

FILED

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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

INTERNATIONAL UNION
OF OPERATING ENGINEERS
LOCAL NO. 501, AFL-CIO,

Petitioner,

v.

NATIONAL LABOR RELATIONS
BOARD,

Respondent,

NP SUNSET LLC,
DBA Sunset Station Hotel Casino,

Intervenor.

No. 19-70092

NLRB No. 28-CA-225263

MEMORANDUM*

NP SUNSET LLC,
DBA Sunset Station Hotel Casino,

Petitioner,

v.

No. 19-70244

NLRB No. 28-CA-225263

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

NATIONAL LABOR RELATIONS
BOARD,

Respondent,

INTERNATIONAL UNION
OF OPERATING ENGINEERS
LOCAL 501, AFL-CIO,

Intervenor.

NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

v.

NP SUNSET LLC,
DBA Sunset Station Hotel Casino,

Respondent,

INTERNATIONAL UNION
OF OPERATING ENGINEER
LOCAL 501, AFL-CIO,

Intervenor.

No. 19-70279

NLRB No. 28-CA-225263

On Petition for Review of an Order of the
National Labor Relations Board

Argued and Submitted December 3, 2019
San Francisco, California

Before: SILER,** CLIFTON, and BYBEE, Circuit Judges.

The International Union of Operating Engineers Local 501, AFL- CIO (“Union”) and NP Sunset LLC, DBA Sunset Station Hotel Casino (“Sunset”) each petition for review of a January 7, 2019 Order by the National Labor Relations Board (“Board”). The Board has also filed a cross-application to enforce this Order against Sunset. We deny both petitions for review and grant the Board’s cross-application to enforce its Order.

As we have concluded in a case argued together with this one, the Board did not err in determining that the casino slot technicians are not “guards” under 29 U.S.C. § 159(b)(3). *Int’l Union of Operating Eng’rs Local 501 v. NLRB*, ___ F.3d ___, No. 18-71124 (9th Cir. _____, 2020).

In addition, the Board did not abuse its discretion in declining to grant the Union’s request for enhanced remedies. *See United Steel Workers of Am. AFL-CIO-CLC v. NLRB*, 482 F.3d 1112, 1116 (9th Cir. 2007). The Board also did not

** The Honorable Eugene E. Siler, United States Circuit Judge for the U.S. Court of Appeals for the Sixth Circuit, sitting by designation.

err in failing to provide an explanation for its decision to issue standard remedies.

See id. at 1118 (9th Cir. 2007) (“[T]he Board’s decision to order an unextraordinary remedy does not merit an extraordinary explanation.”).

Petitions for Review DENIED; Cross-Application to Enforce GRANTED.