

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

APTIM FEDERAL SERVICES, LLC,
A MANAGING PARTNER OF HDSS,
LLC

Employer

and

Case 31-RC-242329

TEAMSTERS, CHAUFFEURS,
WAREHOUSMEN, INDUSTRIAL AND ALLIED
WORKERS OF AMERICA, LOCAL 166

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

JOHN F. RING, CHAIRMAN

MARVIN E. KAPLAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

Dated, Washington D.C., March 25, 2020.

¹ In denying review of the Regional Director's finding that the Employer has not established that the petitioned-for employees possess the authority to assign employees, we do not rely on her citation to *Rockspring Development, Inc.*, 353 NLRB 1041 (2009), a two-member Board decision. See *New Process Steel, L.P. v. NLRB*, 560 U.S. 674 (2010). We also do not rely on her discussion of *Entergy Mississippi, Inc.*, 357 NLRB 2150 (2011), which was reversed and remanded in relevant part, see 810 F.3d 287 (5th Cir. 2015), and in which the Board subsequently concluded that the individuals at issue possessed the authority to assign employees to places using independent judgment. See 367 NLRB No. 109 (2019).

In denying review of the Regional Director's finding that the Employer has not established that the petitioned-for employees effectively recommend hiring, we agree with her conclusion that there is no evidence indicating that the battalion chiefs or the fire prevention chief exercise independent judgment in making hiring recommendations. We do not, however, rely on her statement that the fire prevention chief's recommendation of the "most qualified applicant" for hire necessarily represented a "self-evident choice" under *Oakwood Healthcare*, 348 NLRB 686, 693 (2006).