

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

DOCTORS HOSPITAL OF MANTECA, INC. D/B/A
DOCTORS HOSPITAL OF MANTECA
Employer

and

Case 32-RC-376933

SERVICE EMPLOYEES INTERNATIONAL UNION,
UNITED HEALTHCARE WORKERS - WEST
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.¹

¹ For the reasons stated in *Satellite Healthcare (Santa Rosa)*, 374 NLRB No. 25 (2026), we reject the Employer's argument that the Regional Director lacked authority to hold a pre-election hearing, or otherwise process the petition, in the absence of a Board quorum.

In requesting review, the Employer argues that the Regional Director erred in permitting the Petitioner to withdraw its prior petition in Case 32-RC-376025. The Employer, however, already filed a request for review with respect to that issue, and the Board denied the Employer's request for review on February 12, 2026. The Employer is therefore precluded from raising that same issue in its request for review here. See Sec. 102.67(i)(1) of the Board's Rules and Regulations ("A party may not [] file more than one request for review of a particular action or decision by the Regional Director. Repetitive requests [for review] will not be considered.").

The Employer further contends that the Petitioner did not meet its evidentiary burden to prove that a self-determination election is warranted in this case. We observe, however, that because this case does not implicate a presumptively appropriate unit, there is no burden allocation; rather, the Regional Director need only find, on the basis of "some record evidence," that a self-determination election is warranted. See *DVA Renal Healthcare, Inc., d/b/a DaVita Vallejo*, 375 NLRB No. 2, slip op. at 2 (2026) (*DaVita Vallejo*) (observing that the Board "does not place an evidentiary burden on the petitioning union to prove that the petitioned-for unit is appropriate; it merely confirms that the Regional Director must be able to rely on 'some' record evidence when making a unit determination"). We agree with the Regional Director that the evidence introduced by the Petitioner at the hearing—which the Employer did not rebut in any respect—is sufficient to establish that the petitioned-for voting group is a "distinct, identifiable segment" that constitutes an appropriate voting group, and that the petitioned-for EVS employees share a community of interest with the CNAs in the existing unit. See *Warner Lambert, Co.*, 298 NLRB 993, 995 (1990). With respect to the community of interest issue, specifically, we find that the petitioned-for EVS employees and the CNAs in the existing unit

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

Dated, Washington, D.C., September 1, 2026.

share a community of interest because they fall under the same category for purposes of the Board’s Health Care Rule—specifically, both groups are comprised of nonprofessional employees. See 29 CFR 103.30(a)(8); *St. Vincent Charity Medical Center*, 357 NLRB 854, 854-855 (2011) (relying on the Board’s appropriate-unit/community-of-interest determinations in connection with the Health Care Rulemaking in determining whether the employees in a petitioned-for voting group in a self-determination election share a community of interest with employees in a preexisting unit).

To the extent the Employer now argues that the petitioned-for EVS employees at the Employer’s facility do not share a community of interest with employees at other *locations* in the existing unit, we observe that this is a substantively different argument than whether the petitioned-for EVS employees share a community of interest with other *classifications* in the existing unit; and, in our view, the Employer did not clearly and substantially articulate the former argument either in its Statement of Position or at the pre-election hearing, nor did it adduce any evidence in support of this argument at the pre-election hearing. Thus, the Employer did not properly raise this argument before the Regional Director—see *DaVita Vallejo*, 375 NLRB No. 2, slip op. at 1-2—and it has therefore not been properly raised to the Board. See Sec. 102.67(e) of the Board’s Rules and Regulations (a request for review “may not raise any issue or allege any facts not timely presented to the Regional Director”). We further observe that, even had the Employer properly raised this argument, the Board has approved self-determination elections for a specific classification at a single facility where, as here, the collective-bargaining agreement between the parties indicates that employees in that classification have been included in the multi-facility unit on a facility-by-facility basis. See *NLRB v. Am. Printers & Lithographers*, 820 F. 2d 878, 885-886 (7th Cir. 1987).

Finally, we find that the Regional Director did not err in permitting a putative statutory supervisor to vote subject to challenge in the election, consistent with Sec. 102.64(a) of the Board’s Rules and Regulations. Member Mayer applies Sec. 102.64(a) as extant law in denying the Employer’s Request for Review, and expresses no opinion on whether the policy that the Board set forth in that rule was correctly determined.