

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 21**

**DHC SD HOLDINGS LLC, AS
OPERATOR OF PARADISE POINT
RESORT & SPA**

Employer

and

Case 21-RC-367465

UNITE HERE LOCAL 30

Petitioner

DECISION AND DIRECTION OF ELECTION

On June 13, 2025, UNITE HERE Local 30 (Petitioner)¹ filed a petition with the National Labor Relations Board (Board) seeking to represent all full-time and regular part-time employees classified as banquet servers, banquet bartenders, banquet captains, banquet housepersons, and lead banquet housepersons employed by DHC SD Holdings LLS, as Operator of Paradise Point Resort & Spa (Employer or Hotel), at its facility located at 1404 Vacation Road, San Diego, California 92109.

The Employer contends that the petitioned-for unit is not an appropriate unit, and that an appropriate unit must also include all employees classified as outlet bartenders, outlet bussers, outlet food runners, outlet servers, outlet greeters, outlet supervisors, stewards, steward supervisors, line cooks, prep cooks, baristas, in-room dining greeters, cafeteria attendants, front desk agents, bell captains, bell persons, recreation cashiers, recreation attendants, recreation supervisor, retail attendants, housekeeping housepersons, lobby attendants, front door attendants, room attendants, housekeeping supervisors, laundry attendants, laundry supervisors, maintenance engineers, and groundskeepers, who were excluded from the petitioned-for unit.²

A hearing was held before a Hearing Officer of the Board from June 24 through June 27, 2025, during which the Petitioner and the Employer had the opportunity to present witness testimony and documentary evidence, and to state their respective positions on the record. Neither party filed post hearing briefs.

The Board has delegated its authority in this proceeding to me under Section 3(b) of the Act. I have carefully considered the evidence, the arguments presented at the hearing, and the

¹ The parties stipulated that the Petitioner is a labor organization within the meaning of Section 2(5) of the Act.

² Whether the classifications of “outlet supervisor,” “steward supervisor,” “recreation supervisor,” “housekeeping supervisors,” or “laundry supervisors” are supervisory positions under Section 2(11) of the Act was not litigated or contested during the hearing.

relevant Board law. For the reasons discussed below, I find that the petitioned-for unit of all full-time and regular part-time employees classified as banquet servers, banquet bartenders, banquet captains, banquet housepersons, and lead banquet housepersons (also referred to as banquet set-up supervisors or banquet housepersons supervisor)³ employed by the Employer at its facility located at 1404 Vacation Road, San Diego, California is an appropriate unit, and I hereby direct an election to be held in that unit.

I. FACTS

A. The Employer's Operations

Davison Hospitality Company, San Diego Holdings, LLC operates the Employer's Hotel, a 462 bungalow (guest room), 44-acre property located on an island on the Pacific Coast in San Diego, California. The Hotel has five pools and three on-site food and beverage outlets, as well as about 50,000 square feet of both indoor and outdoor meeting spaces. The Hotel employs a little over 400 employees in various employee classifications. Employees work throughout the Hotel property, both indoors and outdoors.

Within the Employer's organizational hierarchy, General Manager Jim Gross oversees the Hotel by way of seven steering committees (also known as disciplines), which are as follows: 1) Director of Finance, 2) Director of Revenue, 3) Hotel Manager 4) Director of Engineering, 5) Regional Director of Human Resources, 6) Director of Sales and Marketing, and 7) Director of Food and Beverage. Each steering committee is then further divided into various departments. The Food and Beverage Steering Committee is divided into several departments, including the Banquet Department, the Culinary Department, and Restaurant Department.

All petitioned-for employee classifications work in the Banquet Department, directly overseen by Banquet Manager Bob Vigil (Vigil). Other than the petitioned-for employee classifications, there are no other employee classifications in the Banquet Department.

The employee classifications that the Employer seeks to include fall under three different steering committees: the Food and Beverage Steering Committee, overseen by Ricardo Garcia (responsible for the restaurants, banquet staff, culinary departments); the Hotel Manager Steering Committee, overseen by Vivian Chen (responsible for front office employees, bell staff, housekeeping, laundry employees, retail employees, spa employees, and recreation employees); and the Engineering Steering Committee, overseen by David Prost (responsible for maintenance department and groundskeepers).⁴

Each department has its own budget and keeps track of its labor costs and profits. Thus, there are separate budgets for the banquet, culinary, and outlet departments within the Food and Beverage Steering Committee.

³ Houseperson and housemen were used interchangeably.

⁴ While the Employer also employs spa employees, employees in the room reservations department, visual and audio employees, and accounting employees, the Employer is not seeking to include these employee classifications in the unit the Employer contends is appropriate.

Decisions made by General Manager Gross, the steering committee members, and human resources department impact all employees. Employees clock in through an application on their phone, park in the same lots, use the same employee cafeteria, and attend the same monthly/quarterly employee recognition events. They are also subject to the same standards for hiring, discipline, and performance evaluations. Employees who meet eligibility criteria—working an average of thirty hours or more per week—are eligible for benefits offered such as medical insurance and paid time off.⁵ Employees receive general training as well as training specific to their department and job duties. Ultimately, employees are required to meet standards established by their respective departments when performing their specific job duties.

B. Events at the Hotel

The Hotel hosts meetings, conferences, weddings, and other social events throughout the year. Multiple events can occur simultaneously utilizing different Hotel event spaces. Indoor events generally take place in one of the rooms located in the Convention Center, which is its own separate building and includes the Hotel's main kitchen.⁶ They may also be held at Tidal Restaurant.⁷ There are several outdoor spaces throughout the Hotel where events also take place, including Paradise Terrace, Sunset Terrace, Mission Bay, Pine Hill and the Executive Lawn. While events are hosted throughout the year, the event season tends to run from about October through April. These events are handled by the Banquet Department. In contrast to the event season, Hotel occupancy is at its peak during the summer months.

A banquet event is initiated when the sales manager secures a contract with a client.⁸ Prior to the event, the Hotel prepares a document called "Group Resume," which contains information about the services that have been agreed upon by the parties as well as client preferences. The Group Resume is emailed to all Hotel staff that have access to email and is reviewed weekly by all members of the Hotel so that employees are aware of the expectations for that event. The Hotel also prepares documents called "Banquet Event Order" ("BEO") prior to the event. These are documents specific to the Banquet Department outlining the event in more detail, including times and locations of the event, the specific event set up, and menu. While banquet employees frequently interact with each other, including by attending the daily pre shift meetings, there is no evidence of regular interaction between the petitioned-for unit and the employees the Hotel seeks to include.

C. Petitioned-For Banquet Employees

The petitioned-for employees report to Banquet Manager Vigil. Vigil's office is located in the Convention Center. Banquet Manager Vigil is responsible for creating banquet employees'

⁵ Part-time employees are only eligible for some benefits; these include the Employer's 401(k) program.

⁶ The Convention Center houses the banquet staff. Chefs, line cooks, and stewards are also housed in the Convention Center, with the difference being that these positions may work at the outlet restaurants or the Convention Center.

⁷ The Tidal Restaurant is sometimes used for private events or events led by the Hotel such as meetings and trainings for employees. Sometimes the banquet bartenders and servers staff the event and other times the outlet employees do so, depending on which department booked the event- the Sales and Marketing Department or the Food and Beverage Department. However, banquet servers do not work alongside outlet servers. If banquet equipment/furniture is needed, banquet housepersons are responsible for setting up for the event.

⁸ The Hotel uses the term client to refer to those individuals attending an event at the Hotel who do not have a room reservation.

work schedules, determining appropriate staffing levels, running pre-shift meetings, assigning banquet employees to a particular event, conducting performance reviews, which influence the employees' promotion opportunities, and conducting Banquet Department specific training. Banquet Manager Vigil generally initiates an employee's discipline, and is responsible for interviewing applicants, who may then meet with the Food and Beverage Director/General Manager for an introductory meeting. Documented employee disciplines need to be approved by Director Garcia and Human Resources.

In total, there are about seventy-nine employees employed in the Banquet Department.⁹ Most of the banquet employees are part-time or on call employees, working less than thirty hours per week and thus not eligible for most Hotel offered employee benefits. In fact, only about 29% of the banquet employees are considered full-time employees eligible for Employer offered benefits.

The employee banquet classifications perform the following duties:

Banquet housepersons are responsible for transporting the equipment and furniture needed for the event (including tables, chairs, umbrellas and heaters), setting up the event space (including placing linens on tables), which oftentimes take place in the Convention Center. The banquet houseperson also handles the post-event space clean up. There is a morning and an afternoon shift. Banquet housepersons begin their shifts by reviewing the Banquet Event Order (BEO) during the pre-shift meeting. During an event, a banquet houseperson may need to return to the event space to address a client's particular needs by rearranging or adding equipment/furniture to the event. At some events, banquet housepersons assist the banquet bartenders by removing trash left by the guests such as dirty dishes.

The banquet houseperson leads perform the same duties as the banquet houseperson and oversees them during the shift, by, among other things, instructing them on the event set up. They are also responsible for training banquet housepersons. The banquet houseperson lead serves as the middle person between the banquet housepersons and Manager Vigil, and the banquet housepersons and banquet servers.

Once the banquet housepersons have set up the event, the banquet servers are then responsible for setting the tables with cutlery and dinnerware, bringing the food from the main kitchen located in the Convention Center to the clients, pouring drinks, bussing tables, and handling any issues that arise with the clients. If the event is not being held at the Convention Center, the banquet servers are responsible for transporting the food to the event location. If there are issues with the food, the servers will generally speak directly with the chef on shift.

⁹ In its closing argument, the Employer argued that cooks and stewards are also part of the Banquet Department. However, this contradicts Food and Beverage Director Garcia's testimony that the Banquet Department is comprised of banquet housepersons, captains, servers and bartenders. The Employer's own 2025 Organizational Chart shows that cooks and stewards fall into separate departments from the Banquet Department. Moreover, when Banquet Manager Vigil emails the weekly work schedules, line cooks and stewards are excluded from the email. Additionally, cooks and stewards do not attend the daily pre-shift banquet meetings.

Banquet captains perform the same duties as banquet servers and oversee banquet servers during the event. Banquet captains also assist with training banquet servers.

Banquet bartenders are responsible for serving drinks from the bar to banquet clients. For events outside the Convention Center, the banquet bartender manages the transport and set-up of the belly bar at the event location. The banquet inventory (liquor and other drinks) is stored inside the Convention Center, which is where it is retrieved for an event and returned to after the event. The banquet bartender is responsible for stocking the bar with alcoholic and non-alcoholic drinks, ice, and fruits needed for beverages. If the fridge is out of fruit, the banquet bartender will check with the kitchen cooks for additional fruits. On occasion, banquet bartenders will ask stewards for additional glassware.

Unlike other Hotel employees, banquet employees do not have regular schedules. Rather, they work only when an event requires their services. Rarely does an event require all banquet employees. Banquet servers, banquet captains and banquet bartenders are paid minimum wage at \$17.25 per hour. The banquet housepersons are paid \$18.25 hourly and the banquet lead housepersons are paid \$20.25 hourly. In contrast to most departments, banquet employees derive much of their income (sometimes twice as much) from the service charge collected from an event.¹⁰

The work performed by banquet servers/bartenders differs from that of restaurant servers/bartenders because banquet employees are more likely to serve from a limited menu or offer a buffet style meal and generally do not handle cash transactions from the clients. Instead, the Hotel is responsible for collecting the event payment directly from the client. In addition, banquet servers, banquet bartenders, and banquet housepersons wear unique uniforms which distinguish them from other employees.¹¹ The Hotel also maintains detailed banquet standards, which do not apply to the work performed by non-banquet employees.

D. Employees in the Food and Beverage Steering Committee the Employer Seeks to Include

In addition to the Banquet Department, the Food and Beverage Steering Committee also includes other departments: culinary, stewards, restaurant outlets.¹² The additional food and beverage classifications that the Employer seeks to include in the petitioned-for unit are line cooks, prep cooks, outlet servers, outlet bartenders, outlet food runners, outlet supervisors,¹³ stewards, steward supervisors, cafeteria attendants, and baristas, which total about 111 positions.

¹⁰ Restaurant tips differ from the banquet service charge in that restaurant tips belong 100% to the restaurant servers and are generally discretionary. As to the banquet service charge, the Hotel charges clients a 27% service charge on food and beverage and/or rental space. Out of the 27% charge on food and beverages, the Hotel retains a certain percentage, and 18.55% gets distributed among the banquet employees, depending on the total number of hours worked for the event. If a client consumes a certain amount of food and beverage, the Hotel waives the rental space fee; however, if a rental space fee is assessed, the entire amount is distributed to the banquet housemen. Unlike other departments in which only certain employees receive tips, all employees in the Banquet Department receive a portion of the service charge collected for each event.

¹¹ Banquet captains are permitted to wear their own professional clothing.

¹² The Employer also employs chefs and sous chefs which the Employer is not seeking to include in the unit.

¹³ No evidence was introduced as to the job duties performed by outlet supervisors.

The three on-site restaurants are: Tidal Restaurant, an upscale diner restaurant, open Wednesday through Sunday for evening service. The Tidal Restaurant is located in its own separate building. During the morning time, the Tidal Restaurant operates as a coffee shop called Island Grinds Coffee. The second restaurant is the Barefoot Bar and Grill (also known as BBG), a casual eating facility, open every day, throughout the day, located in a separate building next to the Tidal Restaurant. The other eating option is Tropics Cantina, which offers casual food during the summer and is located by the main Hotel pool. Each restaurant includes its own kitchen and bar. Each restaurant employs its own staff of cooks, servers, bartenders, bussers, food runners, hosts, and stewards. Each restaurant has its own manager who is responsible for those restaurant employees' schedules.¹⁴

Line cooks can be assigned to work daily at any of the outlet restaurants or in the Convention Center kitchen. Line cooks are tasked with preparing meals using flattops or oven stove. They are cross-trained and can work at more than one restaurant. Line cooks are part of the Culinary Department, which differs from the Banquet Department, and have their own supervisor. Line cooks are not tipped and make \$26.03 per hour. Line cooks wear their own unique uniform, consisting of black pants, a chef coat, and a baseball cap or skull cap.

As for the prep cooks, they too can be assigned to work at any of the outlet restaurants or the Convention Center kitchen. Prep cooks are responsible for prepping for the line cooks, as well as making sure that the line cook is stocked with cold foods, including vegetables and fruits. Some prep cooks are cross-trained and can work as line cooks. Prep cooks are part of the culinary department and have their own supervisor. Prep cooks are not tipped and earn \$24.85 per hour.

When entering a restaurant, guests first encounter the outlet greeters (also known as hosts), who are responsible for greeting guests, handing out menus, and walking the guests to their table. Outlet greeters earn \$18.25 per hour. There is no evidence that this position receives tips.

Outlet servers are assigned to work at one of the three restaurants and are responsible for taking food orders from guests, inserting the food order into a computer, which then goes to restaurant's kitchen staff. The outlet server or a food runner will then take the food from the restaurant kitchen to the guest. The restaurant servers also provide the guest with the bill and ensure that the bill is settled before the guest departs the restaurant. Outlet servers handle cash transactions. Outlet servers are paid \$17.25 per hour and receive tips at the guest's discretion. For guests of six or more, the Hotel automatically charges a 21% service charge that goes 100% to the server.¹⁵ Servers, at their discretion, will then tip other outlet employees that assisted them during their shift: bussers, bartenders, and food runners.

Regarding the outlet food runners position, limited testimony was offered about their job duties; it was noted that their duties include garnishing dishes prepared by the kitchen and delivering them to guests. According to the outlet food runners' job description, this position is

¹⁴ It is unclear whether Tropics Cantina has a manager. Tropics Cantina appears to only employ bartenders, servers, food runners and a cook.

¹⁵ The Hotel charges an automatic service charge of 21% at Tropics Cantina, all of which goes to the servers/bartenders.

responsible for ensuring "...all serving ware used by the servers is clean and well maintained, organizes the plates in the window and matches each one with each ticket to run the food out to the tables. Ensures that each menu item is prepared in the exact detail outlined on each ticket, or corrects with the Chef before delivery if not. Fills and re-fills water glasses and removes any place settings not being used, clears dishes upon completion of each course and resets tables when guests leave including tablecloth, silverware, glassware, and napkins. Assists the server when needed, and keeps work stations well stocked of items and ingredients." No evidence was introduced as to food runners' hourly rate. Outlet food runners receive tips from outlet servers.

Outlet bartenders are responsible for taking drink orders from guests and servers and preparing bar orders. Bartenders earn \$17.25 per hour, and they also receive tips from guests and servers.

The outlet bussers are responsible for clearing the table after the guests leave and taking the dirty dishes to each kitchen's respective dish pit.¹⁶ The bussers make \$18.25 per hour; plus, any tips they receive from the outlet servers.

Stewards (also known as dishwashers) are responsible for washing dishes either by hand or in a dishwasher, cleaning stoves and the kitchen. Stewards work out of the outlet restaurants or the dish pit located in the Conference Center. Stewards also deliver food to the employee cafeteria and remove all dirty dishes from the employee cafeteria and transport these to the main dish pit. Stewards are paid \$24.27 per hour and they are not tipped. Regardless of which location the stewards work out of, they all wear the same uniform. As for the steward supervisor, this person oversees the stewards, making sure dishes are properly washed.

The Employer also seeks to add the classification of cafeteria attendants to the petitioned-for unit. The limited evidence introduced shows that this position is responsible for maintaining the employee cafeteria clean.

The in-room dining greeter works at BBG and is responsible for taking guests' food orders via phone.¹⁷ The food is prepared at BBG. Once the food is ready, the in-room dining greeter packs the order and gets it ready for the bell person for delivery. The Hotel charges guests a 21% service charge for in-room dining service, which is then split between the bell person and the in-room dining greeter.¹⁸ The in-room dining greeter makes \$17.25 per hour.

The Hotel also employs baristas who work at Island Grinds Coffee, a coffee shop that runs from 6:00 am until about 12:00 pm. The baristas are responsible for preparing coffee drinks, serving certain foods, and selling a variety of premade items. The baristas are also responsible for stocking the coffee bar and ringing up customers. Baristas make \$19.25 per hour and receive limited tips from customers.

¹⁶ Some dirty dishes are transported to the main dish pit located in the Conference Center.

¹⁷ No evidence was introduced as to where this position falls in the Hotel's organization. Since the position works out of the BBG restaurant and handles food, it appears to be under the Food and Beverage Steering Committee.

¹⁸ The Hotel does not keep a percentage of the service charge collected from in-room dining service.

E. Employee Classifications in the House Manager and Engineering Steering Committees that the Employer Seeks to Include

The Employer also seeks to include employee classifications that fall under steering committees different from the Food and Beverage Steering Committee. Within the Hotel Manager Steering Committee are the housekeeping, laundry, front desk, and front office departments. The Employer seeks to include the following classifications from these departments: housekeeping housepersons, room attendants, housekeeping supervisors, senior housekeeping supervisor, housekeeping senior lobby attendants, laundry attendants, laundry supervisors, and housekeeping lobby attendants.¹⁹ In the Engineering Steering Committee, the Employer seeks to include the maintenance and groundskeeping employee classifications. All these positions have their own supervisors and managers, distinct from the Food and Beverage Steering Committee.²⁰

The employee classifications in the housekeeping, laundry and maintenance departments are responsible for the following:

The housekeeping housepersons operate a golf cart to travel throughout the Hotel property, where they collect waste and items that need to be laundered and transported to the laundry department. They also deliver clean items throughout the Hotel. On occasion, the housekeeping houseperson may assist room attendants with stripping off the bedding in a room. This is not a tipped position and housekeeping housepersons earn \$24.24 per hour.

Room attendants are tasked with cleaning a set number of rooms each day – including bathrooms, windows, floors, beds, and kitchenets- whether it is a stayover or a checkout. The room attendants gather the trash and linens, setting it outside the bungalows for the housekeeping houseperson to collect. Room attendants operate a specialized golf cart that has a cabinet in the back to house their cleaning supplies, linens, and towels. Room attendants earn \$24.24 per hour and may receive guest tips. Although room attendants may receive a tip from a guest, their hourly wages are not adjusted with the expectation they will be tipped. Room attendants also receive a \$10.00 incentive award for completing their assigned work for the day and assisting other room attendants. No other employees receive a similar award for completing their assigned work.

The housekeeping supervisor is responsible for inspecting the rooms cleaned by the room attendants and for training room attendants. Housekeeping supervisors are paid \$25.90 per hour, and they do not receive tips.²¹

¹⁹ The Housekeeping and Laundry Departments hold pre-shift meetings at the start of their shift to go over tasks for the day.

²⁰ While the banquet department is housed out of the Convention Center and many of the events are held in the Convention Center, the housekeeping, laundry, and the engineering department (also known as the maintenance department) are in separate buildings.

²¹ The Employer argues that room attendants work alongside banquet housepersons when an event is being held in the Executive Suites. However, there is no evidence to support this. On the contrary, the testimony shows that banquet housepersons and room attendants do not work alongside each other in these situations. To the extent the two employee classifications might be in the Executive Suites at the same time, the room attendants are cleaning the rooms while the banquet housepersons are in the living room setting up for the event.

As to the laundry attendants, they are responsible for sorting the laundry (bedding, towels, tablecloths, napkins, etcetera), washing, drying, folding and getting the laundered items ready for delivery. This is not a tipped position, and they earn \$24.24 per hour. The laundry supervisor performs the same duties as laundry attendants and ensures there is good rotation and flow in the laundry department. This is not a tipped position, and the laundry supervisors earn \$25.90 per hour.

Lobby attendants are responsible for cleaning the Hotel lobby and various restrooms throughout the Hotel. They may also help deliver clean towels and linens to guests. This is not a tipped position, and they are compensated \$24.24 per hour. Housekeeping senior lobby attendants oversee the lobby attendants. This is not a tipped position, and they earn \$26.90 per hour.

The front desk agents work in the Hotel lobby and are responsible for greeting guests upon arrival, handling the check-in/out process, distributing welcome items, goodie bags or event-specific items to attendees and guests. Front desk agents require a certain degree of computer literacy. They are also responsible for addressing guests' concerns regarding their accommodations. There are three shifts, providing coverage at all times and days of the year. This is not a tipped position, and they are paid \$25.00 per hour.

Bell persons are stationed by the Hotel lobby and are responsible for greeting guests upon arrival. The bell persons also collect guests' bags and store them until the room or banquet space is available for use. The bell person may transport guests, via golf cart, to their room or other Hotel locations. In addition, the bell person is also responsible for delivering in-room dining food to guests throughout the property. The Hotel charges guests a 21% service charge for in-room dining, which then gets split between the bell person and the in-room dining greeter. The bell person makes \$17.25 per hour. The Bell captains oversee the bell staff and make their schedule. The Bell captain earns \$19.25 per hour.

The Employer also seeks to include the position of front door attendant. However, no job description evidence was introduced for this position.

The retail attendants are housed in the Island Market and operate a shop that sells personal items, clothing, food and drinks. They are responsible for keeping the store stocked, customer assistance, and processing sales. Retail attendants are not tipped and earn \$22.70 per hour.

Recreation cashiers are responsible for holding activities for children, such as face and rock painting, and build-a-bear. They also organize activities for adults such as scavenger hunts. This is not a tipped position, and recreation cashiers make \$18.25 per hour. As for the recreation attendants, they perform the duties of the recreation cashier with their main responsibilities being preparing firepits for guests; setting up, making sure the fire is completely put out at the end of the event, and cleaning up the area. This is not a tipped position, and recreation attendants earn \$23.20 per hour. The recreation employees work out of a hut housed inside the main pool.²²

²² The Employer argues that recreation employees work side-by-side with banquet housemen in setting up event spaces being run by the recreation employees. When an event is taking place that requires employees from different departments to work in the same space, each department employee focuses on setting up and cleaning up what their department is responsible for. For instance, if an event is planned by recreation team, the recreation team sets the activity and the banquet houseperson would set up chairs and tables brought from the Convention Center. Likewise,

The Employer also seeks to include the position of recreation supervisor. However, no testimonial evidence was introduced concerning this classification's job duties. From the recreation supervisor job description introduced, this person is responsible for "present[ing] timely activities and programs including adjustments due to weather and seasonal fluctuations; design programs that attract targeted guest population; efficiency is using hotel's resources to publicize program information; produce effective communications that are appropriate for the audience; effectively handle guests and clients by the phone. Organize quality programs targeted to meet the needs and limits of a variety of guests; assist in evaluation of events against both participant expectations and financial objectives; respond promptly and professionally to guest comments regarding program." No information was introduced as to the recreation supervisor's hourly rate.²³

Maintenance engineers ensure that everything in the Hotel is working and make repairs including plumbing, HVAC, light fixtures, painting and repairing walls. They are broken down into three skill levels and some of them have certifications, such as plumbing or HVAC. While on the job, maintenance engineers will develop specialized job skills in areas such as plumbing and electrical. Maintenance engineers generally get notified by the front desk or housekeeping about an issue on the property through HotSOS (a computer system or mobile device used primarily to relay information to maintenance employees).²⁴ Maintenance engineers have a morning and afternoon shift.²⁵ At the start of their shifts, maintenance engineers hold a department meeting to go over their work assignments for the day, which are also attended by the groundskeepers. Maintenance engineers are not tipped and earn between \$27.02 to \$30.54 per hour.

As for groundskeepers, they are responsible for the Hotel's landscaping, including picking up the leaves, pruning bushes and trees, pulling weeds, and disposing of the greenery. The groundskeepers only work the morning shift. The groundskeepers are not tipped and earn \$29.20 per hour.

F. Secondary Jobs

Hotel employees can cross-train and many employees hold a so-called "secondary job."²⁶ Thus, an employee may work as both banquet server and outlet server, steward, or food runner. In 2024, about eighteen banquet employees worked in other food and beverage departments outside the Banquet Department, with about eleven banquet employees working one hundred or more hours outside the Banquet Department. Also in 2024, about nineteen employees from outside the Banquet Department worked in the Banquet Department. However, about fifteen employees worked less than twenty hours in the Banquet Department and none worked more than 100 hours in the Banquet Department. Additionally, employees voluntarily choose to work in other departments.

for cleaning, each department does the clearing for their department. There was no evidence as to how often recreation employees and banquet houseperson work the same event.

²³ The recreation manager position is listed as making \$25.90 per hour.

²⁴ Other than maintenance, front desk, and housekeeping employees, it does not appear that other departments use HotSOS to communicate with one another during the day. In the case of the banquet department employees, they use their personal cell phones to communicate with one another during their workday.

²⁵ The engineering department is housed in the same building as the housekeeping and laundry departments.

²⁶ Their primary job being the position into which employees were hired.

While the Employer presented testimony that employees are permitted to transfer permanently into other departments, those employees seeking a transfer must apply for the position, be interviewed by the hiring manager, and be offered the position. No evidence was presented as to how often employees permanently transfer to other departments.

II. ANALYSIS

In *American Steel Constr., Inc.* 372 NLRB No. 23 (December 14, 2022),²⁷ the Board overruled *PCC Structural, Inc.*, 365 NLRB 1696 (2017) and reinstated *Specialty Healthcare & Rehabilitation Ctr. of Mobile*, 357 NLRB 934 (2011), and held that:

[T]he Board will once again approve a petitioned-for “subdivision” of employee classifications if the petitioned-for unit: (1) shares an internal community of interest; (2) is readily identifiable as a group based on job classifications, departments, functions, work locations, skills, or similar factors; and (3) is sufficiently distinct. Of course, the Board need not address each element in every case: if a particular element is not disputed, it need not be adjudicated. But if a party contends that the petitioned-for unit is not sufficiently distinct—i.e., that the smallest appropriate unit contains additional employees—then the Board will apply its traditional community-of-interest factors to determine whether there is an “overwhelming community of interest” between the petitioned-for and excluded employees, such that there is no rational basis for the exclusion. If there are only minimal differences, from the perspective of collective-bargaining, between the petitioned-for employees and a particular classification, then an overwhelming community of interest exists, and that classification must be included in the unit. As the Board noted in *Specialty Healthcare*, this test does not disturb or displace any preexisting rules or presumptions applicable to specific industries or occupations.

Moreover, the Board has stressed that a petitioned-for unit need only be *an* appropriate unit, and not the *only* appropriate unit or even the *most* appropriate unit. In assessing the appropriateness of any proposed unit, the Board examines the community of interest factors such as employee skills and functions, degree of functional integration, interchangeability and contact among employees, and whether the employees have common supervision, work sites, and other working terms and conditions. *American Steel*, supra; *United Operations, Inc.*, 338 NLRB 123 (2002) (the Board, in reversing the Regional Director, found that the smallest unit of HVAC employees was an appropriate unit).

A. The Petitioned-for Unit is Readily Identifiable

The Board in *American Steel* reiterated that a proposed unit must be “readily identifiable” based on job classifications, departments, functions, work locations, skills, or similar factors. The petitioned-for unit of employees must not represent a “clearly arbitrary” unit composed of random classifications and with no coherent organizing principle, *American Steel*, supra; *Johnson Controls, Inc.*, 322 NLRB 669, 672 (1996).

²⁷ The Employer takes the position that *American Steel* was wrongly decided and should be overruled. However, *American Steel* is current Board law and the controlling legal authority in this matter.

In the instance case, the Petitioner seeks to represent a group of employees who have multiple job classifications: banquet housepersons, banquet houseperson leads, banquet captains, banquet servers, and banquet bartenders. These employee classifications share some functions and skills with the excluded employees. However, the Employer argues that the proposed unit is not readily identifiable because it excludes other Hotel employee classifications that perform similar work to that of the petitioned-for unit, the petitioned-for unit employees work alongside the excluded classifications under the same terms and conditions of employment, and employees are cross-trained and perform work across various departments. The Employer further notes that all employees work together to seamlessly complete an event and provide guest satisfaction.

Contrary to the Employer's arguments, the proposed unit remains readily identifiable because all employee classifications are part of the Banquet Department and make up the entirety of the Banquet Department. Although the Banquet Department is a department among other departments within the Employer's Food and Beverage Steering Committee, the Banquet Department has its own manager who reports directly to the Food and Beverage Director, as do the other managers who oversee departments within the Food and Beverage Steering Committee. Additionally, the employee classifications who fall outside the Food and Beverage Steering Committee, that the Employer argues should be included in the petitioned-for unit, fall within the Hotel Manager Steering Committee and the Engineering Steering Committee, have their own managers and directors, separate and apart from the Food and Beverage Steering Committee.

Moreover, in contrast to the work schedules of the Hotel's other employees, the schedules of the Banquet Department employees are dictated by the events hosted at the Hotel. Indeed, while the Hotel occupancy is at its highest during the summer months, the summer season tends to be the slowest season for events at the Hotel.

B. The Petitioned-for Unit Shares an Internal Community of Interest

Under *American Steel's* "internal community of interest" prong, the issue is whether the petitioned-for employees share sufficient common interests to engage in collective bargaining.

The petitioned-for unit is structured as a distinct department, operates in a common location under unified supervision, and is subject to shared general working conditions. In addition, banquet employees share two characteristics that significantly impact their terms and conditions of employment and sets them apart from other Hotel employees. First, only a small fraction of banquet employees classifies as full-time employees and are eligible for full-time Employer offered benefits including healthcare and paid time off. Second, unlike other Hotel employees, all employees in the Banquet Department derive much of their income from the service charge imposed by the Employer.

Based on the above, I find that the proposed banquet bargaining unit shares an internal community of interest.

C. The Petitioned-for Unit is Sufficiently Distinct

The *American Steel* Board recognized that a petitioned-for unit may be inappropriate because it excludes employees who cannot rationally be separated from the petitioned-for employees on community of interest grounds. When applying this element, the Board invalidates petitioned-for units where the petitioned-for employees have little-to-no separate identity from the excluded employees. However, the *American Steel* Board clarified that,

Crucially, the Board has always made clear that the presence of some overlapping interests between the petitioned-for and excluded employees does not invalidate the petitioned-for unit, even if those overlapping interests indicate that a larger unit would also be appropriate for collective bargaining. Instead, the excluded employees must share “strong,” “substantial,” “overwhelming,” “significant,” or extremely “close” interests with the petitioned-for employees to mandate inclusion. 372 NLRB No. 23 slip op. at 5.

As the *American Steel* Board explained, the well-established community of interest test considers whether the employees are organized into a separate department; have distinct skills and training; have distinct job functions and perform distinct work, including inquiry into the amount and type of job overlap between classifications; are functionally integrated with the employer’s other employees; have frequent contact with other employees; interchange with other employees; have distinct terms and conditions of employment; and are separately supervised.

i. Organized into a separate department

The petitioned-for unit consists of all employees in the Hotel’s Banquet Department. However, all other employees at issue work in the Hotel’s other departments. Some of the employee classifications the Employer seeks to include in the petitioned-for unit– such as employees in the housekeeping, laundry, front desk, and maintenance - operate within an entirely different steering committee, separate and apart from the Food and Beverage Steering Committee that oversees the Banquet Department.

As such, this factor weighs in favor of the petitioned-for unit.

ii. Distinct skills and training; distinct job functions and distinct work

The record reveals an overlap in skills, training, and job functions between some employees of the petitioned-for unit and some of the employees that fall under the Food and Beverage Steering Committee. For example, bartenders and servers have similar skills regardless of whether they work in the Hotel’s outlet restaurants on a regularly scheduled basis or whether they work at events on an as-needed basis.²⁸ However, while outlet employees and banquet employees perform similar job functions, their work does not overlap. The petitioned-for servers and bartenders generally do not work in the Hotel’s outlet restaurants; the outlet restaurant servers and bartenders do not work

²⁸ There are several distinctions between banquet servers and bartenders and their restaurant server/bartender counterparts. Banquet employees working an event are more likely to serve from a limited menu. In addition, banquet servers do not handle cash transactions and bartenders likewise rarely process cash payments, as the Hotel collects event charges directly from the client.

during banquet events. For this reason, the Employer has separated the various servers and bartenders into different departments, each with their own management and budget. Other Food and Beverage employees, including line cooks, prep cooks, outlet greeters, and stewards have few to no skills in common with the petitioned-for unit and their job functions do not overlap.

There is no such evidence of overlap between the petitioned-for employees and the employees in the Hotel's other steering committees (those employees that work in the front desk, recreation cashier/attendant, retail attendant, bellmen, housekeeping, laundry, maintenance, and groundskeeping). Simply because banquet housepersons may occasionally pick up trash, as do other employee classifications, does not establish there is any meaningful overlap in job functions. The banquet houseperson's primary job is to set up and break down events. Moreover, to some extent, all employee classifications are responsible for maintaining their respective work areas clean.

I find that this factor weighs in favor of the petitioned-for unit.

iii. Functional integration

Functional integration occurs when the work of one group of employees is functionally dependent upon or closely related to that of another group of employees. *WideOpenWest Illinois, LLC*, 371 NLRB No. 107, slip op. at fn. 16 (2022) (Functional integration exists only when "employees must work together and depend on one another to accomplish their tasks").

The job classifications in the petitioned-for unit work as an integrated team to conduct banquet events and are essential to holding a banquet event. For instance, banquet housepersons set-up banquet furniture, assist with clean up during the event and after the event has concluded. Banquet servers are then responsible for bringing food and drinks to and from the event. The lead banquet housepersons are responsible for overseeing the banquet housemen and ensuring that set-up is in accordance with the BEO. For their part, banquet bartenders prepare alcoholic drinks for banquet guests. Banquet captains oversee banquet employees before, during, and after the banquet. Thus, each job classification serves an integral function in carrying out banquet events. As such, the petitioned-for unit's functional integration into the Employer's Banquet Department satisfies this community-of-interest factor.

The Employer argues that the Hotel is functionally integrated and works together to provide a unique experience and that guests attending an event often stay at the Hotel. Moreover, because of the Hotel's unique location, being on an island spread across 44 acres, and the interrelatedness of events and lodging, it requires a strong collaboration between employees to carry out a seamless operation, citing *Holiday Inn Alton*, 270 NLRB 1405 (1984) and *Holiday Inn Southwest*, 202 NLRB 781 (1973) in support of its argument. In *Holiday Inn Alton and Holiday Inn Southwest*, the petitioner sought to represent only the housekeeping employees. In finding such a limited unit to be inappropriate, the Board noted that employees from other departments also performed housekeeping work. However, this functional integration is not present in the instant case. In fact, employees from one department do not perform the work of employees from another department

unless the employee has been cross-trained and has agreed to cover for another employee, which happens infrequently.²⁹

Additionally, while guests attending an event at the Hotel may elect to stay on the property and utilize its amenities and services, others may choose not to stay overnight and visit the Hotel solely for the purpose of attending the event. It is also possible that a guest may visit the Hotel solely to dine at one its outlet restaurants, without any need to stay overnight or use other Hotel services. In this case, banquet events scheduled are not dependent on the Hotel's occupancy. In fact, banquet events tend to be at its highest level from about fall to spring and are at its lowest levels during the summer months, when the Hotel occupancy is at its highest levels. All Hotel employees may share a common goal of providing excellent guest services, but this does not establish functional integration between the petitioned-for employees and those employees the Employer seeks to include.

I find that functional integration weighs in favor of the petitioned-for unit.

iv. Frequent contact with other employees

Incidental interaction between various classifications of employees is not uncommon, as employees might see each other while working at the Hotel. Here, Hotel employees use the same parking lots, employee cafeteria, and attend the same employee recognition events. However, these interactions are limited, particularly given the Hotel's layout and the fact that different departments are housed in separate buildings across the Hotel's 44-acre property. In particular, the Banquet Department is housed in the Convention Center, separate and apart from most departments.

I find that this factor weighs in favor of the petitioned-for unit.

v. Interchange with other employees

The evidence fails to establish regular interchange between the petitioned-for employees and the employee classifications the Employer seeks to include. *Alaska Comm. Systems Holdings, Inc.*, 2019 WL 2715423 (June 27, 2019) (noting that interchange involves "temporary or permanent transfer into a different classification"); *Starbucks Corp.*, 2022 WL 1105096, fn. 1 (April 12, 2022) (finding the employer's evidence showed limited and infrequent interchange and employer failed to establish regular interchange between petitioned-for employees and other employees that).

The Hotel offers its employees the ability to cross-train and some employees hold so-called "secondary jobs." Here, the petitioned-for unit is made up of about 79 banquet employees and the Employer's proposed unit seeks to include an additional 190-200 additional employees. While the evidence shows that in 2024 about 19 banquet employees worked in other departments, only about eleven banquet employees worked one hundred hours or more in other Food and Beverage departments. Also, while employees outside the Banquet Department performed secondary jobs in

²⁹ While a small percentage of banquet servers may work in other Food and Beverage departments and vice-versa, there is no evidence that employees from other departments (including housekeeping, laundry, front desk employees) that the Employer seeks to include in the petitioned-for unit, work in the Banquet Department or vice versa.

the Banquet Department, this was minimal. To the extent that employees may temporarily or permanently transfer into other departments, there is no evidence as to how often this occurs.

I find that this factor weighs in favor of the petitioned for unit.

vi. Distinct terms and conditions of employment

All Hotel employees share some terms and conditions of employment that are ultimately determined by the Steering Committee and human resources. As noted above, they use the same parking lots and employee cafeteria. Additionally, they are subject to uniform standards governing hiring, discipline, and performance evaluations. Some employment benefits— such as medical insurance and paid time off - are only available to full-time employees.

Unlike other Hotel employees, banquet employees - most of whom do not meet full-time eligibility criteria - are less likely to be able to take advantage of Employer offered benefits. Similarly, banquet employees' wages are structured differently from other Hotel employees as their wages are heavily dependent on the service charge included in banquet events.

I find that this factor is neutral.

vii. Separately supervised

The petitioned-for employees are separately supervised. While the Food and Beverage Steering Committee is led by Director Garcia, direct supervision occurs at the department level. The petitioned-for employees, and only those employees, report to Banquet Manager Vigil. Other employees within the Food and Beverage Steering Committee are organized into their own departments and report to their respective managers. Likewise, employees outside the Food and Beverage Steering Committee report to their own departmental supervisors and managers.

I find that this factor weighs in factor of the petitioned-for unit.

III. CONCLUSION AND FINDINGS

I have concluded that the petitioned-for unit is sufficiently distinct within the meaning of *American Steel*. These employees are separately supervised and organized into separate departments. To some extent, they differ in certain terms and conditions of employment, possess unique skills and training, and perform specialized work. Banquet employees are also functionally integrated, relying on one another to execute a banquet event.

In contrast, the Employer seeks to include employees from multiple departments, some of which operate under different steering committees, with minimal functional integration and limited interaction between employees, which is insufficient to justify the requirement for a larger unit. Additionally, while there is some level of interchange between included and excluded employees, only a small fraction of banquet employees work in other departments and vice versa. Rather, the majority of this interchange stems from employees electing to hold a secondary position.

The Employer further argued in its closing argument that hotel industry standard suggests that wall-to-wall units are appropriate where a hotel's services are highly integrated and labor relations are centralized, particularly as the Hotel is located on an island and requires a strong collaboration among employees to carry out events seamlessly. The Employer maintains the facts at issue in this case are similar to the decision in *Atlanta Hilton & Towers*, 273 NLRB 87 (1984). However, the hotel at issue in *Atlanta Hilton* was specifically designed to service convention business, thereby creating a higher degree of operational coordination and functional integration. This factor is not present here.

The Employer also relies on *Ramada Beverly Hills*, 278 NLRB 691 (1986), to argue that the petitioned-for unit is not appropriate. However, unlike the instance case, the employees in *Ramada Beverly Hills* interacted frequently with one another regardless of job classification. For instance, the same servers worked in the restaurant, the banquet area, and the guest rooms and included and excluded employees shared common supervision. In contrast to *Ramada Beverly Hills*, each department here has its own employees who handle their own departmental tasks, and each department has its own manager. Additionally, while the Employer contends that front desk agents are the "hub" of the Hotel property and communicate with various departments for a seamless operation, the record demonstrates that even though they may communicate with the housekeeping, maintenance, and other house manager departments, there is no evidence that front desk agents communicate with banquet employees.

The Employer further maintains that the Board has long-recognized practices giving substantial weight to unit compositions in a given geographic area when deciding whether a petitioned-for unit is appropriate. In this regard, the Employer notes that at various other hotels in the same geographic area where the Petitioner represents employees, the employee classifications the Employer seeks to include here are included in those units. Contrary to the Employer's argument, there is no Board law requiring a certain standard in the hotel industry. In fact, in *Davidson Hotel Co., LLC*, 371 NLRB No. 44 (Dec. 30, 2021), the Board held that two departmental units—one comprised of housekeeping employees and the other of food and beverage employees—were appropriate, explicitly distinguishing *Atlanta Hilton* and *Ramada Beverly Hills* on the ground that the facts peculiar to those hotels were not present. Likewise, for the reasons stated above, the facts at issue here are distinguishable from *Atlanta Hilton* and *Ramada Beverly Hills*.

The "party contesting the petitioned-for unit bears the burden of proving that there is an 'overwhelming community of interest' between the petitioned-for and excluded employees in order to add the excluded employees to the petitioned-for unit." *American Steel Construction*, slip op. at 4. On balance, and reviewing the record as a whole, I conclude that the Employer has not met its burden of establishing that the petitioned-for unit shares an overwhelming community of interest with the excluded employees.

Based upon the entire record in this matter and, in accordance with the discussion above, I conclude and find as follows:

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

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 on this case.³⁰

3. The Petitioner is a labor organization which 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 unit appropriate for the purposes of collective-bargaining within the meaning of Section 9 (b) of the Act:

Included: All full-time and regular part-time banquet servers, banquet bartenders, banquet captains, banquet housepersons, and lead banquet housepersons employed by the Employer at its facility currently located at 1404 Vacation Road, San Diego, California.

Excluded: All other employees, professional employees, confidential employees, office clerical employees, managerial employees, guards, and supervisors as defined in the Act.

IV. DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by UNITE HERE LOCAL 30.

A. Election Details

The election will be conducted in a conference room at the Employer's facility located at 1404 Vacation Road, San Diego, California, on Friday, October 9, 2026, from 7:00 a.m. to 10:00 a.m. and 3:00 p.m. to 6:00 p.m.

³⁰ The Employer, DHC SD Holdings LLC, as operator of Paradise Point Resort & Spa, a Delaware limited liability company, with its principal offices in Atlanta, Georgia, and a place of business in San Diego, California, the only location involved in this matter, is engaged in the business of providing hotel accommodations. During the past 12 months, a representative period, the Employer derived gross revenues in excess of \$500,000 and purchased and received at its San Diego, California facility goods valued in excess of \$5,000 directly from points outside the State of California.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending **Saturday, September 5, 2026**, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off.

Also eligible to vote are all employees in the voting unit who have worked an average of 4 hours or more per week during the 13 weeks immediately preceding the eligibility date for the election.³¹

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 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, and, in a mail ballot election, before they mail in their ballots to the Board's designated office; (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.

B. Voter List

As required by Section 102.67(l) 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 **Thursday, September 17, 2026**. The list must be accompanied by a certificate of service showing service on all parties. **The region will no longer 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

³¹ The parties agree that the *Davison-Paxon Co.*, 185 NLRB 21 (1970) formula should apply, with the Petitioner arguing for a longer look-back period of nine months. While the parties agreed at hearing that there is a slowdown in banquet events during the summer months, there is no record evidence to establish that during the slower summer season employees' hours have been reduced to a point where they would not meet the eligibility requirements of the *Davison-Paxon* formula, and the Petitioner presented no evidence to support deviating from the *Davison-Paxon* formula such as which potential eligible voters, if any, would be excluded by applying the traditional *Davison-Paxon* formula.

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.

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. 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.

C. Posting of Notices of Election

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the forthcoming Notice of Election 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. 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.

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 10 business 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 must be E-Filed through the Agency's website and may not be filed by facsimile. To E-File the request for review, go to 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, and must be accompanied by a statement explaining the circumstances concerning not having access to the Agency's E-Filing system or why filing electronically would impose an undue burden. 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.

Any party may, within 5 business days after the last day on which the request for review must be filed, file with the Board a statement in opposition to the request for review. An opposition must be filed with the Board in Washington, DC and a copy filed with the Regional Director and copies served on all the other parties. The opposition must comply with the formatting requirements set forth in §102.67(i)(1). Requests for an extension of time within which to file the opposition shall be filed pursuant to §102.2(c) with the Board in Washington, DC, and a certificate of service shall accompany the requests. The Board may grant or deny the request for review without awaiting a statement in opposition.

Dated: September 15, 2026

A handwritten signature in black ink, appearing to read "McNeill", with a stylized, cursive script.

Lisa McNeill, Acting Regional Director
National Labor Relations Board Region 21
312 N. Spring Street, 10th Floor
Los Angeles, California 90012