

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28**

BACKSTAGE EMPLOYMENT & REFERRAL, INC.

Employer

and

**INTERNATIONAL ALLIANCE OF THEATRICAL
STAGE EMPLOYEES, MOVING PICTURE
TECHNICIANS, ARTISTS AND ALLIED CRAFTS OF
THE UNITED STATES, ITS TERRITORIES AND
CANADA, LOCAL 720, AFL-CIO, CLC**

Case 28-RC-349723

Petitioner

DECISION AND DIRECTION OF ELECTION

I. SUMMARY

The Petitioner seeks to represent a unit of all full-time, regular part-time, and on-call warehouse workers¹, personal assistants, and stagehands² including wardrobe, audio, video, lighting, spotlight, props, camera and rigging, employed by the Employer. The Petitioner and the Employer agree that the unit should include stagehands and exclude all guards and supervisors as defined under the Act.

The Employer argues that the unit sought by Petitioner is not appropriate and the warehouse workers and personal assistants should be excluded from the unit because they do not share a sufficient community of interest with the stagehands. The Employer further contends that its two identified personal assistants are supervisors within the meaning of Section 2(11) of the Act. Additionally, the Employer asserts that the Board's standard procedures for conducting pre-election hearings violate the U.S. Constitution.

The Petitioner argues that the petitioned-for unit is a presumptively appropriate "wall-to-wall" unit, and that the Employer has not rebutted the presumption that the petitioned-for unit is appropriate. The Petitioner further contends that the Employer has not met its burden to prove that two identified personal assistants are supervisors within the meaning of Section 2(11) of the Act. Additionally, the Petitioner asserts that the record does not establish that warehouse

¹ Warehouse workers who work in the warehouse facility at David Copperfield's private museum are referred to as "museum archivists."

² Stagehands are also referred to as "magi."

manager Ron Hebler (Hebler) is a supervisor within the meaning of Section 2(11) of the Act and should be included in the petitioned-for unit.

A hearing officer of the Board held a hearing in this matter and the parties orally argued their respective positions prior to the close of the hearing. As explained below, based on the record as a whole and current Board legal precedent, I find that the petitioned-for unit sought by Petitioner is appropriate. I further find that the Employer did not meet its burden to prove that the two personal assistants it asserts are supervisors are in fact supervisors within the meaning of Section 2(11) of the Act.

Moreover, as first posited by Petitioner in its closing arguments, I find insufficient record evidence to find that the warehouse manager is a supervisor within the meaning of Section 2(11) of the Act, and the record reflects that he shares a community of interest with the other petitioned-for employees. Finally, I find the employer's arguments concerning the constitutionality of the Board's procedures unavailing. Accordingly, I will direct an election for the petitioned-for unit, as detailed below.

II. STATEMENT OF FACTS

A. The Employer's Operations

The Employer employs staff for the stage show and related activities of stage magician David Copperfield (Copperfield). The Employer's employees perform work at two facilities:

- 1) The MGM Grand, David Copperfield Theater (theater), located at 3799 Las Vegas Boulevard, Las Vegas, NV 89109; and
- 2) The warehouse located at 3650 West Russel Road, Las Vegas, NV 89118.

The warehouse is located about 2.3 miles away from the theater. There are shows at the theater about 42 weeks a year and about 10 weeks a year the show is not performed (dark weeks).

Certain back-up props for the show are stored and maintained at the warehouse, including parts of props for the spaceship and dinosaur as well as some plexiglass stands used in various illusions. Small props are typically brought from the theater back to the warehouse for repairs. Warehouse workers, including the warehouse manager, sometimes go to the theater to repair props that are too large to easily transport to the warehouse.

The museum is located inside the warehouse and occupies about half of the warehouse's square footage. Items that Copperfield buys from magic-related auctions that are displayed in the museum or stored in the warehouse are not typically used in the magic show Copperfield performs at the theater. These museum items are valuable and significant to the history of magic, such as an expansive display of the magic that made Harry Houdini famous and many other displays showing the magic of other historically significant magicians. Three museum archivists work in the museum, researching and cataloging Copperfield's collection. During the 10 dark weeks when there is no show at the theater, the museum archivists and warehouse manager remain working at the warehouse with no change to their schedules.

The museum is not open to the public. However, Copperfield periodically performs guided tours of his museum which typically start after his magic shows at the theater have ended.

These tours are for small groups, such as a group of eight people. Guided museum tours with Copperfield are sometimes auctioned off as a package with tickets to his show. These museum tours often start as late as 11 p.m. or midnight. During these museum tours, Copperfield speaks about certain selected items on display in the museum and performs magic. Stagehands and personal assistants often assist Copperfield with the magic performed during these museum tours. The warehouse manager is also often present for these museum tours. The record does not reflect that museum archivists are present for these tours.

B. Job Duties

1. Stagehands/Magi

The stagehands are responsible for the technical aspects of the show at the theater, including operating lights, sounds, media, rigging, and interacting with props. Each action to be performed during a show, such as turning on a light, playing a sound effect, flying in a piece of scenery, or handing Copperfield a prop, is referred to as a “cue.” The series of cues that a stagehand performs over the course of the performance is referred to as a “track.” Each stagehand is responsible for their own track, but the record shows that stagehands help each other with their tracks as necessary. Further, the record reflects that stagehands and personal assistants help each other with their tracks as necessary during the shows.

Stagehands occasionally perform some work at the warehouse, such as dropping off, storing, picking up, and repairing certain props used in the show at the theater. As noted above, stagehands also perform certain duties during museum tours, such as putting out signs for the museum tour and helping Copperfield with magic performed during the museum tour. Stagehands are also occasionally assigned to perform light cleaning or to help move certain items at the warehouse, including at the museum. Further, one stagehand occasionally assists a museum archivist with filing items in the museum’s collection.

2. Warehouse Workers/Museum Archivists

The employer employs three museum archivists whose job duties are primarily performed within the museum, rather than the other portion of the warehouse that deals with the props used in the theater show. One museum archivist works primarily as a librarian curating Copperfield’s collection of books related to the history of magic. The second museum archivist works mainly with ephemera such as antique posters or letters written by, to, or about significant magicians. This archivist sorts and catalogues paper artifacts into appropriate folders for display or long-term storage. The third museum archivist primarily works with digital tagging software to create a database of Copperfield’s extensive and constantly growing collection.

These museum archivists rarely work outside of the museum. Their working time in the warehouse is usually spent on items that are part of the museum’s collection but are stored in the warehouse due to lack of space. Museum archivists rarely go to the theater and their day-to-day work is not in service of the production of the stage show at the theater. The record does not reflect that the museum archivists work during the museum tours, but the work that museum archivists do to organize, identify, and display Copperfield’s magic collection at the museum assists Copperfield, the personal assistants, and the stagehands performing magic during private museum tours.

3. Personal Assistants

The personal assistants collectively serve Copperfield by picking him up at his house, checking the doors at his house, loading the car with his things, and driving him to the warehouse to pick up packages or other items Copperfield wants to take to the theater. Personal assistants then drive Copperfield to the theater. The record reflects that only personal assistants are responsible for transporting Copperfield from his house.

The personal assistants not assigned to transport Copperfield during their shifts report straight to the theater and complete tasks in preparation for Copperfield's two evening shows. Three personal assistants perform tracks during Copperfield's two nightly shows—one at 7 p.m. and another at 9:30 p.m. Personal assistants also complete other tasks in their office and backstage in between these two shows. The personal assistants' tracks throughout the shows consist of a number of cues, such as giving Copperfield his tea, recording an illusion, signaling Copperfield throughout the show, checking on volunteer audience members, and holding lights in the audience.

One personal assistant testified that she has a work email account that she uses to order items on Amazon. She does not have a company credit card. She also uses the work email to remind other employees about upcoming museum tours. She occasionally provides childcare to Copperfield's children when childcare is unavailable. When asked by Copperfield's fiancé, she has picked up Copperfield's children from school and has run various Copperfield household errands. She performs these tasks at most three times a month. This personal assistant testified that the stagehands do not run Copperfield's household errands, babysit for Copperfield's children, or pick up Copperfield's children from school. In the span of about six months, this personal assistant has also done grocery shopping requested by Copperfield's fiancé about three times.

Another personal assistant testified that the personal assistants also clean the airport hangar where Copperfield stores his personal plane before and after Copperfield takes his plane to his island on dark weeks. This task appears on the schedule and may be completed by any of the personal assistants.

The personal assistants all share a dressing room containing a large table at the theater. They do not have individual desks. On occasions when the theater is rented to another performer, this dressing room is cleared out for use by that performer. When this happens, the dressing room is typically cleared out by the personal assistants with help from the stagehands.

4. Warehouse Manager

The warehouse manager is responsible for taking care of the warehouse, including the museum, organizing the warehouse, and fabricating items such as stands, picture frames, and mounts for props displayed in the museum. Occasionally, the warehouse manager goes to the theater to repair a prop or piece of scenery that is too large to conveniently bring back to the warehouse for repairs. The warehouse manager testified that this irregular repair work is the only work he typically does at the theater. The warehouse manager will sometimes fix smaller props brought from the theater to the warehouse for repair.

The warehouse manager also maintains the set schedules for the museum archivists. When stagehands occasionally work at the theater during dark weeks, the warehouse manager typically assigns them tasks, including light cleaning at the warehouse, like taking out trash, or cleaning glass, the bathrooms, or the floors.

The warehouse manager also participated in interviews of two of the three museum archivists. The warehouse manager testified that he attended these interviews with the Employer's president, discussed the interviews with the president, and the final decision to hire the museum archivists was made by the Employer's president.

C. Interchange and Contact among Employees at the Theater and the Warehouse

1. Personal Assistants at the Warehouse

Personal assistants file Copperfield's personal files in the warehouse, including newspaper clippings and fan mail. The warehouse manager has texted the personal assistants about work-related issues, such as coordinating when the company car broke down and needed repairs. Approximately two to four times per week, the personal assistants go to the warehouse to drop off or pick up things—including mail, packages, and props for the show—during or in between shows at the theater.

Sometimes, at the warehouse, the warehouse manager or one of the museum archivists helps the personal assistant load heavy packages into the company car. One personal assistant testified that when she goes to the warehouse, she's usually there for about 10 to 15 minutes. She also testified that either the warehouse manager or Copperfield gives her instructions for tasks to complete in the warehouse. Another personal assistant testified that about a month before the hearing, she spent about five and a half hours at the warehouse to meet Copperfield's specialized puppet repair person. That personal assistant followed this puppet repair person around the warehouse to retrieve anything he needed.

2. Stagehands at the Warehouse

Stagehands regularly perform work at the warehouse and at the theater. Stagehands sometimes go to the warehouse to store or retrieve props for the show at the theater. The warehouse manager testified that during dark weeks, one stagehand repairs lights that are used in the show at the warehouse, using parts from the supply of spare lights that are stored at the warehouse. One stagehand testified that another stagehand periodically works at the warehouse to work on a spaceship prop and has done so at least ten times as of the hearing dates. Stagehands who primarily work at the theater can work extra hours at the warehouse performing work on props, including painting, repairing, and preparing props for the show at the theater.

3. Private Museum Tours

Stagehands and personal assistants work at the museum during Copperfield's private museum tours, to assist Copperfield during the tours, including performing magic. Two personal assistants usually assist Copperfield on a museum tour, following the tour group and rearranging items in the different rooms they visit. One personal assistant testified that she has helped with

the museum tour about 15 to 20 times during her two years working for the Employer. One stagehand testified that they have worked on the tour more than 10 times in the last year.

D. Supervisory Status of Personal Assistants

The employer maintains that two of its four personal assistants included in the petitioned-for unit, Priscila Yanez Rodriguez (Yanez-Rodriguez) and Kayla Munoz (Munoz), are supervisors within the meaning of Section 2(11) of the Act. The record evidence regarding the Employer's contention is as follows:

1. Hiring Employees

Yanez-Rodriguez testified that she sat in on the Zoom interview of Munoz, a candidate for the personal assistant role, but she did not ask any questions. A personal assistant who no longer works for Employer asked the interview questions. Yanez-Rodriguez and the other personal assistants decided to interview Munoz after they collectively reviewed her resume. Yanez-Rodriguez did not reach out directly to Munoz to schedule the interview—another personal assistant did.

Yanez-Rodriguez testified that before any of the candidates for the personal assistant role are hired, they complete a three-day trial where they shadow current personal assistants, and the current personal assistants observe how the candidates work. Toward the end of the trial period, the candidates complete the tracks themselves. At the end of the trial period, the current personal assistants decide collectively whether the candidates are a good fit for the team. Yanez-Rodriguez did not make the final decision on whether to hire any of the personal assistant candidates—the current personal assistants collectively made a recommendation to Copperfield and then Copperfield and the Employer's president followed their recommendations and made the final decision to hire the new candidates.

Yanez-Rodriguez recommended three personal assistant candidates—Munoz, Ebonii Starks (Starks), and Alayzia Holmes (Holmes)—to Copperfield. Yanez-Rodriguez never communicated her recommendation to Copperfield in writing; the recommendations were made during short, informal conversations with either Copperfield or the Employer's president. Yanez-Rodriguez testified that Copperfield has always hired the candidates that she and the other personal assistants have recommended.

Munoz testified that either Yanez-Rodriguez or Starks asked the Employer's president and Copperfield whether they could hire a fourth personal assistant to help with their workload. Once the Employer's president and Copperfield authorized the hiring, Munoz drafted a job announcement on LinkedIn with the help of a former personal assistant and posted the job announcement following Starks' review. Neither the Employer's president nor Copperfield reviewed the posting before it was posted on LinkedIn.

Starks and Munoz reviewed the 12 resumes that were submitted, but none of the LinkedIn applicants had the service industry experience that Munoz preferred. Holmes was eventually hired for the personal assistant position, but she did not apply through the Employer's LinkedIn posting. Rather, Holmes was referred to Munoz, she applied, and Munoz was pleased she had customer service experience.

Munoz interviewed Holmes. No one else participated in the interview. Munoz asked interview questions from a list that a former personal assistant provided her. Munoz discussed Holmes' interview with Starks and Yanez-Rodriguez, and the three personal assistants together decided to invite Holmes to complete a three-day trial at the theater. After Holmes' trial period, Munoz, Yanez-Rodriguez and Starks collectively agreed that Holmes was a good fit for the position. During an informal conversation at Copperfield's home while Munoz was there to pick up Copperfield, Munoz asked Copperfield if it was okay to move forward with hiring Holmes. Copperfield asked Munoz if she worked well with the other personal assistants and asked whether it seemed like she could learn quickly and then agreed to hire Holmes as a personal assistant.

Yanez-Rodriguez testified that she had no input as to the wages of the new hires. She only informed the new hires of the pay range for the personal assistant role—from \$19 to \$21 per hour. Munoz testified that she was never told that she possessed any supervisory authority to hire personal assistants. The Employer's president testified that neither he nor Copperfield have interviewed any personal assistant candidates.

2. Assignment of Work and Maintaining Personal Assistants' Schedule

Yanez-Rodriguez maintains an Excel spreadsheet containing the personal assistants' work schedules (schedule). The schedule indicates who is assigned to pick up and drop off Copperfield at his house as well as other assigned tasks based on Copperfield's calendar. When there are additional tasks, Yanez-Rodriguez asks the other personal assistants who are available to complete the task and then Yanez-Rodriguez fills out the schedule based on the personal assistants' indicated availability. Yanez-Rodriguez and Munoz testified that Yanez-Rodriguez gets input from the other personal assistants before completing the schedule. All the personal assistants review the schedule before it is finalized.

Yanez-Rodriguez testified that all personal assistants are qualified to complete all tasks on the schedule. Yanez-Rodriguez testified that if a personal assistant is unavailable to pick up Copperfield because of a scheduling conflict, the unavailable personal assistant will ask one of her available, experienced colleagues to pick up Copperfield. New personal assistants do not typically transport Copperfield.

The Employer's president referred to Munoz and Yanez-Rodriguez as "leads" who assign the personal assistants' schedule and various tasks to the personal assistants. According to the Employer's president, on the rare occasion that Copperfield requests any changes to the schedule, he communicates such infrequent changes to either and/or both "leads" Munoz and Yanez-Rodriguez. Copperfield is not otherwise involved in the schedule, since the personal assistants maintain the schedule themselves.

3. Other Supervisory Indicia

The record shows that neither Yanez-Rodriguez nor Munoz have the authority to discipline employees, fire employees, perform performance evaluations, reward employees, give employees raises, transfer employees from one position to another, or responsibly direct the work of employees.

Yanez-Rodriguez testified that she has never completed a performance evaluation of another employee. Also, she has never fired, transferred, issued a disciplinary action, or given a raise to anyone that worked for Employer. And the Employer never told her that she has the authority to do any of these actions.

The Employer's president testified that he approves raises for all employees, including personal assistants. The Employer's president testified that he has fired a personal assistant in the past for making unauthorized purchases on the company's accounts—including at Amazon and Uber.

E. Supervisory Status of the Warehouse Manager

In its closing statement, the Petitioner posited whether warehouse manager Hebler was a Section 2(11) supervisor. The record evidence regarding Hebler's purported supervisory status is as follows:

1. Maintaining Schedules/ Reviewing Timecards

The warehouse manager maintains the schedules for the museum archivists and reviews their timecards to make sure they are correct. He testified that the archivists mainly work set schedules. Once Hebler finishes reviewing the archivist's timecards, he gives them to the Employer's president for processing.

2. Assigning Work

When stagehands work at the theater during dark weeks, the warehouse manager assigns them various tasks, like light cleaning at the warehouse, such as taking out trash, or cleaning glass, the bathrooms, or the floors.

3. Hiring

The warehouse manager also participated in interviews of two of the three museum archivists. The warehouse manager testified that he attended these interviews with the Employer's president, discussed the interviews with him, and the final decision to hire the archivists was made by the Employer's president.

4. Setting Wages

The warehouse manager testified that the Employer's president sets warehouse employee wages.

5. Issuing Discipline

The warehouse manager testified that he has issued discipline but has not done so in the last five years. On those occasions, he discussed the discipline beforehand with the Employer's president, who agreed that discipline should issue.

6. Other Supervisory Indicia

The record does not reveal that the warehouse manager performs any other supervisory indicia under section 2(11) of the Act.

In sum, based on the foregoing and the record as a whole, there is insufficient record evidence to determine that warehouse manager Hebler is a Section 2(11) supervisor. Accordingly, I find it appropriate to vote the warehouse manager subject to challenge by the

Board agent, provided the warehouse manager was employed during the eligibility period set forth below.

III. LEGAL ANALYSIS

A. Relevant Legal Precedent

1. Community of Interest

The Act does not require a petitioner to seek representation of employees in the most appropriate unit possible, but only in *an* appropriate unit. *Overnite Trans. Co.*, 322 NLRB 723 (1996). It is well settled that the "Board's procedure for determining an appropriate unit under Section 9(b) of the Act is to examine first the petitioned-for unit. If that unit is appropriate, then the inquiry into the appropriate unit ends." *Boeing Co.*, 337 NLRB 152, 153 (2001).

When the Board determines that the unit sought by a petitioner is readily identifiable and employees in that unit share a community of interest, the Board will find the petitioned-for unit to be an appropriate unit. *See American Steel Construction, Inc.*, 372 NLRB No. 23 (2022), overruling *PCC Structurals, Inc.*, 365 NLRB No. 160 (2017) as modified in *Boeing Co.*, 368 NLRB No. 67 (2019), and returning to the standard articulated in *Specialty Healthcare & Rehab. Ctr. of Mobile*, 357 NLRB 934 (2011) *enfd. sub nom. Kindred Nursing Centers East, LLC v. NLRB*, 727 F.3d 552 (6th Cir. 2013). The first inquiry is whether the job classifications sought by the Petitioner are readily identifiable as a group and share a community of interest. The Board has made clear that it will not approve fractured units, combinations of employees that have no rational basis. *Odwalla, Inc.*, 357 NLRB 1608 (2011); *Seaboard Marine*, 327 NLRB 556 (1999).

Traditional community of interest factors include whether the petitioned-for employees: are organized into a separate department or administrative grouping; have distinct skills and training, have distinct job functions and perform distinct work, including inquiry into the amount and type of job overlap between classifications; are functionally integrated with the employer's other employees; have frequent contact with other employees; interchange with other employees; have distinct terms and conditions of employment; and are separately supervised. *United Operations, Inc.*, 338 NLRB 123 (2002). Particularly important in considering whether the unit sought is appropriate are the organization of the plant and the utilization of skills. *Gustave Fisher, Inc.*, 256 NLRB 1069, 1069 n.5 (1981). However, all relevant factors must be weighed in determining community of interest.

The fact that employees in a petitioned-for unit engage in different work will not render the unit inappropriate where the employees share a community of interest. *See Berea Publishing Co.*, 140 NLRB 516 (1963) (employees in two distinct departments, who performed two distinct processes, constituted an appropriate unit based on their community of interest); *DPI Secuprint, Inc.*, 362 NLRB 1407, 1410 at n.10 (2015) (unit appropriate despite being drawn from several departments if they are readily identifiable as a group and share a community of interest).

2. Supervisory Status

Section 2(3) of the Act excludes from the definition of "employee" "any individual employed as a supervisor." Section 2(11) of the Act defines a supervisor as:

Any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not merely of a routine or clerical nature, but requires the use of independent judgment.

Possession of any one of these authorities is sufficient to confer supervisory status if the authority is exercised with independent judgment and not in a routine manner. *Oakwood Healthcare, Inc.*, 348 NLRB 686 (2006); *NLRB v. Kentucky River Community Care, Inc.*, 532 U.S. 706, 711 (2001). As the Board explained in *Oakwood*, “to exercise independent judgment an individual must at a minimum act, or effectively recommend action, free of control of others and form an opinion or evaluation by discerning and comparing data.” *Oakwood* at 692.

In addition to the factors identified in the Act, the Board also considers secondary indicia that can provide support for a supervisory finding but are not sufficient alone to establish supervisory status. *Training School at Vineland*, 332 NLRB 1412, 1412 fn. 3 (2000). Secondary indicia may include factors such as a higher rate of pay, or an employer holding out the employee as a supervisor. *American Commercial Barge Line Co.*, 337 NLRB 1070, 1072 (2002); *Carlisle Engineered Products*, 330 NLRB 1359, 1360 (2000).

The burden of establishing supervisory status rests on the party asserting that status. *Croft Metals, Inc.*, 348 NLRB 717, 721. (2006). Supervisory status cannot be established by record evidence which is inconclusive or otherwise in conflict. *Phelps Community Medical Center*, 295 NLRB 486, 490 (1989). Mere inferences or conclusory statements, without detailed, specific evidence, are insufficient to establish supervisory authority. *Lynwood Manor*, 350 NLRB 489, 490 (2007); *Golden Crest Healthcare Center*, 348 NLRB 727, 731 (2006). Any lack of evidence in the record on an element necessary to establish supervisory status is construed against the party asserting supervisory status. *Dean & Deluca New York, Inc.*, 338 NLRB 1046, 1048 (2003). The Board looks to evidence of supervisory authority in practice, not simply paper authority; job descriptions or other documents suggesting the presence of supervisory authority are not given controlling weight. See *Golden Crest Healthcare Center*, 348 NLRB at 731, citing *Training School at Vineland*, 332 NLRB at 1416.

B. Application of the Legal Precedent to this Petition

1. The petitioned-for unit is not presumptively appropriate.

At hearing, the Petitioner took the position that the petitioned-for unit is a wall-to-wall unit and therefore presumptively appropriate. I note that there are two facilities at issue here, the theater and the warehouse. Although a multi-facility unit can be a “wall-to-wall” unit which is presumptively appropriate, the record reflects that there are several employees the Petitioner did not include in its petitioned-for unit (including but not limited to a bookkeeper, an island purchaser, a repair person, and a graphic designer) whose place of employment is not reflected in the record. Based on the foregoing and the record as a whole, I cannot conclude that the petitioned-for unit is presumptively appropriate, either as a wall-to-wall unit or an employer-wide unit.

2. The petitioned-for unit is readily identifiable.

A petitioned-for unit is readily identifiable when they share job classifications, departments, functions, work locations, skills, or similar factors. *American Steel Construction, Inc.*, 372 NLRB No. 23, slip op. at 16. All of these factors are present here, as detailed below. The petitioned-for personal assistants work to ensure that Copperfield is transported to the warehouse to get what he needs and to the theater to perform his magic show. The personal assistants work with the stagehands during the theater shows, performing tracks as well as during the personal museum tours to assist Copperfield in performing magic. While the museum archivists do not assist Copperfield at the theater or at his private museum while he performs magic, museum archivists curate and maintain Copperfield's private museum, including ensuring that all items displayed at the museum for Copperfield's private tours are identified, organized, and available to Copperfield during his private tours. Based on the foregoing and the record as a whole, the petitioned-for unit is readily identifiable as the group responsible for ensuring Copperfield is present, assisted, and has everything he needs to perform his magic during his shows at the theater and during tours at his private museum.

3. The petitioned-for unit shares a community of interest.

a. Common Supervision

One community-of-interest factor is whether the employees in dispute are commonly supervised. In examining supervision, most important is the identity of employees' supervisors who have the authority to hire, to fire or to discipline employees (or effectively recommend those actions) or to supervise the day-to-day work of employees, including rating performance, directing and assigning work, scheduling work providing guidance on a day-to-day basis. *Executive Resources Associates*, supra at 402; *NCR Corporation*, 236 NLRB 215 (1978).

Common supervision weighs in favor of placing the employees in dispute in one unit. However, the fact that two groups are commonly supervised does not mandate that they be included in the same unit, particularly where there is no evidence of interchange, contact or functional integration. *United Operations*, supra at 125. Similarly, the fact that two groups of employees are separately supervised weighs in favor of finding against their inclusion in the same unit. However, separate supervision does not mandate separate units. *Casino Aztar*, supra at 607, fn 11. Rather, more important is the degree of interchange, contact and functional integration. *Id.* at 607.

In this case, the record reveals that while the stagehands are separately supervised from the personal assistants and museum archivists, there is some degree of common supervision. The stagehands report to a company manager and stage manager, who report to Copperfield or the Employer's president. The personal assistants receive tasks directly from Copperfield or the Employer's president. The warehouse manager maintains set schedules for the museum archivists, but the museum archivists also receive directions directly from Copperfield or the Employer's president. Based on the foregoing and the record as a whole, I find the degree of common supervision weighs in favor of including all of the petitioned-for unit classifications.

b. Interchangeability and Contact

Interchangeability refers to temporary work assignments or transfers between two groups of employees. Frequent interchange “may suggest blurred departmental lines and a truly fluid work force with roughly comparable skills.” *Hilton Hotel Corp.*, 287 NLRB 359, 360 (1987). As a result, the Board has held that the frequency of employee interchange is a critical factor in determining whether employees who work in different groups share a community of interest sufficient to justify their inclusion in a single bargaining unit. *Executive Resource Associates*, 301 NLRB 400, 401 (1991), citing *Spring City Knitting Co. v. NLRB*, 647 F.2d 1011, 1015 (9th Cir. 1081). In this case, the record reveals evidence of significant employee interchange between the stagehands and the personal assistants and museum archivists.

While there is no evidence of employees in one job classification being temporarily assigned to another classification, there is evidence that stagehands and personal assistants frequently help one another with their respective tracks as needed during the theater shows.

Also relevant for consideration with regard to interchangeability is whether there are permanent transfers among employees in the unit sought by a union. However, the existence of permanent transfers is not as important as evidence of temporary interchange. *Hilton Hotel Corp.*, supra. The record reveals only one instance of permanent interchange between classifications---one personal assistant who became a museum archivist. This one record example of a permanent transfer does not weigh significantly in favor or against including museum archivists in the petitioned-for unit.

Also relevant is the amount of work-related contact among employees, including whether they work beside one another. Thus, it is important to compare the amount of contact employees in the unit sought by a union have with one another. See for example, *Casino Aztar*, 349 NLRB 603, 605-606 (2007). The record reveals that the personal assistants and the stagehands work side by side during every magic show Copperfield performs at the theater as well as during his private museum tours. While the record does not reflect that the museum archivists work with the personal assistants or stagehands assisting Copperfield when he performs magic, the work that museum archivists do to organize, identify, and maintain Copperfield’s magic collection supports Copperfield’s magic shows, particularly the show he performs at his private museum. Based on the foregoing and the record as a whole, I find that this interchangeability and contact factor weighs in favor of including all of the classifications sought in the petitioned-for unit.

c. The Nature of Employee Skills and Functions

This factor examines whether disputed employees can be distinguished from one another on the basis of job functions, duties, or skills. If they cannot be distinguished, this factor weighs in favor of including the disputed employees in one unit. Evidence that employees perform the same basic function or have the same duties, that there is a high degree of overlap in job functions or of performing one another’s work, or that disputed employees work together as a crew, support a finding of similarity of functions. Evidence that disputed employees have similar requirements to obtain employment; that they have similar job descriptions or licensure requirements; that they participate in the same Employer training programs; and/or that they use similar equipment supports a finding of similarity of skills. *Casino Aztar*, 349 NLRB 603 (2007); *J.C. Penny Company, Inc.*, 328 NLRB 766 (1999); *Brand Precision Services*, 313 NLRB 657 (1994); *Phoenician*, 308 NLRB 826 (1992). Where there is also evidence of

similar terms and conditions of employment and some functional integration, evidence of similar skills and functions can lead to a conclusion that disputed employees must be in the same unit, in spite of lack of common supervision or evidence of interchange. *Phoenician*, supra.

I find that while the stagehands have certain skills and use specialized equipment (such as performing tracks and using lighting or sound boards), the record supports a finding that they work together with the personal assistants performing tracks during Copperfield's magic shows at the theater. Further, the record reflects that the stagehands also work closely with the personal assistants during Copperfield's private tours at his museum by assisting Copperfield with performing magic during such tours.

In this case, the record reveals that the museum archivists have distinct skills and training from the stagehands and personal assistants. Specifically, the museum archivists rely on their knowledge of the history of magic to categorize and organize the museum artifacts within Copperfield's collection. However, as noted above, Copperfield, the personal assistants, and the stagehands who assist Copperfield in performing magic during his tours at the museum are aided by the museum archivists' displays, identification, and organization of the museum collection, making it possible for Copperfield to show this collection and use this collection during his private tours. Based on the foregoing and the record as a whole, I find that this employee skills and functions factor weighs in favor of including all of the classifications sought in the petitioned-for unit.

d. Degree of Functional Integration

Functional integration refers to when employees' work constitutes integral elements of an employer's production process or business. Thus, for example, functional integration exists when employees in a unit sought by a union work on different phases of the same product or as a group provides a service. Another example of functional integration is when the Employer's workflow involves all employees in a unit sought by a union. Evidence that employees work together on the same matters, have frequent contact with one another, and perform similar functions, is relevant when examining whether functional integration exists. *Transerv Systems*, 311 NLRB 766 (1993). On the other hand, if functional integration does not result in contact among employees in the unit a union seeks, the existence of functional integration has less weight.

The record reveals that the personal assistants and the stagehands are highly functionally integrated. Their respective job duties are each in furtherance of Copperfield's stage shows at the theater and his magic performances during private museum tours. While the personal assistants perform duties that the stagehands do not (such as driving Copperfield to the theater or providing periodic childcare), these tasks still support the single integrated purpose of supporting Copperfield's magic shows, private museum tours, and his related activities. Based on the foregoing and the record as a whole, I find the functional integration factor weighs heavily in favor of including the personal assistants and stagehands in the petitioned-for unit.

The work performed by the museum archivists is also functionally integrated into supporting Copperfield's performances. I recognize that there is testimony that the work of the museum would continue even if the stage show closed permanently, but at present, the private museum tours are offered as a premium addition to Copperfield's theater show tickets and are led by Copperfield after his theater magic shows have concluded for the evening. While the record

suggests that the archivists are not present during these museum tours, they are responsible for cataloguing and maintaining the items on display during these museum tours. Given this relationship between Copperfield's stage show and his private museum tours, I find that the museum archivists are sufficiently functionally integrated with the other classifications to support inclusion of all of the classifications sought in the petitioned-for unit.

e. Terms and Conditions of Employment

Terms and conditions of employment include whether employees receive similar wage ranges and are paid in a similar fashion (such as hourly versus salaried); whether employees have the same fringe benefits; and whether employees are subject to the same work rules, disciplinary policies and other terms of employment that might be described in an employee handbook. However, the fact that employees share common wage ranges and benefits or are subject to common work rules does not warrant a conclusion that a community of interest exists where employees are separately supervised, do not interchange and/or work in a physically separate area. *Bradley Steel, Inc.*, 342 NLRB 215 (2004); *Overnite Transportation Company*, 322 NLRB 347 (1996). Similarly, sharing a common personnel system for hiring, background checks and training, as well as the same package of benefits, does not warrant a conclusion that a community of interest exists where two classifications of employees have little else in common. *American Security Corporation*, 221 NLRB 1145 (1996).

The record reveals that all of the petitioned-for unit employees share common terms and conditions of employment. These include similar rates of pay between stagehands, personal assistants, and museum archivists, and all are paid on an hourly basis. All of the petitioned-for unit employees are offered the same employer-sponsored health insurance. Stagehands, personal assistants, and museum archivists all perform some work in the warehouse building, including at the museum.

These common terms and conditions for the petitioned-for employees contrast sharply with the employees that Petitioner did not seek. The employee who does graphic design is paid hourly but at a rate several times higher than the petitioned-for employees. The employee who repairs animatronics in the show is paid a retainer, and other employees not sought by Petitioner are paid on a salary basis.

f. Conclusion- Community of Interest

Based on the foregoing and the record as a whole, I find that there is sufficient functional integration and contact, a degree of shared supervision, and shared terms and conditions of employment between the stagehands, personal assistants, and museum archivists to include all three classifications in the petitioned-for unit, notwithstanding any differences in their training, skills, and separate daily supervision. Because the petitioned-for unit is readily identifiable and shares a community of interest, I find the petitioned-for unit is appropriate to direct an election.

4. The Employer has not met its burden to establish that its two identified personal assistants are supervisors within the meaning of Section 2(11) of the Act.

The Employer has not met its burden of establishing that Yanez-Rodriguez or Munoz are supervisors within the meaning of Section 2(11) of the Act. Initially, I note that there is no record evidence that either Yanez-Rodriguez or Munoz can discipline, fire, layoff, recall, reward, or

evaluate employees. The only record evidence provided by the Employer relating to their possible supervisory activity involves Yanez-Rodriguez and Munoz maintaining the schedules and participating in hiring their fellow personal assistants.

Based on the foregoing and the record as a whole, I find that neither Yanez-Rodriguez nor Munoz exercise independent judgment in creating schedules for the personal assistants. Yanez-Rodriguez testified that all the assistants are qualified to perform any of the tasks they might be assigned, and assignment of tasks is made according to the availability of the assistants on a given day. The Employer's president admitted that their role in maintaining the schedules and identifying which assistant will perform each task is routine, based largely on personal assistants' availability: "It's pretty cut and dry and the [personal assistants] maintain it."

Further, I find that neither Yanez-Rodriguez' nor Munoz' participation in hiring fellow personal assistants supports finding that they are supervisors within the meaning of Section 2(11) of the Act. The record reflects that all of the current personal assistants collectively decide whether a new assistant in a trial period should remain employed. The record does not support that either Yanez-Rodriguez or Munoz had more input in this collective decision than any other assistants. Moreover, the record shows that the Employer's president and Copperfield had to give prior authorization to the personal assistants to conduct such interviews. Based on the foregoing and the record as a whole, I do not find that either Munoz or Yanez-Rodriguez could hire or effectively recommend hiring any personal assistants, because there is insufficient evidence that input from them in particular was given any more weight than the input from the other personal assistants whose supervisory status is not in dispute.

Accordingly, based on the foregoing and the record as a whole, I find that the Employer failed to meet its burden to establish that Yanez-Rodriguez and Munoz are Section 2(11) supervisors. I therefore find that both Yanez-Rodriguez and Munoz are therefore appropriately included with the other personal assistants in the petitioned-for unit.

5. There is insufficient record evidence to establish that the warehouse manager is a supervisor within the meaning of Section 2(11) of the Act.

In its closing statement, Petitioner posited that the record evidence did not support a finding that Warehouse Manager Hebler possessed any Section 2(11) supervisory indicia, and Hebler should therefore be included in the petitioned-for unit, seeking all "warehouse workers." While I discourage parties from first raising substantive unit issues like supervisory status at such a late juncture in the hearing, particularly without first exploring with the hearing officer the possibility of stipulating to such supervisory status on the record, including eliciting specific, detailed record evidence in support of such a stipulation, I ultimately agree with Petitioner's assertion based on the insufficient record evidence on this issue.

While the record shows that the warehouse manager participated in some supervisory activities such as attending interviews for museum archivists, the record does not establish that he exercised any independent judgement while doing so. The Employer's president made the decisions to hire, and the record does not identify what, if any, weight was given to Hebler's input when the Employer's president's decided to hire each museum archivist. Similarly, the record reflects that Hebler maintains set schedules and forwards the timesheets for the museum archivists to the Employer's president for payroll processing, but there is insufficient record

evidence to establish that Hebler's role with these schedules or timesheets is anything more than routine or requiring him to exercise any independent judgment.

Hebler assigns certain routine tasks to stagehands working in the warehouse during dark weeks, like light cleaning including taking out the trash or cleaning the restrooms. There is no record evidence to establish that Hebler's assignment of work requires any independent judgment. Rather, Hebler's light cleaning assignments appear to be ad hoc assignment of discrete tasks, which does not support a finding of supervisory status. See *Cook Inlet Tug & Barge, Inc.*, 362 NLRB 1153, 1153 (2015).

Once again, I acknowledge that this issue was raised by petitioner late into the hearing, solely in its closing argument, that no stipulation regarding Hebler's alleged supervisory status was explored, and the record evidence pertaining to Hebler's alleged supervisory status is inconclusive at best. Accordingly, I find there is insufficient record evidence to establish that Warehouse Manager Hebler is a supervisor within the meaning of Section 2(11) of the Act.

Further, I find that the warehouse manager shares a community of interest with the other classifications in the petitioned-for unit. He works in the same warehouse building as the petitioned-for museum archivists, performs work that supports both the museum and Copperfield's magic show at the theater and private museum tours, works with stagehands when they work at the warehouse during dark weeks, is paid on an hourly basis, has the same insurance as petitioned-for employees, and reports to the Employer's president.

Based on the foregoing and the record as a whole, I find that the Warehouse Manager Ron Hebler may vote subject to challenge, if he has been employed during the eligibility period set forth below.

6. The Employer's Constitutional & Procedural Arguments

In its closing argument, the Employer makes the bare assertion that the Board's rules and procedures for holding pre-election hearings violate the U.S. Constitution because they deprive the Employer of due process, freedom of speech, and freedom of association. The Employer also claims that the procedures do not give the employer "the opportunity of free speech provided for in Section 8(c) of the National Labor Relations Act." At the outset, I note that Employer's Statement of Position does not raise any constitutional issues. Typically, arguments not raised in a party's statement of position are waived. However, because the issues raised are of a constitutional nature, I will exercise my discretion to briefly address the Employer's arguments.

First, the Employer argues that the Board's current procedures in elections violate the U.S. Constitution because they deprive the employer of due process, freedom of speech, and freedom of association. The Employer did not identify any specific provision of the Board's rules or regulations giving rise to the deprivation of rights. The Employer does not elaborate how the Board's rules operate to deprive them of any of these rights. The Employer did not offer any case law holding that the Board's procedures are unconstitutional or that they are in conflict with section 8(c) of the Act. Given the lack of any specific evidence or legal authority to support them, there is no record basis for me to decline to order an election on constitutional grounds.

Further, in its closing statement, the Employer raised procedural issues allegedly stemming from the lack of a sequestration order at this hearing, which the Employer claims caused credibility and due process issues. I reject this argument for two reasons. First, pre-

election hearings are non-adversarial, investigatory proceedings which do not require making any credibility determinations. As a result of the non-adversarial nature of the hearing, sequestration does not apply in pre-election hearings. *Fall River Savings Bank*, 246 NLRB 831, 831 fn. 4 (1979). Second, neither party even requested a sequestration order at this hearing. Based on the foregoing and a record as a whole, there is no appropriate basis for me to decline to order an election due to the lack of a sequestration order at this hearing.

IV. CONCLUSION

Based upon the entire record in this matter and in accordance with the discussion above, I conclude and find as follows:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.
3. The Petitioner is a labor organization within the meaning of Section 2(5) of the Act and claims to represent certain employees of the Employer.
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All full-time, regular part-time, and on-call warehouse workers, museum archivists, personal assistants, and stagehands, including wardrobe, audio, video, lighting, spotlight, props, camera, and rigging employees.

Excluded: All other employees, including guards and supervisors as defined by the Act.

OTHERS PERMITTED TO VOTE: At this time, no decision has been made regarding whether the warehouse manager is included in, or excluded from, the bargaining unit, and individual employed in that classification may vote in the election, but his ballot shall be challenged by the Board agent since his eligibility has not been resolved. The eligibility or inclusion of this individual will be resolved, if necessary, following the election.

V. DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. Employees will vote whether or not they wish to

be represented for purposes of collective bargaining by the **International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada, Local 720, AFL-CIO, CLC.**

A. Election Details

The election will be held on **Wednesday, September 17, 2025** at the following times and locations:

- a. **12:00 p.m. to 1:00 p.m. at the Employer's warehouse**, located at 3650 West Russel Road, Las Vegas, Nevada.
- b. **2:15 p.m. to 3:45 p.m. at MGM Grand, David Copperfield Theater**, located at 3799 Las Vegas Boulevard, Las Vegas, Nevada.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending **Sunday, August 31, 2025**, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. In a mail ballot election, employees are eligible to vote if they are in the unit on both the payroll period ending date and on the date they mail in their ballots to the Board's designated office.

Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period, and, in a mail ballot election, before they mail in their ballots to the Board's designated office; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

C. Voter List

As required by Section 102.67(l) of the Board's Rules and Regulations, the Employer must provide the Regional Director and parties named in this decision a list of the full names (that employees use at work), work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters.

To be timely filed and served, the list must be *received* by the regional director and the parties by **Thursday, September 11, 2025**. The list must be accompanied by a certificate of service showing service on all parties. **The Region will no longer serve the voter list.**

Unless the Employer certifies that it does not possess the capacity to produce the list in the required form, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.

When feasible, the list shall be filed electronically with the Region and served electronically on the other parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency's website at www.nlr.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions.

Failure to comply with the above requirements will be grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

D. Posting of Notices of Election

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees. The Employer must post copies of the Notice at least 3 full working days prior to 12:01 a.m. of the day of the election and copies must remain posted until the end of the election. For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays. However, a party shall be estopped from objecting to the non-posting of notices if it is responsible for the non-posting, and likewise shall be estopped from objecting to the non-distribution of notices if it is responsible for the non-distribution. Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67(c) of the Board's Rules and Regulations, you may obtain a review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A copy of the request for review must be served on each of the other parties as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations. The request for review must contain a complete statement of the facts and reasons on which it is based.

Procedures for Filing Request for Review: Pursuant to Section 102.5 of the Board's Rules and Regulations, a request for review must be filed by electronically submitting (E- Filing) it through the Agency's web site (www.nlr.gov), unless the party filing the request for review does not have access to the means for filing electronically or filing electronically would impose an undue burden. A request for review filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Section 102.5(e) of the Board's Rules do not permit a request for review to be filed by facsimile transmission. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations. The request for review must comply with the formatting requirements set forth in Section 102.67(i)(1) of the Board's Rules and Regulations. Detailed instructions for using the NLRB's E-Filing system can be found in the [E-Filing System User Guide](#).

A request for review must be received by the Executive Secretary of the Board in Washington, DC, by close of business **(5 p.m. Eastern Time) on September 23, 2025**, unless filed electronically. If filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time on September 23, 2025**.

Filing a request for review electronically may be accomplished by using the E-Filing system on the Agency's website at www.nlr.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Upon good cause shown, the Board may grant special permission for a longer period within which to file a request for review. A request for extension of time, which must also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a

statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

Any party may, within 5 business days after the last day on which the request for review must be filed, file with the Board a statement in opposition to the request for review. An opposition must be filed with the Board in Washington, DC, and a copy filed with the Regional Direction and copies served on all the other parties. The opposition must comply with the formatting requirements set forth in §102.67(i)(1). Requests for an extension of time within which to file the opposition shall be filed pursuant to §102.2(c) with the Board in Washington, DC, and a certificate of service shall accompany the requests. The Board may grant or deny the request for review without awaiting a statement in opposition. No reply to the opposition may be filed except upon special leave of the Board.

Dated at Phoenix, Arizona this 9th day of September, 2025.

/s/ Cornele A. Overstreet

Cornele A. Overstreet
Regional Director