

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ROCK RIVER ACADEMY AND RESIDENTIAL CENTER
Employer

and

Case 25-RC-129277

AFSCME COUNCIL 31, 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 The Employer's request for special permission to appeal from the Regional Director's determination of the election details is granted.² Because the Regional Director did not abuse his discretion, the appeal is denied on the merits.

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

HARRY I. JOHNSON, III, MEMBER

Dated, Washington, D.C., August 13, 2014

¹ In denying review, we note that there is a dispute as to whether a majority of the Behavioral Health Technicians possesses a college degree. We find this alleged minor factual difference would not warrant a contrary result.

Members Miscimarra and Johnson join in denying review inasmuch as the Regional Director's determination that the petitioned-for unit is appropriate would be the same under relevant precedent prior to *Specialty Healthcare & Rehabilitation Center of Mobile*, 357 NLRB No. 83 (2011).

² We have treated the Employer's Request for Review of the Regional Director's July 30, 2014 Direction of Election as a request for special permission to appeal.