

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ST. JAMES MEDICAL GROUP  
Employer

and

Case 19-RC-234472

TEAMSTERS UNION LOCAL NO.2,  
AFFILIATED WITH THE INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS  
Petitioner

ORDER

The Petitioner's Request for Review of the Regional Director's Decision and Direction of Election is granted as it raises substantial and material issues regarding the Employer's relationship to the Hospital and to the Boulder Clinic.<sup>1</sup> These issues, which bear on the identity of the statutory employer of the employees subject to the instant Request for Review, were not fully raised and litigated, and there is insufficient evidence to support the Regional Director's finding that the Employer does not employ the employees at the Boulder Clinic.<sup>2</sup> Accordingly, the case is remanded to the Regional Director for further appropriate action including reopening the record, if necessary.

JOHN F. RING,                      CHAIRMAN

MARVIN E. KAPLAN,              MEMBER

WILLIAM J. EMANUEL,          MEMBER

Dated, Washington D.C., October 25, 2019.

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<sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>2</sup> Member Kaplan acknowledges that the Board's rules allow the Petitioner to request review after the election, as it did, but observes that the Petitioner could also have requested review before the election because the Regional Director excluded the Boulder Clinic employees from the voting list and overruled, without explanation, the parties' stipulation that they should be included on the voting list.