayor's Orders.
3. The Hotel has 563 guest rooms. Beginning on about June 3, 2020, the Hotel has provided services to airline crews. The airline crews occupy approximately 23 rooms per night. The crews are transported to the Hotel by a shuttle bus, where employees check them into their rooms for an overnight stay. The crews receive a meal prepared for them by the Hotel employees. The next day the crews leave the Hotel and are transported from the Hotel by shuttle bus. The Hotel does not operate the shuttle bus.
4. Since on or about March 28, 2020, approximately fifty (50) employees in the petitioned-for unit have continued to report to work at the Hotel on a regular basis. Among those employees are room attendants, public areas cleaners, maintenance/ engineering employees, cooks, stewards, food and beverage order takers, front desk agents (aka guest services ambassadors) and night audit. These employees service the airline crews, work on special projects in the maintenance, housekeeping and front office departments, and prepare meals for the other employees working in the Hotel or attending meetings at the Hotel. On about June 8, 2020, employees in the Culinary Department of the petitioned-for unit prepared approximately 150 meals for employees present at the Hotel to work or attend meetings.
5. The Hotel's main restaurant is called 100 Sails. On two days in May 2020, the Hotel provided to-go service from the 100 Sails Restaurant to members of the public of a single choice offering. Employees in the petitioned-for unit took customer orders in advance, cooked the food, delivered the food to customers at the curb and cleaned the kitchen. The service sold out. The Hotel will again provide to-go service of a single choice offering from the 100 Sails Restaurant to members of the public on June 12 and 13, 2020. Employees in the petitioned-for unit will take customer orders in advance, cook the food, deliver the food to customers at the curb and clean the kitchen.
6. As late as June 11, 2020, the Hotel had announced on its website that it was taking reservations for stays beginning on July 1, 2020 and beyond. Because the Governor extended the 14-day quarantine until July 31, 2020, any reservations made for the period

before August 1, 2020 will need to be rebooked to a time when the Hotel reopens to the public. The Hotel is now taking reservations for stays beginning on August 1, 2020 and beyond. The Hotel is offering special discounts through the end of 2020 to attract customers to the Hotel and its restaurant.

7. The Hotel has developed plans for operating the Hotel upon full reopening. According to the Hotel, the planned changes are intended to protect employees and guests from contracting Covid-19. Those plans are subject to revision if the State or County changes regulatory requirements.
8. Dine-in restaurant service recommenced in the City and County of Honolulu as of June 5, 2020. A true and correct copy of Emergency Order No. 2020-14 issued by the Mayor of the City and County of Honolulu is attached hereto as Exhibit B. The Hotel has not yet resumed offering dine-in service to members of the public.
9. There are approximately 350 employees in the petitioned for unit. The Hotel has not permanently furloughed or laid off any employees in the petitioned-for unit. Employees were initially furloughed on March 28, 2020 until April 23, 2020 and were not paid unless they used accrued paid time off or worked. Starting on April 23, 2020, all employees were placed back on the Hotel's payroll. Starting June 16, 2020, only those employees who are working will be paid. After June 16, 2020, the Hotel will continue to provide employees with medical and dental coverage and access to accrued paid time off, and allow employees to contribute to their 401k accounts.
10. The Hotel does not use email as the primary method of communicating with employees in the petitioned-for unit. Since March 28, 2020, the Hotel has held meetings with employees by Zoom, and many employees have participated.
11. Between June 8 and 12, 2020, the Hotel has required all employees in the petitioned-for unit to attend a mandatory two-hour meeting at the Hotel, which is conducted in small groups. At the meetings, Hotel management addressed how the Hotel will operate upon reopening.

And, the parties orally stipulated to the following relevant facts:

1. The Employer has been advised by American Airlines that they may require an additional 18 guest rooms starting July 6, and if those rooms are occupied by flight crews under the exemption for the quarantine, that would require an additional two housekeepers beginning July 6.
2. As of June 15, there were Chinese military officials staying at the Hotel, which would require additional employees while they were there.

## II. APPLICATION OF BOARD LAW TO THE FACTS OF THIS CASE

The Employer argues that the Region should postpone the election until a substantial complement of employees have returned to work, and cites *Danbury Ambulance Service* 369 NLRB No 68 (2020), an unfair-labor-practice case in which the Board addressed the impact of the COVID-19 pandemic and determined that the 60-day Notice posting period should not begin until 14 days after the facility reopened and a substantial complement of employees had returned to work. The Employer also relies on GC 20-06, in which the General Counsel applied the *Danbury* decision to informal settlements and indicated that, in his view, a substantial complement of employees for Notice-posting purposes is at least 50 percent of the employees employed prior to the closing. The Employer's reliance on *Danbury* and GC 20-06 is misplaced, as neither applies to representation cases.

The Employer also asserts that the laid off employees may be precluded from voting because the Board has usually required employees to average four hours per week during the 13 weeks immediately preceding the eligibility date. However, the Employer's reliance on the *Davison-Paxon* formula is misplaced because the test applicable to the eligibility of laid-off employees is "whether there exists a reasonable expectancy of employment in the near future." *Higgins, Inc.*, 111 NLRB 797, 799 (1955); see *Pavilion at Crossing Pointe*, 344 NLRB 582, 583 (2005); *Madison Industries*, 311 NLRB 865, 866 (1993). See *Nordam, Inc.*, 173 NLRB 1153 (1969), for a factual analysis of evidence in determining whether at the time of layoff the employees in question "had a reasonable expectancy of reemployment in the near future." See also *D. H. Farms Co.*, 206 NLRB 111, 113 (1973); *Tomadur, Inc.*, 196 NLRB 706 (1972).

The Board examines several factors in determining voter eligibility, including the employer's past experience and future plans, the circumstances surrounding the layoff, and what the employees were told about the likelihood of recall. *Apex Paper Box Co.*, 302 NLRB 67 (1991).

The record reflects that on March 28, 2020, the Hotel temporarily suspended its operations because of decreased tourism due to government regulations implemented in response to COVID-19. However, approximately fifty (50) employees in the petitioned-for unit have continued to report to work at the Hotel on a regular basis.

The record clearly shows that the laid off employees have "a reasonable expectancy of reemployment in the near future." As set forth in Joint Exhibit 1, the Employer readily acknowledges that it has not permanently laid off any employees. Benefits are still being conferred, and Joint Exhibit 1 explains that the Employer will continue to provide all employees, including the laid-off employees, with benefits. Although employees were initially furloughed until April 23, the Employer thereafter placed them back on its payroll and has conducted regular meetings among them to prepare for its imminent and full reopening.<sup>1</sup>

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<sup>1</sup> The Employer can recall no prior history of a mass layoff of its employees.

By way of comparison, in *Apex Paper Box Co*, supra, the employer laid off employees due to a fire at its Puritas facility that destroyed nearly everything. At the time of lay off, the Employer explained that all was lost and that they should submit applications if they wished to work at one of its other facilities. However, the employer explained that vacant positions were limited and there were no guarantees. It encouraged them to stay in contact in the event of recall and to contact the personnel department with any questions. Meanwhile, the employer had no way of recouping the lost manufacturing because it did not plan to build a new facility and space was limited at its other facilities for new equipment. As it turned out, three of the laid-off employees were recalled to work at the Apex facility just prior to the election, but after the payroll period for eligibility. The Board sustained the challenges to the ballots cast by those three individuals on the basis that they did not have a reasonable expectation of recall as of the eligibility date. The Board reasoned that the destruction of the Puritas facility and equipment gave the layoffs the appearance of being “of a permanent nature and expectation of recall was less than reasonable.” It further explained that the employer’s “expected inability to make up for lost production seriously diminished the reasonableness of any expectation of recall.” Id at 69.

Conversely, in the instant case, both the Employer and the laid-off employees understand that the layoffs are temporary, that the Employer has intended all along to reemploy them, and that there is a date certain for reopening the hotel in full. Coupled with the constant communication, training, and the continuation of benefits, I conclude that the employees have a reasonable expectation of reemployment in the near future and are thus eligible to vote in the election.

### III. MAIL BALLOT ELECTION

Congress has entrusted the Board with a wide degree of discretion in establishing the procedure and safeguards necessary to insure the fair and free choice of bargaining representatives, and the Board, in turn, has delegated the discretion to determine the arrangements for an election to Regional Directors. *San Diego Gas and Elec.*, 325 NLRB 1143, 1144 (1998); citing *Halliburton Services*, 265 NLRB 1154 (1982); *National Van Lines*, 120 NLRB 1343, 1346 (1958); *NLRB v. A.J. Tower Co.*, 329 U.S. 324, 330 (1946). This discretion includes the ability to direct a mail-ballot election where appropriate. *San Diego Gas & Elec.* at 1144-1145.

The Board’s longstanding policy is that elections should generally be conducted manually. NLRB Casehandling Manual Part Two Representation Proceedings, Sec. 11301.2. However, a Regional Director may reasonably conclude, based on circumstances tending to make voting in a manual election difficult, to conduct an election by mail ballot. Id. This includes a few specific situations addressed by the Board, including where voters are “scattered” over a wide geographic area, “scattered” in time due to employee schedules, in strike situations, or other extraordinary circumstances. *San Diego Gas*, supra at 1145.

On May 8, 2020, the Board, in an Order denying a request for review in *Atlas Pacific Engineering Company*, Case 27-RC-258742, addressed a mail ballot determination in the context of the COVID-19 pandemic. In its footnote to that Order, the Board noted that *San Diego Gas* contemplated “extraordinary circumstances” beyond the considerations described above, and that circumstances in place at the time – federal, state, and local government directives limiting nonessential travel, requiring the closure of nonessential businesses, and the Regional office conducting the election on mandatory telework – constituted a valid basis for directing a mail ballot election in that case after considering the conditions surrounding a manual election.

Here, the Petitioner argues that the instant case is appropriate for a mail-ballot election due to the ongoing public health concerns regarding the COVID-19 pandemic. For example, if a manual election were held, the observers, voters, and the Board agent conducting the election would all have to interact with one another in close quarters for long periods of time using shared materials, such as the pens and booths that the voters would use to complete their ballots. The Employer argues that the election should be stayed until a representative complement of employees is working, and alternatively, absent a stay, the election should be a manual one or at least mixed mail-manual. The Employer argues that it could take safety precautions for a manual or mixed mail-manual election such as using multiple rooms, holding multiple voting sessions, and having voters social distance while waiting in line.

Having carefully considered the parties’ positions and the election arrangements that the Employer asserts it is prepared to make, I conclude that postponing the election is not warranted and that a mail-ballot election is appropriate here. First, I note that a supermajority of employees are laid off and their whereabouts are unknown. While they have been required to attend meetings by videoconference, they could be located anywhere. Even assuming that all of the Unit employees were in Honolulu on the chosen date for a manual election, they would nevertheless then be required to travel to the hotel in order to vote. This scattering of employees, standing alone, is enough to justify a mail-ballot election. However, the current pandemic presents other hurdles to conducting a manual election of any kind here. As noted by the Board in its recent unpublished decision in *Crozer-Chester Medical Center*, Case 04-RC-257107, the Board’s general obligation is to maintain operations to the extent that it is safe and feasible to do so. After a brief pause at the beginning of the COVID-19 pandemic, the Board has resumed conducting representation elections where appropriate measures are available to permit a safe election. I have determined that in this case a mail ballot election permits a safe election to take place.

Under normal circumstances, and absent employee scatter, I would almost certainly direct a manual election. However, the current pandemic does not present normal circumstances. It is uncontroverted that the pandemic has impacted the State of Hawaii, including Honolulu, where the Employer’s hotel is located. Although requirements have been eased and a slow reopening has begun, guidelines continue to be in place at the federal, state and local level recommending avoiding unnecessary travel, social contact, and conducting business remotely when possible.

Although certain safety measures, if obeyed by everyone and carried out to perfection, might limit some close interaction and mitigate some of the unnecessary risks associated with conducting a manual or mixed mail-manual election here, the Board's mail-ballot process all but eliminates the inherent safety risks and equally ensures that employees can conveniently and freely exercise their right to vote. While the Board certainly prefers manual balloting, it does not shy away from balloting by mail when the circumstances warrant it. Indeed, the Board's preference for manual elections is not to be interpreted as a suggestion that mail balloting is somehow inferior or a less reliable or effective means of determining employees' representational desires. As the Board noted in *London's Farm Dairy, Inc.*, 323 NLRB 1057, 1058 (1997):

[W]hile we agree with our dissenting colleague that the Agency has a proud long tradition of conducting elections by manual balloting and that most elections have been and are conducted manually, it has an equally long history of conducting elections by mail. From the earliest days of the Act, the Board has permitted eligible voters in appropriate circumstances to cast their ballots by mail. See, for example, *Lykes Bros. S.S. Co.*, 2 NLRB 102, 108, 111 (1936); *United Press Assns.*, 3 NLRB 344, 352 (1937); *Pacific Greyhound Lines*, 4 NLRB 520, 539 (1937); *Pacific Lumber Inspection Bureau*, 7 NLRB 529, 534 (1938); *Salt River Valley Water Users Assn.*, 32 NLRB 460, 472 (1941); *Continental Bus Systems*, 104 NLRB 599, 601(1953); and *National Van Lines*, 120 NLRB 1343 (1958).

In sum, the Board's mail-ballot procedures are tried and true, and provide a proven, suitable, and safe alternative to manual balloting in these circumstances.<sup>2</sup>

#### IV. CONCLUSION

Under Section 3(b) of the Act, I have the authority to hear and decide this matter on behalf of the National Labor Relations Board. Upon the entire record in this proceeding, I find:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

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<sup>2</sup> See the majority opinion in *London's Farm Dairy, Inc.*, supra, in which the Board dispatched with the unsubstantiated notion that balloting by mail is somehow less effective or lends itself to subterfuge, coercion, invasion of privacy or other abuse. As the Board observed then, "Indeed, in the 62-year history of the Act, there has been only one reported instance of such abuse, see *Human Development Assn.*, 314 NLRB 821 (1994), and there is a similar record in the 71-year history of the Railway Labor Act (RLA), under which the use of mail ballots in representation elections has been the rule and not the exception." Also note that no manual election has been conducted by the National Mediation Board (NMB) under the RLA since 1987. Simply put, the Board has a long and proud tradition of conducting manual- and mail-ballot elections alike. It simply prefers manual elections when, unlike here, they are feasible, safe, and practical to conduct.

2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.<sup>3</sup>
3. The Petitioner is a labor organization within the meaning of Section 2(5) of the Act and claims to represent certain employees of the Employer.
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
5. The following employees of the Employer constitute a voting group appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act.<sup>4</sup>

**Included:** All full time and regular part time employees employed by the Employer in the **Housekeeping Department** (Housekeeping Clerk; Housekeeping Inspector/Inspectress; Housekeeping General Cleaner I; Housekeeping General Cleaner II; Housekeeping Room Attendant; Housekeeping Turndown Attendant; Housekeeping Seamster/ Seamstress; Laundry Attendant I; Laundry Attendant II; Laundry Uniform Attendant); **100 Sails Restaurant** (100 Sails Barback; 100 Sails Bartender; 100 Sails Greeter; 100 Sails Lounge Server; 100 Sails Service Attendant; 100 Sails Service Cashier; 100 Sails Waithelp); **Stewarding Department** (100 Sails Buffet Runner; 100 Sails Senior Steward Supervisor; 100 Sails Utility Steward; Banquets Utility I; Banquets Utility Steward; Banquets Steward; Supervisor; Cafeteria Utility Steward); **Engineering Department** (Engineering Maintenance I; Engineering Maintenance II; Engineering Maintenance III; Engineering Supervisor); **Culinary Department** (100 Sails Cook II Dinner; 100 Sails Cook III; 100 Sails Cook IV; 100 Sails Lead Cook Dinner; 100 Sails Lead Cook Lunch; 100 Sails Lead Pantry; 100 Sails Pantry I; 100 Sails Pantry II; 100 Sails Pastry Cook II; Banquets Baker III; Banquets Cook II Lunch; Banquets Cook IV; Banquets Lead Pastry Cook; Banquets Pantry I; Banquets Pantry II; Banquets Pastry Cook II; Cafeteria Cook II Lunch; Hinana Bar Cook IV; Pantry II); **Banquet Department** (Banquets Bartender; Banquets Captain; Banquets Cashier; Banquets Houseperson; Banquets Lead Houseperson; Banquets Waithelp); **Beverage Department** (Hinana Bar Bartender, Hinana Bar Waithelp); **Front Office Department** (Club Ambassador; Communication Ambassador; Concierge Ambassador; Concierge Lobby Greeter; Front Services Ambassador; Front Services Ambassador Supervisor; Front Services Bell Desk

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<sup>3</sup> During the hearing, the parties stipulated to the following commerce facts:

The Employer, Hawaii Prince Hotel Waikiki LLC dba Prince Waikiki, a Hawaii limited liability company with a place of business in Honolulu, Hawaii, is engaged in hospitality and resort services. During the past twelve-month period, the Employer derived gross revenues valued in excess of \$500,000 and received materials and supplies valued in excess of \$5,000 directly from places located outside the State of Hawaii.

<sup>4</sup> The parties have stipulated that the above unit of employees is an appropriate unit for the purposes of collective bargaining, although the parties have agreed that the public area supervisor shall be permitted to vote subject to challenge.

Ambassador; Guest Services Ambassador; Guest Services Night Audit Ambassador; Parking Valet); **Room Service** (IRD Food & Beverage Service Agent, IRD Waithelp) and **Storeroom** (Purchasing Storekeeper).

**Excluded:** All Managers, Section 2(11) supervisors, confidential employees, guards, Sales Department employees, Culinary Department and Engineering Department administrative employees, “Hawaii Prince Golf Club” employees employed at 91-1200 Fort Weaver Road, Ewa Beach, HI 96706 and landscape contractors.

## V. DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit above. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by UNITE HERE Local 5.

### A. Election Details

The election will be conducted by mail. The mail ballots will be mailed to employees employed in the appropriate collective-bargaining unit by staff members from the office of the National Labor Relations Board, SubRegion 37 (Region 20), on July 9, 2020. Voters must return their mail ballots so that they will be received in the National Labor Relations Board, SubRegion 37 office by close of business on August 7, 2020. In order to be valid and counted, the returned ballots must be received at the SubRegion 37 office prior to the counting of the ballots.

**All ballots will be commingled and counted** at a location to be determined by the Regional Director at 10 am on August 14, 2020.<sup>5</sup>

Any person who has not received a ballot by July 23, 2020, should immediately contact the SubRegion 37 office at (808) 541-2814, or our national toll-free line at 1-866-667- NLRB (1-866-667-6572).

### B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending **June 15, 2020**, including employees who did not work during that period because they were ill, on vacation, or those who were temporarily laid off, as discussed above.

Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic

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<sup>5</sup> If, on the date of the count, the SubRegion 37 office is closed, or if the Board agent conducting the count is working remotely due to COVID-19 concerns, the count will be done remotely. In that event, the parties will be provided information on how to participate in the count by videoconference.

strike that commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period, (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date, and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

### C. Voter List

As required by Section 102.67(1) of the Board's Rules and Regulations, the Employer must provide the Regional Director and parties named in this decision a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters.

To be timely filed and served, the list must be *received* by the Regional Director and the parties by **July 2, 2020**. The list must be accompanied by a certificate of service showing service on all parties. **The Subregion will not serve the voter list.**

Unless the Employer certifies that it does not possess the capacity to produce the list in the required form, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or .docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at [www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015](http://www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015).

When feasible, the list shall be filed electronically with the Region and served electronically on the other parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency's website at [www.nlr.gov](http://www.nlr.gov). Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions.

Failure to comply with the above requirements will be grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

**D. Posting of Notices of Election**

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees. The Employer must post copies of the Notice at least 3 full working days prior to 12:01 a.m. of the day of the election and copies must remain posted until the end of the election. For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays. However, a party shall be estopped from objecting to the nonposting of notices if it is responsible for the nonposting, and likewise shall be estopped from objecting to the nondistribution of notices if it is responsible for the nondistribution.

Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

**RIGHT TO REQUEST REVIEW**

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 14 days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

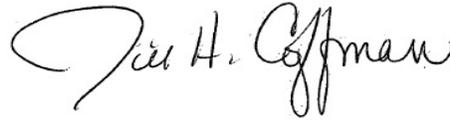
A request for review may be E-Filed through the Agency's website but may not be filed by facsimile. To E-File the request for review, go to [www.nlr.gov](http://www.nlr.gov), select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Neither the filing of a request for review nor the Board's granting a request for review will stay the election in this matter unless specifically ordered by the Board.

Hawaii Prince Hotel Waikiki LLC dba  
Prince Waikiki  
Case 20-RC-261009

June 30, 2020

Dated at San Francisco, California this 30<sup>th</sup> day of June 2020.



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Jill H. Coffman  
Regional Director  
National Labor Relations Board  
Region 20  
901 Market Street, Suite 400  
San Francisco, California 94103