

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CAPE COD SYMPHONY ORCHESTRA, INC.
Employer

and

Case 1-RC-22338

BOSTON MUSICIANS' ASSOCIATION a/w
AMERICAN FEDERATION OF MUSICIANS
LOCAL NO. 9-535, 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. In denying review on the status of the symphony orchestra musicians, the Board also relies on *Lancaster Symphony Orchestra*, 357 NLRB No. 152 (2011). The Employer's request to stay the election is moot.

MARK GASTON PEARCE, CHAIRMAN

CRAIG BECKER, MEMBER

Member Hayes, dissenting:

Consistent with my dissent in *Lancaster Symphony Orchestra*, 357 NLRB No. 152 (2011), I would grant the Request for Review, reverse the Regional Director, and find that the symphony orchestra musicians are independent contractors. Thus I find it unnecessary to address the other issues in this case.

BRIAN E. HAYES, MEMBER

Dated, Washington, D.C., December 28, 2011.