

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

REM SERVICES, INC. and TRANSDEV
SERVICES, INC., JOINT EMPLOYERS
Employers

and

Case 16-RC-367048

TEAMSTERS LOCAL UNION NO. 988
Petitioner

ORDER

The Requests for Review of the Regional Director’s Decision and Direction of Election by REM Services, Inc. (REM), and Transdev Services, Inc. (Transdev), are denied as they raise no substantial issues warranting review.¹

¹ In denying the requests for review, we do not rely on the Regional Director’s finding that Transdev’s control over the “discipline” essential term was “inconclusive.” As the joint-employer rule in Sec. 103.40(a) affirmatively puts the burden of proving joint-employer status on the party asserting it, a party either satisfies that showing, and the essential term favors a joint-employer finding, or it does not. Where the evidence is “inconclusive,” the party bearing the burden has failed to make that showing. See, e.g., *Phelps Community Medical Center*, 295 NLRB 486, 490 (1989) (applying that same principle in the context of Sec. 2(11) supervisory status).

We agree with the Regional Director’s finding that Transdev exercises substantial direct and immediate control over the petitioned-for employees’ supervision through monthly mandatory safety trainings, “drive cam” monitoring, and one-on-one meetings. In addition, we find that the highly detailed standard operating procedures (SOPs) that Transdev issues to the operators help establish that Transdev exercises substantial direct and immediate control over the supervision of operators’ work. See *Cognizant Technology Solutions U.S. Corp. and Google, LLC*, 372 NLRB No. 108, slip op. at 1 (2023). Transdev’s SOPs contain a plethora of instructions on how operators are to perform their work, including the order and duration of the operator’s pre-trip inspection of the bus, when and under what circumstances the operator must depart a stop when other buses approach from behind, exactly how to deal with a passenger who disruptively insists on departing the bus somewhere other than an official stop, the minimum length at which an operator should travel behind a vehicle ahead, the maximum time that an operator may wait at a stop with a passenger aboard, and a time limit for the operator to complete the post-trip inspection of the bus. These are but some examples of numerous directives on how work is to be performed. Additionally, Transdev’s SOPs strictly limit operators to two 15-minute breaks per 8-hour shift and 5-minute bathroom breaks with management approval. In finding that Transdev exercises control over the operators’ supervision, we do not, however, rely on the Regional Director’s finding that the absence of REM’s onsite supervisor during much of the workday is evidence of Transdev’s control over the petitioned-for employees’ supervision. See

JAMES R. MURPHY,	CHAIRMAN
DAVID M. PROUTY,	MEMBER
SCOTT A. MAYER,	MEMBER

Dated, Washington, D.C., June 30, 2026.

G. Wes Ltd. Co., 309 NLRB 225 (1992) (the focus is not on the absence of the supplier-employer’s supervisor but on the functions of the user-employer’s present supervisor). Because the “podium” supervisor only provides the operators “limited and routine” supervision here, the fact that it is a Transdev—rather than REM—supervisor is not material under Sec. 103.40(c)(7). See *id.* at 226.

We find it unnecessary to pass on the Regional Director’s finding that Transdev exercises substantial direct and immediate control over the separate essential term of “direction” because Transdev is a joint employer in any event based on its exercise of substantial direct and immediate control over the petitioned-for employees’ supervision. Member Prouty agrees with his colleagues that Transdev is a joint employer based on its exercise of substantial direct and immediate control over the petitioned-for employees’ supervision. He would also find that Transdev exercises substantial direct and immediate control over the petitioned-for employees’ direction for the reasons stated by the Regional Director.

Finally, we note that the Regional Director properly relied on record evidence from the hearing transcript and the parties’ exhibits in reaching his conclusions and properly disregarded information—such as the petitioned-for employees’ purported subjective impressions, past organizing efforts, or the terms of REM’s and Transdev’s contract—that has no bearing on the question of joint-employer status under the Board’s rules. See Sec. 103.40(a), (b).