

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

TOTAL RENAL CARE, INC. d/b/a DAVITA
VISALIA VINEYARD DIALYSIS
Employer

and

Case 32-RC-370127

SERVICE EMPLOYEES INTERNATIONAL
UNION – UNITED HEALTHCARE
WORKERS WEST
Petitioner

ORDER

The Employer’s February 20, 2026, request for extraordinary relief—specifically, a stay of the ballot count—is denied because the ballot count has already occurred. However, this order does not constitute a ruling on the merits of the Employer’s underlying arguments that the Regional Director erred in overruling the challenges to four challenged ballots, and that the Regional Director erred in scheduling the ballot count for five business days after her February 13 Decision and Order Directing Opening and Counting Four Challenged Ballots. The Employer may properly pursue those arguments via a timely-filed request for review of the Regional Director’s February 13 Order.¹

DAVID M. PROUTY, MEMBER

SCOTT A. MAYER, MEMBER

JAMES R. MACY, MEMBER

Dated, Washington, D.C., October 26, 2026.

¹ As Sec. 102.67(c) of the Board’s Rules and Regulations indicates, the Employer may file such a request for review at any time “until 10 business days after a final disposition of the proceeding by the Regional Director.” In addition, Sec. 102.69(h) of the Board’s Rules and Regulations clarifies that “[f]or the purposes of filing a request for review pursuant to [Sec.] 102.67(c) or to paragraph (c)(2) of this section, a case is considered to have reached final disposition when the Regional Director dismisses the petition or issues a certification of results (including, where appropriate, a certification of representative).”