

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

REGION 20, SUBREGION 37

HTH CORPORATION, PACIFIC BEACH CORPORATION, and  
KOA MANAGEMENT, LLC, a SINGLE EMPLOYER, d/b/a  
PACIFIC BEACH HOTEL,

and

Cases 37-CA-7311  
37-CA-7334  
37-CA-7422  
37-CA-7448  
37-CA-7458  
37-CA-7476  
37-CA-7478  
37-CA-7482  
37-CA-7484  
37-CA-7488  
37-CA-7537  
37-CA-7550  
37-CA-7587

HTH CORPORATION d/b/a PACIFIC BEACH HOTEL

Case 37-CA-7470

and

KOA MANAGEMENT, LLC d/b/a PACIFIC BEACH HOTEL

Case 37-CA-7472

and

PACIFIC BEACH CORPORATION d/b/a PACIFIC BEACH  
HOTEL

Case 37-CA-7473

Respondents

and

INTERNATIONAL LONGSHORE AND WAREHOUSE UNION,  
LOCAL 142

Charging Party

COUNSEL FOR THE GENERAL COUNSEL'S CROSS-EXCEPTIONS TO THE  
ADMINISTRATIVE LAW JUDGE'S DECISION

Pursuant to Section 102.46 of the Rules and Regulations of the National Labor Relations Board, as amended, Counsel for the General Counsel hereby excepts to the following portions of the Administrative Law Judge's decision ("ALJD") dated on September 30, 2009:

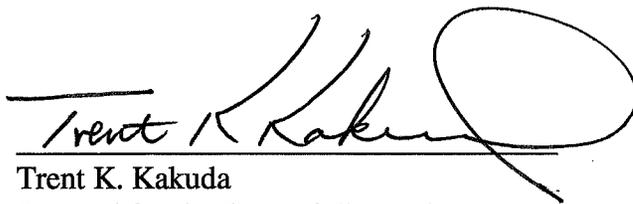
1. ALJ's failure to specifically conclude that the Respondents violated 8(a)(5) when they failed to rehire several individuals as of December 1, 2007 after discharging all of the Pacific Beach Hotel employees through PBH Management, LLC. (ALJD pp 43-44) (Tr. 4:588-89; 5:813, 874-75; 6:942, 949; Resp. Exh. 18)
2. ALJ's failure to include in the Order a requirement that Respondents reinstate those individuals and/or make whole the individuals who were not rehired to begin work for the Pacific Beach Hotel on December 1, 2007. (ALJD pp 43-44) (Tr. 4:588-89; 5:813, 874-75; 6:942, 949; Resp. Exh. 18)
3. ALJ's failure to make a finding of fact regarding General Counsel's allegation that Respondents unilaterally lowered certain employees' wages as of December 1, 2007 and make a conclusion of law that Respondents actions violated 8(a)(5) of the Act. (ALJD pp 20-21; pp 43-44) (GC 1rrrr, pp 13-14, par 11(g), (e) & (f); Tr. 1:113-15; 1:135-36)
4. ALJ's failure to order a remedy which includes the reinstatement of any individuals terminated during the Respondents' unilaterally imposed 90 day probationary period. (ALJD pp 45-46) (Tr. 13:2320; GC Exhs. 51 & 79)
5. ALJ's failure to make a conclusion of law that PBH Management, LLC was an agent of the Respondents. (ALJD pp 43-44) (GC Exh. 38 *passim*; Tr. *passim*)

6. ALJ's failure to order the reinstatement of all tentative agreements reached between Respondents and the Union and PBH Management, LLC and the Union. (ALJD p 45, par 2(a)) (GC Exhs. 17, 26, 27, 38; Tr. 2:237-38, 243; 4:493; *passim*)
7. ALJ's description of the bargaining unit in footnote 6 excluded some included positions. (ALJD pp 5-6) (GC Exh. 3, pp 4-5)
8. ALJ's failure to order quarterly compound interest to be paid on all monetary awards made. (ALJD p 41, LL 42-43) (GC 1ssss, Attachment A, p 31)

Dated: Honolulu, Hawaii, this 9<sup>th</sup> day of December, 2009.



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that one copy of the Counsel for the General Counsel's Cross-Exceptions to the Administrative Law Judge's Decision has this day been served by hand delivery upon the following persons at their last-known addresses:

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Dated at Honolulu, Hawaii, this 9<sup>th</sup> day of December 2009.



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