

NOT INCLUDED IN
BOUND VOLUMES

PHG
Los Angeles, CA

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SODEXO AMERICA LLC

and

Case 21-CA-039086

PATRICIA ORTEGA

SODEXO AMERICA LLC; AND
USC UNIVERSITY HOSPITAL

and

Case 21-CA-039109

SERVICE WORKERS UNITED

USC UNIVERSITY HOSPITAL

and

Cases 21-CA-039328
21-CA-039403

NATIONAL UNION OF HEALTHCARE
WORKERS

ORDER

On July 3, 2012, the National Labor Relations Board issued a Decision and Order¹ in this proceeding, finding that the Respondent violated Section 8(a)(1) of the Act by maintaining an overly broad off-duty employee no-access policy. Respondents Sodexo America LLC and USC University Hospital jointly and separately filed motions for reconsideration on July 27. The Acting General Counsel, joined by Charging Party

¹ 358 NLRB No. 79.

National Union of Healthcare Workers, filed an opposition to these motions, and both Respondents filed reply briefs.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

In their motions, the Respondents contend that the Board misread their no-access policy in several ways, challenge the Board's recess appointments,² and object to the language in the Board's cease-and-desist order and in the accompanying notice to employees.

Having duly considered the matter, we find that the Respondents' motions are lacking in merit and fail to present "extraordinary circumstances" warranting reconsideration under Section 102.48(d)(1) of the Board's Rules and Regulations.³

IT IS ORDERED, therefore, that the Respondents' motions for reconsideration are denied.

Dated, Washington D.C., September 27, 2012.

Mark Gaston Pearce, Chairman

Brian E. Hayes, Member

² The Respondents seek to disqualify Members Griffin and Block from ruling in this proceeding, arguing that their recess appointments to the Board by the President were not properly constituted. For the reasons set forth in *Center for Social Change*, 358 NLRB No. 24 (2012), we reject this argument.

³ Member Hayes adheres to his dissent in the underlying case. He continues to be of the view that the Hospital's off-duty no-access rule is valid. Nonetheless, he agrees that the Respondents have not presented "extraordinary circumstances" warranting Board reconsideration of its decision.

Richard F. Griffin, Jr., Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD