

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

RHODE ISLAND CVS PHARMACY, L.L.C.  
Employer

and

Case 01-RC-342728

THE PHARMACY GUILD A/W INTERNATIONAL  
ASSOCIATION OF MACHINISTS & AEROSPACE  
WORKERS, AFL-CIO  
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.<sup>1</sup>

DAVID M. PROUTY, MEMBER

JAMES R. MURPHY, MEMBER

SCOTT A. MAYER, MEMBER

Dated, Washington, D.C., March 23, 2026.

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<sup>1</sup> In denying review, we agree with the Regional Director that the Employer has failed to establish that its pharmacists are held accountable for the performance of the pharmacy technicians. See *Lynwood Manor*, 350 NLRB 489, 490-491 (2007) (no accountability where the employer failed "to refer to any specific evidence in the record, or proffer to show any specific evidence, that nurses may be disciplined, receive a poor performance rating, or suffer any adverse consequences with respect to their terms and conditions of employment due to a failure in a CNA's performance of these routine functions"). Although Rhode Island law provides that pharmacy technicians must work under the direction of a licensed pharmacist and makes pharmacists broadly responsible for the dispensing of medications, this does not constitute non-conclusory evidence that *the Employer itself* would impose adverse consequences on a pharmacist based on the performance of a pharmacy technician. See *Pain Relief Centers, P.A.*, 371 NLRB No. 70, slip op. at 2-3 (2022) (observing that "[w]hether the State of North Carolina may hold a nurse accountable for medical actions does not establish that the Respondent holds Edwards accountable for the performance of the medical assistants within the meaning of Section 2(11)"), enfd. 2023 WL 5380323 (4th Cir. 2023).