

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

**FP HOLDINGS, L.P. d/b/a
PALMS CASINO RESORT**

and

Case 28-CA-159903

**LOCAL JOINT EXECUTIVE BOARD
OF LAS VEGAS, CULINARY WORKERS
UNION LOCAL 226 AND BARTENDERS
UNION LOCAL 165 affiliated with UNITE HERE**

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by the Local Joint Executive Board of Las Vegas, Culinary Workers Union Local 226 and Bartenders Union Local 165 affiliated with UNITE HERE (the Union). It is issued pursuant to 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq. and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that FP Holdings L.P. d/b/a Palms Casino Resort (Respondent) has violated the Act as described below.

1. The charge in this proceeding was filed by the Union on September 11, 2015, and a copy was served on Respondent by U.S. mail on September 14, 2015.

2. (a) At all material times, Respondent has been a limited partnership with an office and place of business in Las Vegas, Nevada (Respondent's facility), and has been operating a hotel and casino providing gaming, food, lodging, and entertainment.

(b) During the 12-month period ending September 11, 2015, Respondent in conducting its operations described above in paragraph 2(a), purchased and

received at Respondent's facility goods valued in excess of \$50,000 directly from points outside the State of Nevada.

(c) In conducting its operations during the 12-month period ending September 11, 2015, Respondent derived gross revenues in excess of \$500,000.

(d) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

3. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

4. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act.

Todd Greenberg	-	President and CEO
Christopher Joy	-	Vice President
Joshua Knight	-	Security Officer
Fred Bennett	-	Security Officer
Susan Moto	-	PAD Assistant Manager
Mike Flores	-	PAD Assistant Manager
Silvia (last name unknown)	-	Housekeeping Supervisor
Jason (last name unknown)	-	PAD Supervisor
Rosa Morena	-	PAD Supervisor
Mara (last name unknown)	-	Graveyard Supervisor
Names Unknown	-	Security Officers

5. (a) About June 6, 2015, Respondent, by Silvia (whose last name is currently unknown to General Counsel), in the housekeeping department at Respondent's facility, by telling its employees that the Union was going to steal their money, informed its employees that it would be futile for them to select the Union as their bargaining representative.

(b) Since about June 6, 2015, Respondent, by Christopher Joy (Joy), in the housekeeping department at Respondent's facility, by attending pre-shift meetings the same week Committee Leaders began wearing Union buttons, created an impression among its employees that their union activities were under surveillance by Respondent.

(c) About mid-June 2015, a more precise date being unknown to the General Counsel, Respondent, by Joshua Knight (Knight), near the Employee Entrance at Respondent's facility:

(1) threatened its employees with unspecified reprisals if they supported the Union as their bargaining representative; and

(2) engaged in surveillance of its employees engaged in union activities.

(d) About July 23 2015, Respondent, by Knight, near the Employee Entrance at Respondent's facility, engaged in surveillance of its employees engaged in union activities.

(e) Since about July 23 2015, Respondent, by three security officers (whose names are currently unknown to General Counsel), in employee transport vehicles near the Employee Entrance at Respondent's facility, engaged in surveillance of employees to discover their union activities.

6. (a) About June 6, 2015, Respondent increased benefits of its employees by:

(1) granting a wage increase to its employees;

(2) providing free food to its employees; and

(3) raffling money prizes, flat-screen televisions, restaurant gift-cards, among other items.

(b) Since about the first week of June 2015, Respondent imposed onerous and rigorous terms and conditions of employment on its employee Jose Luis Cuevas Guzman by assigning him to more arduous and less agreeable job assignments.

(c) About July 23, 2015, Respondent disciplined its employee Juan J. Sanchez.

(d) Respondent engaged in the conduct described above in paragraphs 6(a) through 6(c) because the named employees of Respondent and the employees of Respondent formed, joined and assisted the Union, and engaged in concerted activities, and to discourage employees from engaging in these activities.

7. By the conduct described above in paragraph 5, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

8. By the conduct described above in paragraph 6, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

9. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be

received by this office on or before November 13, 2015, or postmarked on or before

November 12, 2015. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE that on January 5, 2016, at 9:00 a.m. (local time), at the Hearing Room, National Labor Relations Board, 300 Las Vegas Boulevard South, Suite 2-901, Las Vegas, Nevada, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Phoenix, Arizona, this 30th day of October 2015.

/s/ Cornele A. Overstreet

Cornele A. Overstreet, Regional Director

Attachments

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OF LAS VEGAS, CULINARY WORKERS
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Case 28-CA-159903

**AFFIDAVIT OF SERVICE OF: COMPLAINT AND NOTICE OF HEARING
(with forms NLRB-4338 and NLRB-4668 attached)**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on October 30, 2015, I served the above-entitled document(s) by certified or regular mail, as noted below, upon the following persons, addressed to them at the following addresses:

FP Holdings, L.P. d/b/a
Palms Casino Resort
4321 West Flamingo Road
Las Vegas, NV 89103

Certified – 7015 1520 0001 4965 3867

David B. Dornak, Attorney at Law
Fisher & Phillips, LLC
3800 Howard Hughes Parkway, Suite 950
Las Vegas, NV 89169-5921

Local Joint Executive Board of Las Vegas,
Culinary Workers Union Local 226 and
Bartenders Union Local 165 a/w UNITE HERE
1630 South Commerce Street
Las Vegas, NV 89102-2700

Richard G. McCracken, Attorney at Law
Davis, Cowell & Bowe LLP
595 Market Street, Suite 1400
San Francisco, CA 94105-2821

October 30, 2015

Date

Dawn M. Moore,
Designated Agent of NLRB

Name

/s/ Dawn M. Moore

Signature

**UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE**

Case 28-CA-159903

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

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4321 West Flamingo Road
Las Vegas, NV 89103
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