

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SUBACUTE REHABILITATION CENTER
AT KEARNY, LLC d/b/a BELGROVE
POST-ACUTE CARE CENTER
Employer

and

Case 22-RC-080916

DISTRICT 1199J, NATIONAL UNION OF
HOSPITAL AND HEALTH CARE EMPLOYEES,
AFSCME, 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.¹

MARK GASTON PEARCE,	CHAIRMAN
BRIAN E. HAYES,	MEMBER
SHARON BLOCK,	MEMBER

Dated, Washington, D.C., August 24, 2012.

¹ In denying review of the Regional Director's finding that the Employer has failed to establish that the LPNs are statutory supervisors based on their authority to assign employees, we agree with the Regional Director that, even assuming that LPNs do have the authority to assign CNAs, the Employer has failed to show that LPNs exercise independent judgment in making such assignments.

In finding that the Employer failed to establish that the LPNs have the authority to adjust grievances, the Regional Director pointed to the minor character of the grievances resolved by the LPNs, some of which involved patient complaints. We find it unnecessary to characterize the grievances or to address whether the resolution of patient complaints is relevant to the grievance adjustment indicia of Sec. 2(11) authority because the evidence fails to show that LPNs use independent judgment in resolving them.