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Comprehensive Health Services, LLC and International Union of Operating Engineers Local 351
Petitioner. Case 28–RC–276077

June 29, 2021

ORDER

BY CHAIRMAN MCFERRAN AND MEMBERS EMANUEL
AND RING

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 Extraordinary Relief is denied as moot.

Dated, Washington, D.C. June 29, 2021

Lauren McFerran, Chairman

John F. Ring, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

MEMBER EMANUEL, dissenting.

In light of the evolving nature of the COVID-19 pandemic, I would revisit the guidelines set forth in our decision in *Aspirus Keweenaw*, 370 NLRB No. 45 (2020). Accordingly, I would grant the Employer’s Request for Review of the Regional Director’s Decision and Direction of Election and Request for Extraordinary Relief.

Dated, Washington, D.C. June 29, 2021

William J. Emanuel, Member

NATIONAL LABOR RELATIONS BOARD

¹ In denying review of the Regional Director’s mail ballot determination, we rely solely on the Regional Director’s finding that a mail ballot election was warranted under Factor 4 of *Aspirus Keweenaw*, 370 NLRB No. 45, slip op. at 7 (2020), because the proposed room for a manual election would not have provided adequate space to ensure adequate social distancing and safe traffic flow under the requirements of General Counsel Memorandum 20-10 “Suggested Manual Election Protocols” (July 6, 2020) (polling area must be “[s]pacious . . . , sufficient to accommodate six-foot distancing” and have a “[s]eparate entrance and exit for

voters.”). The Employer has not demonstrated that these findings were an abuse of discretion. Accordingly, we find it unnecessary to reach the Regional Director’s other findings regarding the *Aspirus* factors.

Chairman McFerran agrees to deny review of the Regional Director’s Decision and Direction of Election for the reasons given in her separate opinion in *Aspirus* and to deny the Employer’s Request for Extraordinary Relief as moot. She agrees that, even under the majority opinion in *Aspirus*, the Regional Director’s decision should be affirmed for the reasons given above.