

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

GAYLORD NATIONAL RESORT AND
CONVENTION CENTER
Employer

and

Case 05-RC-097275

NATIONAL UNION OF PROTECTIVE
SERVICES ASSOCIATIONS
Petitioner

and

SERVICE EMPLOYEES INTERNATIONAL
UNION LOCAL 32BJ
Party in Interest

ORDER

Service Employees International Union Local 32BJ's request for special permission to appeal the Regional Director's denial of its motion to intervene is denied without prejudice.¹

The Special Appeal raises an issue of whether to overturn current precedent, *University of Chicago*, 272 NLRB 873 (1984), which precludes a mixed guard-nonguard union from taking advantage of the Board's election processes. If the Petitioner does not receive a majority of the votes cast in the election, it may not be necessary to address Local 32BJ's contention that *University of Chicago* should be overturned. Conversely, if the Petitioner does receive a majority of the votes cast, Local 32BJ may renew its contention before the Board.

Accordingly, the proceeding is remanded to the Regional Director to conduct the election, to open and count the ballots, to serve on the parties a tally of ballots, and to take further appropriate action.

MARK GASTON PEARCE, CHAIRMAN

RICHARD F. GRIFFIN, JR., MEMBER

SHARON BLOCK, MEMBER

Dated, Washington, D.C. March 12, 2013.

¹ We have treated Local 32BJ's Request for Review as a request for special permission to appeal given that the Regional Director has not issued a decision. See Sec. 102.67 of the Board's Rules and Regulations.