

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-379650

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 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 emergency department technicians (EDTs) share a community of interest with the classifications in the existing unit. See *Warner Lambert, Co.*, 298 NLRB 993, 995 (1990). With respect to the Regional Director's community of interest analysis, specifically, we agree that the factors of job duties, supervision, department, functional integration, contact, terms and conditions of employment, and bargaining history weigh in favor of a self-determination election here.

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

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

To the extent the Employer now argues that the petitioned-for EDTs 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 EDTs 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 solicit 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 the Board has approved self-determination elections for a specific classification at a single facility where, as here, the existing multi-location collective-bargaining agreement 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).