

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

UNIVERSITY OF CHICAGO
Employer

and

Case 13-RC-198365

TEAMSTERS LOCAL 743
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Supplemental Decision on Remand from the Board and Certification of Representative is denied as it raises no substantial issues warranting review.¹

MARK GASTON PEARCE, MEMBER

MARVIN E. KAPLAN, MEMBER

¹ In finding that the Petitioner did not engage in objectionable surveillance, we also rely on the fact that the Petitioner's agents, who were stationed outside the libraries containing the polling rooms, could not have distinguished between students entering the libraries to study during the final exam period and voters entering the libraries to proceed through the hallways to the polls. See *J. P. Mascaro & Sons*, 345 NLRB 637, 639-640 (2005) (finding no objectionable surveillance where the employer's president, who was stationed in front of the facility, had no direct view of the room where the election was taking place and therefore "had no way of knowing who was entering to vote and who was entering to perform job-related duties or to eat and drink in the vending/snack room"); *Blazes Broiler*, 274 NLRB 1031, 1032 (1985) (finding no objectionable surveillance where the employer's president, who was stationed in front of the hallway leading to the polling place, "had no way of knowing who was entering the hallway to vote and who was entering to perform job related duties, or heading to the time clock to check in or out").

In its prior Requests for Review, the Employer argued that the proposed unit members, who are students at the Employer's university, are not employees for the purposes of the Act. Although the Employer raises this issue again in its current Request for Review, the Board does not consider repetitive requests for review, and the student employee issue is thus not before the Board at this juncture. See Sec. 102.67(h)(i)(1) of the Board's Rules and Regulations. Members Emanuel and Kaplan note that they would, in a future appropriate case, consider whether and under what circumstances students qualify as "employees" within the meaning of Sec. 2(3) of the Act.

WILLIAM J. EMANUEL,

MEMBER

Dated, Washington, D.C., May 21, 2018.