

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

BWI TAXI MANAGEMENT, INC.  
Employer

and

Case 5-RC-16489

EVENING SHIFT CAB OPERATORS ASSOCIATION  
Petitioner

DECISION ON REVIEW AND ORDER

On November 1, 2010, the National Labor Relations Board granted the Employer's Request for Review of the Acting Regional Director's Decision and Direction of Election with regard to his finding that the taxi drivers were statutory employees, and not independent contractors.

Having carefully reviewed the record with respect to the issue on review,<sup>1</sup> we affirm the Acting Regional Director's finding for the reasons stated in his Decision.<sup>2</sup> Accordingly, we remand this proceeding to the Regional Director for further appropriate action.

BRIAN E. HAYES, MEMBER

RICHARD F. GRIFFIN, JR., MEMBER

SHARON BLOCK, MEMBER

Dated, Washington, D.C., June 8, 2012.

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<sup>1</sup> We have also considered the amicus brief filed by the AFL-CIO.

<sup>2</sup> In finding that the Employer did not meet its burden of establishing independent contractor status, Member Hayes relies on the Employer's control over the drivers' work schedule and hours and their lack of entrepreneurial opportunity. He does not rely on the Acting Regional Director's reliance on the Employer's work rules, which he notes were mandated directly or indirectly by the Maryland Aviation Administration and Anne Arundel County.