



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

November 20, 2019

WILLIAM L. MESSENGER, ESQ.
NATIONAL RIGHT TO WORK LEGAL
DEFENSE FOUNDATION, INC.
8001 BRADDOCK RD STE 600
SPRINGFIELD, VA 22160

Re: Embassy Suites by Hilton, Seattle
Downtown Pioneer Square
Case 19-CA-227623

Unite Here! Local 8 (Embassy Suites by
Hilton, Seattle Downtown Pioneer Square)
Case 19-CB-227622

Dear Mr. Messenger:

This office has carefully considered your appeal. The appeal is sustained in part. We concluded that the Employer arguably violated Sections 8(a)(1) and (2) of the Act by entering into and maintaining a neutrality agreement with the Union that provides for more than "ministerial aid" to the Union during its organizing campaign. It was further concluded that the Union violated Section 8(b)(1)(A) by accepting this aid and support from the Employer. Finally, we concluded that the Employer unlawfully recognized, and the Union accepted such unlawful recognition, in violation of Sections 8(a)(1) and (2) and 8(b)(1)(A) of the Act respectively.

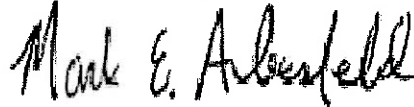
However, regarding the allegation that a supervisor was providing unlawful assistance to the Union by collecting authorization cards, there was insufficient evidence to establish that the alleged supervisor had Section 2(11) status or that the individual engaged in the alleged activity. Therefore, the appeal is denied with regard to this allegation.

In addition, we accept your withdrawal of the portion of the appeal regarding the first allegation in the charge in Case 19-CB-227622 which alleged that the Union violated the Act by maintaining an unlawful in-person authorization card revocation policy.

Accordingly, we are remanding the cases to the Regional Director for further action. Absent settlement, the Regional Director will issue a complaint and an administrative law judge will hold a hearing. Please address all further inquiries to the Regional Director.

Sincerely,

Peter Barr Robb
General Counsel



By:

Mark E. Arbesfeld, Director
Office of Appeals

cc: RONALD K. HOOKS
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