

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 8**

**THE AKRON ART MUSEUM**

**Employer**

**and**

**Case 08-RC-359410**

**TEAMSTERS LOCAL # 348, AFFILIATED WITH THE  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS**

**Petitioner**

**DECISION AND DIRECTION OF ELECTION**

Teamsters Local # 348, affiliated with the International Brotherhood of Teamsters (“Union” or “Petitioner”) filed a petition seeking to represent certain employees of The Akron Art Museum (“Employer”). Specifically, the Union seeks a wall-to-wall unit of the Employer’s employees working at its One South High Street, Akron, Ohio facility, including all full-time and regular part-time museum guides, building service associates, Building Logistics and Maintenance Supervisor, events assistants, gallery teachers, Public Engagement Coordinator, Educator Youth and Family Programs, Project Manager: Creative Aging Institute, security guards, and Security Shift Coordinator. The Union seeks to exclude only office clerical employees, professional employees, management employees, and all guards and supervisors as defined in the Act. There are approximately 32 employees in the petitioned-for unit.

The Employer contends the petitioned-for unit is inappropriate because the security guards and the Security Shift Coordinator are guards as defined under Section 9(b)(3) of the Act. The Employer further contends that the unit should exclude all employees in the Learning and Engagement Department, including: (1) gallery teachers; (2) Public Engagement Coordinator; (3) Educator Youth and Family Programs;<sup>1</sup> and (4) Project Manager: Creative Aging Institute. The Employer maintains that the employees in the Learning and Engagement Department do not share a community of interest with the other petitioned-for employees. The Employer contends there are approximately 18 employees in the unit.<sup>2</sup>

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<sup>1</sup> This position is also identified in the record as “Educator, Children & Families.”

<sup>2</sup> The parties stipulated that any unit found appropriate should include the museum guides, business service associates, Building Logistics and Maintenance Supervisor, and events assistants. The parties further stipulated that the petitioned-for unit does not include any professionals with the meaning of Section 2(12) of the Act, nor are the following positions supervisory within the meaning of Section 2(11) of the Act: Building Logistics and Maintenance Supervisor; Public Engagement Coordinator; Educator Youth and Family Programs; Project Manager: Creative Aging Institute; and Security Shift Coordinator.

A hearing officer of the National Labor Relations Board held a hearing in this matter and the parties were afforded the opportunity to present evidence and to state their respective positions on the record. The parties submitted post-hearing briefs, which I have duly considered.

The Board has delegated its authority in this proceeding to me under Section 3(b) of the Act. Having considered the parties' positions, evidence and the entire record, I find the security guards and the Security Shift Coordinator are guards as defined under Section 9(b)(3) of the Act and, therefore, must be excluded from the unit. I further find that the Employer has not met its burden to show that gallery teachers, Public Engagement Coordinator, Educator Youth and Family Programs, and Project Manager: Creative Aging Institute's community of interest factors are so disparate from those of the other employees in the unit that they must be excluded from this wall-to-wall unit of employees. Thus, these employees are appropriately included in the unit.

### **Overview of Employer's Operations**

The Employer is a non-profit corporation operating a modern and contemporary art museum in downtown Akron, Ohio. The museum has four galleries where both permanent and temporary exhibit pieces are on display. The museum is open to the public Wednesday through Sunday from 11:00am to 5:00pm, with extended hours until 9:00pm on Thursdays. The museum is closed to the public on Mondays and Tuesdays but may host tours on those days. Additionally, the museum hosts events, both museum-sponsored and private, during non-public hours.

The museum includes a glass building built in 2007, which has three levels, including a basement, a main level where the entrance for guests is found, and an upper level holding the galleries. Next door is a brick structure dating back to 1899 that once served as the Akron Post Office. This building is a four-level structure used for staff offices, work rooms, and storage. The glass building and brick building are connected both through the basements and a bridge on the second level of the structures, allowing staff to pass between the two.

#### *Supervisory Structure*

The museum is overseen by an Executive Director. There are seven directors who report to him. The direct reports relevant to this matter include the Chief Advancement and Communications Officer, the Director of Learning and Engagement, the Director of Operations, and the Director of People and Culture.

The museum guides report to the Assistant Manager of Visitor Experiences, who in turn reports to the Chief Advancement and Communicators Officer. The event assistants report to the Senior Manager, Development Program Events, who also reports to the Chief Advancement and Communications Officer.

The gallery teachers report to the Manager of K-12 Learning, who in turn reports to the Director of Learning and Engagement. The Public Engagement Coordinator reports to the Manager, Public Engagement, who also reports to the Director of Learning and Engagement. The Project Manager: Creative Aging Institute and the Educator Youth and Family Programs both report directly to the Director of Learning and Engagement.

The Employer's building services associates and Building Logistics and Maintenance Supervisor report to the Director of Operations. The security guards and Security Shift Coordinator report to the Security and Logistics manager, who in turn reports to the Director of Operations.

When hired, all employees are interviewed by the Director of People and Culture as well as a hiring manager over the relevant department. All employees meet with the Director of People and Culture on their first day, during which she performs new hire orientation. Each new hire is given access to the electronic system the Employer utilizes for payroll and leave. The Director of People and Culture also addresses any questions the new hire has about the employee handbook, which applies to all employees.

### *Museum Guides*

There are nine part-time employees in the museum guide position. The museum guides' primary duties require them to be stationed at three public facing locations in the museum during their shifts, including working at the front desk, in the gift shop, and in the galleries. They check-in guests at the front desk, answer visitors' questions, and answer the museum phone, providing callers with requested information. They work as cashiers in the gift shop and generally maintain the inventory in the shop. Finally, they work inside the art galleries, stationing themselves in such a way that they are available to answer guests' questions. These questions may cover a variety of topics, including operational (e.g., location of the bathrooms) and substantive (e.g., questions regarding artwork and artists). The museum guides also ensure guests obey the gallery rules, such as not bringing drinks into the galleries and not touching the artwork. Museum guides notify security if a guest refuses to comply with the rules.

Like all employees, museum guides also participate in several annual after-hour events the museum offers, where they may perform their normal duties, such as checking in guests, or may perform other duties, such as working the bar. The museum asks that all employees be available for these "all-hands" events.

### *Event Assistants*

There are two part-time employees who work as event assistants. They help run private events, such as weddings, for individuals who have rented museum space. Their duties include meeting with vendors and helping set up the space with tables, napkins, etc. They clear dishes and restock the bar. They interact with the individual who rented the space. Security and building services are also assigned to work these private events. Event assistants also work the "all-hands" events the museum holds throughout the year and may work the bar at a program run by the Public Engagement Coordinator.

### *Learning and Engagement Team*

There are five part-time gallery teachers whose primary duties are to lead education tours at the museum. These tours can be for school-age children grades K through 12<sup>th</sup>, or tours for

adults. The museum participates in a program where all fourth graders in the Akron Public Schools visit the museum for an approximately three-hour tour. The gallery teachers lead these tours, which involve both viewing the art in the galleries and participating in a hands-on art making component in a designated studio space. The gallery teachers specialize in educating school-age children regarding art, and utilize props, games and toys to engage the students on the tours. In addition, the gallery teachers conduct other shorter tours for other K through 12<sup>th</sup> graders and lead hands-on art making projects during the museum's regularly scheduled family days. The gallery teachers also work the "all-hands" events and may perform duties unrelated to their roles (e.g., coat check) at those events.

There is one employee in the Educator Youth and Family Programs position. This is a full-time position that oversees any program aimed at children and their caregivers. These could be programs involving school-age children or younger children. This employee plans and leads monthly programming, including classes, workshops, museum family days, and the open studio. The open studio is a space for young children to explore while at the museum. The Educator Youth and Family Programs is trained to give the school-age children tours and fills in on the tours as needed.

The Project Manager: Creative Aging Institute is a full-time position with the primary duty of developing and running workshops, initiatives and programming for adults 55 years and older. The individual develops and runs six adult studio workshops a year as well as a day-long conference for individuals who serve older adults. Additionally, the individual helps develop an outreach kit that is sent to organizations that serve older adults. The adult programming can be on-site at the museum or off-site. Like all other employees in the Learning and Engagement Department, the Project Manager: Creative Aging Institute is trained to conduct education tours.

There is one employee in the position of Public Engagement Coordinator. This individual runs recurring programs for adults. Examples include a yoga class held at the museum and a book club focusing on graphic novels. The Public Engagement Coordinator conducts one to two programs a week, and attends off-site meetings with community groups. This individual is also responsible for administrative duties related to the Public Engagement Coordinator role, such as drafting program descriptions, tracking attendance for the programs, and completing paperwork for guest artists or instructors. The Public Engagement Coordinator has given education tours and participated in the "hands-on" art making component of the K through 12 tours.

### *Building Services*

There are approximately seven part-time building services associates. These employees are responsible for keeping the museum clean. They perform tasks such as mopping, vacuuming, removing trash, and replenishing supplies. Two of the more senior building services associates clean the galleries. The building services associates are also assigned to private and museum-sponsored events. They help set up and tear down tables and other equipment used during the events, which are held both during the museum's regular hours and after-hours.

There is one employee in the role of Building Logistics and Maintenance Supervisor. This is a full-time employee who performs maintenance throughout the building and on the grounds.

His duties include matters such as addressing basic electrical issues, changing filters, and shoveling snow. This individual also handles basic IT issues, such as setting up computers. The events staff provides the Building Logistics and Maintenance Supervisor with a lay-out for upcoming events, and he ensures that any necessary equipment is set up appropriately. He works during after-hour events and helps set up and tear down for events the museum holds during both the day and after-hours.

### *Security Team*

There are approximately three part-time security guards and two full-time security guards, one of whom is the Security Shift Coordinator. The security guards open the museum each day and close it at night. They patrol both the public and nonpublic areas of the building, identifying any security or safety issues that may exist. They enforce the museum's rules and have the authority to ask patrons to leave the museum, and complete incident reports of any security or medical events that occur. They surveille the area utilizing cameras and track employee access to the museum. The security team responds to any fire or access alarms and returns after hours to investigate any alarms that are triggered during that time. The security team also works after-hours events.

### **The Security Guards and Security Shift Coordinator are Guards under Section 9(b)(3) of the Act**

Section 9(b)(3) of the Act prohibits the inclusion of other employees with guards in a bargaining unit. The Act defines guard as "any individual employed as a guard to enforce against employees and other persons rules to protect property of the employer or to protect the safety of persons on the employer's premises." 20 U.S.C. § 159(b)(3). To qualify as a guard under the Act, employees "must perform security functions involving the protection of an employer's property, as an essential part of their duties and those security functions must encompass traditional police and plant security functions as a major and continual part of their job duties." *Inland Steel Co.*, 308 NLRB 868, 871 (1992). The pertinent issue is "the specific nature of the duties themselves." *Boeing Co.*, 328 NLRB 128, 130 (1999). Typical guard functions include

the enforcement of rules directed at other employees; the possession of authority to compel compliance with those rules; training in security procedures; weapons training and possession; participation in security rounds or patrols; the monitor and control of access to the employer's premises; and wearing guard-type uniforms or displaying other indicia of guard status. *Id.*

Here, the security guards and Security Shift Coordinator<sup>3</sup> perform typical guard functions. Further, they perform no other duties beyond these functions.

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<sup>3</sup> It appears from the record that the Security Shift Coordinator and the security guards have the same duties. The term security guards will be used to refer to both positions unless a delineation is necessary for clarity.

## *Analysis*

The security guards control and monitor access to the Employer's premises. They open the building to both employees and the public at the beginning of the day, which requires them to disable the security alarm, open the employee entrance, open the public entrance, and open the gift shop to allow the museum guides access to the shop area. The security guards also open the doors throughout the interior of the museum. They have key cards that give them access to areas of the museum that other employees cannot access.

The guards have their own access codes to the alarm system. They respond to both fire and security alarms, investigating the cause and deactivating the alarm, if appropriate. Security guards may be asked to return to the museum after hours to inspect the cause of an alarm. At closing, the guards lock the building and ensure the alarms are activated.

The security office is located next to the employee entrance. Employees clock in and out at a time clock immediately outside this office. Upon arrival, all employees move a magnet with their name on it to show they are present; when leaving they move the magnet to show they have exited the building. This allows the security guards to track whether all employees have left the building at the end of the day, and where employees are in the event of an emergency.

Additionally, the Security Shift Coordinator plays a role in setting up new employees' access cards and ensuring they are programmed for the correct level of access in the building. Another security guard is currently being trained in this area, as well. All security guards are trained to set up temporary access cards for visitors, limiting their access to only the parts of the building requiring entry, and all security guards can shut off access for these temporary cards.

Inside the security office there are two banks of cameras and a window. The security guards spend a portion of their shift monitoring the cameras, which have views of areas throughout the facility and have the ability to zoom in. Additionally, the guards can see vendors who approach the nearby loading dock through the security office window and press a button to grant them access to the facility. The guards have authority to deny entry to the museum and to ask a patron to leave. They also escort from the building employees who have been terminated.

The Board found that dispatchers and technicians who monitored and controlled access to an employer's facility by opening gates and doors for employees, confirming vendors' business with the facility, logging visitors' entry, and arming and disarming security alarms were guards within the meaning of the Act. *SHO-ME Power Electric Coop.*, 373 NLRB No. 139, fn. 1 (2024). Here, the security guards open the facility for the public and employees, log visitors, grant vendors access, monitor employees' presence in the building, control access levels within the building, and monitor alarms. The Board has found individuals who monitor automatic alarms and report when those alarms are activated to be guards within the meaning of Act. *MGM Grand Hotel*, 274 NLRB 139, 140 (1985). Here, the guards not only monitor the alarms, but also investigate the cause of the alarm. The security guards' role in controlling and monitoring access to the Employer's facility establishes they are guards within the meaning of the Act.

In addition to the above duties, the security guards perform the traditional guard duty of

patrolling. See *Inland Steel Co.* 308 NLRB 868 (1992) (paramedics who did not make periodic rounds but instead watched television between emergency calls not guards under the Act); *A.W. Schlesinger Geriatric Center*, 267 NLRB 1363, 1363 (1983) (two maintenance employees who made hourly rounds like contract guards were guards under the Act). Here, in addition to monitoring the bank of cameras, the guards spend time patrolling during each shift. They walk throughout the galleries, enforcing the museum's rules if they encounter patrons drinking and eating in those areas, carrying large bags, and touching the artwork. The guards go outside once or twice a day to patrol the outside areas around the museum and place notices on cars in the parking lot that have not paid for parking. They check the kitchen area twice a day to ensure there are no problems with the gas valve connected to the stove and ovens. At the end of the day, they patrol the employee office areas, ensuring they are secure and that personal space heaters are turned off.

Additionally, the guards carry two-way radios. The museum guides stationed in the galleries also carry these radios and can reach the security guards if a patron ignores requests to comply with the museum's rules. There is also a radio in the second-floor employee breakroom in the brick building that employees can use to reach security, if necessary. In *Madison Square Garden*, 333 NLRB 643 (2001), the Board denied review of the Regional Director's determination that the disputed employees who regularly patrolled their areas and carried two-way radios to call for emergency help or to respond to calls for assistance were guards under the Act. There, the disputed employees patrolled the Employer's property while enforcing the employer's rules against patrons and responding to employees' security concerns.

The security guards are tasked with enforcing the museum's rules against patrons. If they instruct a patron to cease a behavior and the patron does not comply, they have the authority to ask the patron to leave. However, I note that the security guards cannot touch the individual and ultimately will call the police if the person refuses to comply. Additionally, the security guards do not wear traditional guard uniforms. Rather, they wear a t-shirt that has the word "Security" across the back and a ballcap or stocking cap with the museum's logo on it. Their shirt is similar to that worn by the building services associates. The security guards do not carry guns. However, these factors do not weigh heavily against finding the security guards are guards within the meaning of the Act. The Board has held that, where an employee is employed "to enforce, against employees and others, rules to protect the [e]mployer's property and safety of persons on the premises. . . [i]t is immaterial that they do not themselves enforce these rules." *Wright Memorial Hospital*, 255 NLRB 1319, 1320 (1980). Rather, the duty to observe and report security issues is sufficient to bestow guard status. *Id.* Thus, it is immaterial that the security guards must call the police if a patron refuses to obey their directives.

Further, the Board has consistently found the fact that purported guards did not wear traditional guard uniforms or carry guns insufficient to defeat a finding that the employees were guards where they otherwise performed guard duties. *A.W. Schlesinger Geriatric Center*, 267 NLRB 1363, 1364 (1983); *Wright Memorial Hospital*, 255 NLRB 1319, 1320 (1980). In *Portland Museum of Art*, 370 NLRB No. 113 (2021), the Board reversed the Regional Director's finding that the museum's Gallery Ambassadors were not statutory guards. There, the museum chose to have its security look less authoritative by wearing aprons that identified them as "Gallery Ambassadors." They carried items such as maps and business cards and engaged with patrons.

The Board found this did not take away from the fact that they were also stationed throughout the museum to enforce museum rules and protect the artwork from the patrons, monitored the loading dock, and worked in the security hub viewing monitors with a live feed from security cameras. The Board found that the Gallery Ambassadors were guards due to their traditional guard duties. 370 NLRB No. 113, slip op. at 3 (2021).

The Union argues that the security guards are not guards within the meaning of the Act because they do not enforce rules against the museum's employees. I find that the Union interprets the definition of guard too narrowly. While the record does not reflect evidence of security guards writing up incident reports against an employee, there is ample record evidence that the security guards enforce rules against employees. The security guards escort from the facility employees who have been terminated. They also control employees' access to the facility by not only unlocking the building and its internal doors, but also setting up the employees' access cards to control the areas in the museum the employees can access. The security guards monitor the employees' presence in the museum. In *SHO-ME Power Electric Cooperative*, 373 NLRB No. 139 (2024), the Board found dispatchers and technicians who monitored and controlled employee access to the employer's facility " 'enforce[d] against employees . . . rules to protect the property of the employer or to protect the safety of persons on the employer's premises.'" *Id.* at fn. 1 quoting 20 U.S.C. § 159(b)(3).

Based on the above and a review of the record as a whole, I find that the security guards and Security Shift Coordinator are guards within the meaning of Section 9(b)(3) of the Act and must be excluded from the petitioned-for unit.

### **The Learning and Engagement Department Employees Share a Community of Interest with the other Unit Employees**

The Union seeks a wall-to wall unit of the Employer's employees.<sup>4</sup> A wall-to-wall or plantwide unit is presumptively appropriate, as a community of interest inherently exists amongst employees of the same employer. *Kalamazoo Paper Box Corp.*, 136 NLRB 134, 136 (1962); *Airco, Inc.*, 273 NLRB 348, 349 (1984). The Board still analyzes the appropriateness of the unit by applying traditional community of interest factors to the employees involved, but "the burden is on the Employer to demonstrate that the interests of a given classification are so disparate from those of other employees that they cannot be represented in the same unit." 273 NLRB at 348-49.

Here, the parties agree that the museum guides, business service associates, Building Logistics and Maintenance Supervisor and events assistants should be included in any unit found

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<sup>4</sup> I note that the Employer presented evidence at hearing of employees in other departments working for the museum. However, both parties asserted in their briefs that the Union seeks a wall-to-wall unit. In addition, the Hearing Officer noted on the record that the Union seeks a wall-to-wall unit and set forth the applicable Employer's applicable burden without objection from either party. Thus, in making my determination, I am treating the unit as a wall-to-wall unit. The Board will find a unit to be wall-to-wall where it excludes certain categories of employees traditionally excluded from a nonprofessional bargaining unit, such as professional employees or office clerical employees. See *International Bedding Co.*, 356 NLRB 1336 (2011) (treating unit excluding only clericals and supervisors as plantwide); *Livingston College*, 290 NLRB 304, 305 (1988) (unit consisting of all nonprofessional employees treated as plantwide).



appropriate. The Employer seeks to exclude the employees in the Learning and Engagement Department and, thus, it is the Employer's burden to establish that their interests are so different from the above employees that they cannot be included in a bargaining unit with them.

When analyzing whether a group of employees shares a community of interest, the Board considers the following factors:

whether the employees are organized into a separate department; 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, 123 (2002).

The Board weighs the above factors in their totality with no one factor having controlling weight. *Airco, Inc.*, supra, 348.

In applying these factors, I find that the Employer has not met its burden of establishing that the employees in the Learning and Engagement Department have such disparate interests that they cannot be included in a unit with the Employer's other nonprofessional employees. Thus, the positions of gallery teacher, Public Engagement Coordinator, Educator Youth and Family Programs, and Project Manager: Creative Aging Institute are appropriately included in the unit.

### *Analysis*

#### *Departments and Supervision*

The manner in which an employer has organized its operations is an important consideration in any unit determination. *International Paper Co.*, 96 NLRB 295, 298 fn. 7 (1951). However, the fact that employees are organized into separate departments does not preclude them from being included in the same unit, particularly where there is evidence of functional integration, overlap of job functions, and shared working conditions. *The Phoenician*, 308 NLRB 826, 827 (1992). Additionally, where the petitioner seeks a wall-to-wall unit, the unit will span the employer's departmental or administrative groupings, but the employees still share an inherent community of interest. *Airco, Inc.*, 273 NLRB 348, 349 (1984) (plantwide unit of drivers, mechanics and operators appropriate even where operators were in separate departments). In addition, while different supervision may suggest that employees do not share a community of interest, it does not require that they be in separate unit. *Hotel Services Group, Inc.*, 328 NLRB 116, 117 (1999).

In *Boston After Dark, Inc.*, 210 NLRB 38 (1974), the Board found sales representatives appropriately part of the unit even though they reported through a different immediate line of supervisory authority than the other unit employees. The Board noted that the sales representatives were ultimately answerable to the same general manager as other employees and, in addition to

shared upper-level supervision, the sales representatives shared the same overall benefits as the other employees and had substantial interaction with them. *Id.* at 39

Here, the employees in the petitioned-for unit all work in separate departments or divisions of the museum and have different first-line supervisors. The gallery teachers, Public Engagement Coordinator, Educator Youth and Family Programs, and Project Manager: Creative Aging Institute are all located in the Learning and Engagement Department. As noted above, the gallery teachers report to the Manager of K-12 Learning, who then reports to the Director of Learning and Engagement. The Project Manager: Creative Aging Institute and the Educator Youth and Family Programs report directly to the Director of Learning and Engagement. Finally, the Public Engagement Coordinator reports to the Manager, Public Engagement, who in turn reports to the Director of Learning and Engagement.

The museum guides fall under Visitor Experiences, which is part of the Advancement and Communications Department. The museum guides report directly to the Assistant Manager of Visitor Experiences. Event assistants fall under Development Program Events, which is also part of the Advancement and Communications Department, and report directly to the Senior Manager, Development Program Events. Both the museum guides and event assistants, as well as their immediate supervisors, work under the supervision of the Chief Advancement and Communications Officer.

The building services associates and Building Logistics and Maintenance Supervisor fall under the Operations Department and report directly to the Director of Operations.

All employees also have contact with the Director of People and Culture. This individual oversees all human resources functions, such as recruitment, onboarding, pay, performance and benefits. The Director of People and Culture calls applicants and conducts an initial interview with them by phone and then formally interviews them along with the department's head. The individual meets with all employees on the first day, during which the individual ensures that the employee is in the electronic payroll and leave system and understands how to use it, provides the employee with the code for clocking in and out, reviews the employee's benefits, and addresses any questions about the employee handbook.

While the employees in the petitioned-for unit are in separate departments and have different immediate supervisors, I find these factors do not weigh heavily against finding the employees in the Learning and Engagement Department share a community of interest with the other unit employees. First, there is some shared upper-level supervision given all employees share the same human resources representative who oversees pay and benefits. Further, even in the absence of shared supervision and departments, the Board will find that employees share a community of interest if other shared community of interest factors exist. Here, as fully detailed below, the employees in the petitioned-for unit share certain working conditions and job functions, have regular contact with each other and are functionally integrated.

Additionally, the museum guides and event assistants work in a different department and have different supervision than the building services associates and Building Logistics and Maintenance Supervisor. The parties have stipulated that these job titles should be included in the unit together. Thus, the fact that the employees in the Learning and Engagement Department

are also located in a separate department and have separate supervision has minimal bearing on whether they should be included in the wall-to-wall unit. *Airco, Inc.*, 273 NLRB 348, 349 (1984) (Noting that differences between operators and other unit employees did not defeat community of interest in plantwide unit where other unit employees experienced the same differences amongst each other.)

### *Terms and Conditions of Work*

Common terms and conditions of employment support that a group of employees share a community of interest. *The Boeing Co.*, 337 NLRB 152, 153 (2001). However, shared benefits, work rules, and general personnel policies will not alone establish that employees have a community of interest where employees otherwise have little in common. *American Security Corp.*, 321 NLRB 1145, 1146 (1996).

Here, all the petitioned-for employees are subject to the same rules and policies from the same employee handbook. The hiring process is the same for all these employees, with the Director of People and Culture making initial contact with all applicants, taking part in their interviews, and conducting their first day orientation. These employees have access to the same electronic payroll system, which is used not only for payroll but also for requesting leave and posting jobs. All the petitioned-for employees are required to be available to work late on Thursdays and on Saturday and Sunday. In addition, they all must pass background checks.

There are breakrooms on the second and third floors of the brick building that are shared by all employees. All hourly employees must clock-in and out at one of two timeclocks located in the facility. All employees are expected to move their magnet on the board at the security office to designate their presence at the facility.

The museum guides, event assistants, building services associates, and gallery teachers are part-time. The museum guides work approximately eighteen to twenty hours a week. The event assistants work the fewest hours per week of all the employees, clocking in for only around five hours per week. The record reflects that the hours of the building services associates vary. There are record examples showing they work a range from sixteen to thirty hours a week. The gallery teachers are scheduled for approximately ten hours a week. The part-time employees do not receive insurance benefits. They do receive a small amount of paid time-off (PTO). Specifically, they receive 3.75 hours of PTO for the year and an additional 3.75 hours for their birthday. The record contains conflicting evidence as to whether part-time employees are entitled to participate in the Employer's 403(b) plan. Regarding the wages, the museum guides earn around \$15 to \$16 an hour, events assistants make between \$15 and \$17 per hour, and building services associates are paid just under \$16 an hour. Gallery teachers make between \$20 and \$22 per hour.

The petitioned-for unit contains four full-time employees, including the Public Engagement Coordinator, the Educator Youth and Family Programs, the Project Manager: Creative Aging Institute, and the Building Logistics and Maintenance Supervisor. Full-time employees work at least 37.5 hours a week. As full-time employees, they are entitled to medical, disability, and life insurance, PTO, as well as access to the Employer's EAP program and 403(b) plan. They earn PTO at a greater rate than the part-time employees. Three of the full-time employees are paid

on a salary basis. This includes the Educator Youth and Family programs, who is paid \$49,862 a year, the Project Manager: Creative Aging Institute, who makes \$44,850 a year, and the Building Logistics and Maintenance Supervisor who is paid a salary of \$50,000. The Public Engagement Coordinator is considered an hourly employee who is paid \$21.31 per hour (around \$41,554.50 annually).

Overall, the employees in the petitioned-for unit share many working conditions. They are subject to the same rules and policies, share a breakroom, and are required to work on Thursday nights and weekends. There is a difference in benefits and wage levels between the part-time and full-time employees. However, the Board has found that a difference in benefits and wage levels between part-time and full-time employees is insufficient to defeat a shared community of interest where the employees are otherwise functionally integrated and share secondary and overall supervision. *Huckleberry Youth Programs*, 326 NLRB 1272, 1274 (1998). Here, as detailed below, the employees in the petitioned-for unit have a high level of functional integration. They also share the supervision of the Director of People and Culture, and the museum's overall Executive Director.

Further, I note that the parties have stipulated that the Building Logistics and Maintenance Supervisor should be included in the unit. This position is full-time, receiving full-time benefits and is paid the highest wage rate of all the petitioned-for employees. The differences in the position's terms and conditions of employment from the part-time employees is the same as the difference for the full-time positions the Employer seeks to exclude. The Board finds that differences between employees a party seeks to exclude from a unit and those included in the unit are not determinative of the overall community of interest when those same differences are shared by employees within the unit. *See Publix Super Markets*, 343 NLRB 1023, 1027 (2004).

I recognize the gallery teachers make a higher hourly wage rate than the other part-time employees. However, they share numerous other terms and conditions of employment, including receiving the same paid time off benefits. A difference in wages does not destroy a community of interest otherwise held by a group of employees. *Four Winds Services, Inc.*, 325 NLRB 632, 632 (1998).

Overall, I find the shared terms and conditions of employment, when considered in light of the other shared community of interest factors, weigh in favor of finding the gallery teachers, Public Engagement Coordinator, Educator Youth and Family Programs, and Project Manager: Creative Aging Institute share a community of interest with the rest of the petitioned-for employees. Certainly, the differences in the terms and conditions of employment between the employees in the Learning and Engagement Department and the remaining employees are not so disparate that they cannot be included in the same unit.

#### *Job Functions, Skills and Training*

If employees perform similar job functions or there is job overlap, this will support that the employees share a community of interest. *Casino Aztar*, 349 NLRB 603, 604-05 (2007). When considering whether employees possess skills or receive training similar to each other, the Board typically looks at factors such as whether a job classification requires specific certifications or

licenses, whether there is similarity in the skills utilized, and whether employees participate in the same training programs. *See The Boeing Co.*, 337 NLRB 152, 153 (2001); *Casino Aztar*, 349 NLRB at 605.

The museum guides check guests in at the front desk of the museum and handle the public's questions both in person and by phone from this location. When working at the front desk, they register guests who have signed up for specific programs being presented by the employees in the Learning and Engagement Department. The museum guides restock merchandise and work the cash register in the gift shop, and they spend part of each shift stationed in the galleries.

While in the galleries, the museum guides enforce the Employer's rules by ensuring that the patrons do not eat or drink in the galleries or touch the artwork. They also answer the guests' questions. The museum guides are expected to have a basic knowledge of the artwork and artists displayed in the galleries so they can answer guests' questions about the works. They carry a key chain with samples of different types of materials on it. The museum guides talk to the guests about how the materials on the chain are similar to those used in the artwork. During "all-hands" events, the museum guides may perform a variety of duties from their normal duties to making popcorn, helping with crafts, or working the bar.

The museum guides are required to have a high school diploma or GED, with customer service or public engagement experience preferred. Their training lasts approximately two weeks, about six shifts, during which they shadow another museum guide. As the museum guides must use computer programs to check-in guests and ring up merchandise at the gift shop, they receive training on these programs. When their duties were expanded to include working in the galleries, they received training from the Director of Learning and Engagement on how to talk to people about artwork. They receive regular updates on new exhibitions and are given talking points on the works. Museum guides also receive yearly training on how to make the museum inclusive for guests with sensory needs.

The event assistants help run private events such as weddings. They interact with the customers who rent the museum and ensure the vendors are on-site on the day of the event. They help set up tables and clear dishes away once used. They restock the bar and generally perform tasks aimed at making the event run smoothly. Event assistants must be 21 years of age or older, as they help serve alcohol. They are required to have a high school diploma, with customer service or hospitality service experience preferred. The event assistants need certifications related to food safety (e.g., Food Safety Level 1 certification and SafeServe certification).

As detailed above, gallery teachers' primary duties are to lead education tours through the museum. The gallery teachers specialize in teaching school-age children about the artwork in the museum. They lead three-hour tours with all fourth graders in the Akron Public Schools as part of the Essential Experience program.<sup>5</sup> However, they also lead shorter K through 12 tours and tours for adults. The gallery teachers often use props and costumes to engage the children with the artwork and to include a hands-on component with their program. On family days, they lead art-

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<sup>5</sup> A program founded by the GAR Foundation grant to provide educational tours for elementary students in the Akron Public Schools. GAR is an acronym for the Museum's founders, Galen and Ruth Roush.

making programs. Like all employees, the gallery teachers participate in the museum's "all-hands" events and may perform a variety of duties outside their normal duties to support the event.

Gallery teachers are required to have a high school diploma or GED, as well as experience working with children. They receive at least two months of training. Part of this training includes shadowing another gallery teacher. The gallery teachers receive training on modern art, contemporary art, teaching techniques, child development, and classroom management. Gallery teachers receive the same sensory training that the museum guides receive and, additionally, they participate in continuing education three to four times a year for the Essential Experiences program.

The Educator Youth and Family Program runs programs for children and their caregivers. The person in this position plans monthly programming, which ranges from formal classes to more casual settings such as the open studio. The programs are typically held in the lobby and include art-making aspects. This position has the authority to contract with a performer or guest instructor for a program. Additionally, this individual may fill-in to give school-age tours and, like all other employees, works during "all-hands" events. The Educator Youth and Family Program position requires a Bachelor of Fine Arts and teaching experience. The individual in the position must have knowledge of contemporary and modern art history and educational strategies. The person currently in the position did not undergo extensive on-the-job training.

The Project Manager: Creative Aging Institute runs programming for older adults. This program includes hands-on workshops held at the museum and off-site. Additionally, this position works with outside organizations to provide outreach kits to the older adults those organizations serve. A Bachelor's degree or Bachelor's in Fine Arts is preferred as well as experience working with seniors. Additionally, the position requires experience coordinating programs for external audiences and possession of basic computer skills. This position is also trained to conduct gallery tours for school-age children.

The Public Engagement Coordinator also runs programs for adults of all ages. This position is responsible for running one to two programs a week and attending off-site community meetings. The individual holding this position may also conduct gallery tours or otherwise participate in K through 12 programming. The Public Engagement Coordinator position requires a high school diploma or GED, although a Bachelor's degree is preferred. This position also requires interest and knowledge of art history and experience running and planning public events.

The building services associates provide custodial and cleaning services to the museum. They work during both private and museum-sponsored events. They set up equipment for these events and tear the equipment down after the event is over. This position requires a high school diploma or GED. They receive around three weeks of training where they shadow another business services associate.

The Building Logistics and Maintenance Supervisor performs maintenance on the grounds and within the building. The duties can range from shoveling snow to setting up computers. The individual ensures that the equipment is set up properly for after-hours events and works these events, helping to set up and to tear down. This position requires a high school diploma or GED,

with an Associate's degree preferred. The position also requires proficiency with computers and experience with facility or event management.

All positions except for the Educator Youth and Family Program and the Project Manager: Creative Aging Institute require only a high school diploma or equivalent. Many of the unit positions require experience or skill working with the public. Most of the positions provide on-the-job training. All positions also play some role in offering programming and events to the public, whether it be setting up the equipment for an event or program, dealing with a client who booked the museum for an event, checking in guests for programs, or working directly with the public during the program.

When considering whether the employees in the Learning and Engagement Department share similar skills and functions to other unit employees, the record reveals they have the most in common with the museum guides. The museum guides and gallery teachers both receive training on how to discuss artwork with the guests, although the gallery teachers may receive more extensive training. Both groups receive training on how to make the museum accessible for guests with sensory needs. Both museum guides and gallery teachers utilize props to help guests appreciate the artwork, with the museum guides using the key chain or materials and the gallery teachers using a larger assortment of teaching tools. Both groups train by shadowing another employee in the same job classification. The similarities in training between the museum guides and gallery teachers support a shared community of interest. *Boeing Co.*, 337 NLRB 152, 153 (2001).

The other three positions in the Learning and Engagement Department are similarly engaged in connecting the public with the museum. While the three positions all aim their programming at different age groups, their role in trying to make the museum collection accessible to the public is similar to the role the museum guides play in the galleries when answering guests' questions about the artwork and artists. Like the gallery teachers, all three are trained to conduct gallery tours. Further, while the events they plan are different, these positions share similarities with event assistants in that all the positions must plan, set up, and execute events for the public. While two of the positions require college degrees, this requirement alone is insufficient to establish that those positions are so disparate from the others that they cannot be included in the same unit. Further, leaving the two positions out of this wall-to-wall unit would leave a residual unit, which the Board avoids. *Huckleberry Youth Programs*, 326 NLRB 1272, 1274 (1998).

The differences in job functions between the Learning and Engagement Department employees and the building services employees are equivalent to the differences between the museum guides and events assistants and those working in building services. Thus, these differences do not weigh heavily against finding a shared community of interest. *See Publix Super Markets*, 343 NLRB 1023, 1027 (2004).

Overall, I find that the shared skill level among most the employees in the unit, including the gallery teachers, supports a community of interest. Additionally, the shared job functions between the remaining positions in the Learning and Engagement Department and the museum guides and event assistants further weighs in favor of inclusion in the unit. Most of all, none of

the differences among the various employees' skill levels or job functions are significant enough to exclude the employees from the unit and create a residual unit.

### *Interchange 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). Evidence of permanent interchange is a less significant indicator of community of interest. *Ibid.*; *Macy's, Inc.*, 361 NLRB 12, 21 (2014). However, the Board has found that when determining whether groups of employees *may* be included in the same unit as opposed to *must* be included in the same unit, permanent interchange can support finding a community of interest between the groups. *Walt Disney Parks and Resorts, U.S., Inc.*, 373 NLRB No. 99, slip op. at 7 (September 11, 2024).

In addition to interchange, another factor considered by the Board in evaluating whether a group of employees have a community of interest is the amount of contact they have with each other. This includes the extent to which the employees work side-by-side. *See Casino Aztar*, 349 NLRB 603, 606 (2007).

There is no evidence of temporary interchange among the petitioned-for employees. However, there is evidence of limited permanent interchange. In the last seven years, three employees have moved from the position of museum guide to gallery teacher. While I note that all the evidence of permanent transfers involved employees moving into the position of gallery teachers, I find the limited evidence of interchange weighs against finding the employees in the Learning and Engagement Department share a community of interest with the other employees.

However, there is evidence of regular contact among the employees in the petitioned-for unit. The employees all share the same breakrooms and the same employee entrance. Further, they are all required to work at the Employer's “all-hands” events throughout the year and work alongside each other during these events. Further, there is an all-staff meeting once a month. While the evidence reflects that the meeting is voluntary for some employees, there is contact among employees who attend.

Because the event assistants mostly work private events, they have minimal daily contact with employees other than the building services associates and Building Logistics and Maintenance Supervisor. However, the other employees work in the same areas throughout the day. The gallery teachers arrive early to give the school-age tours. Within an hour to an hour and a half, the museum guides arrive. The museum guides who work in the galleries in the morning are there at the same time as the tour groups. Additionally, both the Educator Youth and Family Programs and the Project Manager: Creative Aging Institute hold part of their programs in the lobby where the museum guides work at the front desk. Likewise, the Public Engagement Coordinator holds programs in the lobby and other public spaces in the museum and would have contact with museum guides in those areas.



The building services associates and Building Logistics and Maintenance Supervisor work throughout the facility and are available for calls to address a custodial or maintenance issue the other employees have during the day. Additionally, both the building services associates and Building Logistics and Maintenance Supervisor help set up for programs that the employees in the Learning and Engagement Department hold in the lobby.

I find the regular contact that the gallery teachers and other positions in the Learning and Engagement Department have with the museum guides and building services employees weighs in favor of them being in the unit. This contact certainly cuts against any argument that the Learning and Engagement Department have disparate interests from the rest of the unit. Further, I note that all employees in the unit have some contact with each other, particularly given the Employer's policy of having all employees present at "all-hands" events.

### *Functional Integration*

Functional integration refers to employees having to work together and depending on each other in order to perform their job duties. *Walt Disney Parks and Resorts, U.S., Inc.*, 373 NLRB No. 99, slip op. at 6 (2024); *WideOpenWest Illinois, LLC*, 371 NLRB No. 107, slip op. at fn. 16 (2022). The evidence supports a high level of functional integration among the employees in the petitioned-for unit, including those in the Learning and Engagement Department.

One of the museum guides' primary duties is to register guests as they arrive at the museum. To do this, they input data into a program on the computer. When the gallery teachers have a tour, or the Educator Youth and Family Program, the Program Manager: Creative Against Institute, or the Public Engagement Coordinator are hosting programs, the museum guides check in the participants and give them wristbands. The Learning and Engagement Department create handouts, including a bingo game and scavenger hunt, for guests to complete while visiting the museum. The museum guides print them and have them available for guests at the front desk. They address questions regarding the handouts and distribute prizes when guests return the completed forms.

Gallery teachers help the other positions in the Learning and Engagement Department with their programming, by doing tours or assisting with hands-on projects.

The building services associates and Building Logistics and Maintenance Supervisor are available to all the employees to address custodial and maintenance issues that occur. They also play a specific role in helping the Learning and Engagement Department employees set up tables and equipment for their programs and tear those items down when the programming is over. They help the event assistants set up for their events in the same way.

The event assistants assist with the programming initiated by the Public Engagement Coordinator when working the bar, if one is available.

I find that there is a high level of functional integration among the petitioned-for employees, particularly when it comes to playing a role in presenting programs to the public or holding other events. This functional integration supports the employees share a community of interest.

### *Determination*

I conclude that the gallery teachers, Public Engagement Coordinator, Educator Youth and Family Programs, and Project Manager: Creative Aging Institute are appropriately included in the wall-to-wall unit. The unit employees share certain working conditions, and many have similar skill levels and job functions. Additionally, most of the unit employees have daily contact with each other, and there is a high level of functional integration among the staff. The Employer has not met its burden to establish that the differences between the employees in the Learning and Engagement Department and other employees create a sufficient disparity that these employees cannot be placed in a unit together. Further, any exclusion would create a residual unit in this otherwise wall-to-wall unit. *International Bedding Co.*, 356 NLRB 1336, 1337 (2011) (inclusion of drivers and jockeys in wall-to-wall unit appropriate where employees had contact with each other and shared certain working conditions, and their exclusion would create residual unit).

### **Conclusions**

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

1. The rulings 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.<sup>6</sup>
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. There is no collective-bargaining agreement covering any of the employees in the unit, and there is no contract bar or other bar to an election in this matter.
5. 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.
6. 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:

All full-time and regular part-time museum guides, building service associates, events assistants, gallery teachers, Building Logistics and Maintenance Supervisor, Public

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<sup>6</sup> The parties stipulated to the following commerce facts: The Akron Art Museum is an Ohio 501(c)(3) non-profit corporation with a facility located at One South High Street, Akron, Ohio the sole facility herein, where it is engaged in the operation of an educational, art and cultural institution. During its fiscal year, a representative period, the Employer, in conducting its business operations described above, derived gross revenues in excess of \$1,000,000 (including earned income, donations and contributions) and purchased and received at its Akron, Ohio facility goods and services valued in excess of \$50,000 directly from suppliers located outside the State of Ohio.

Engagement Coordinator, Educator Youth and Family Programs, and Project Manager: Creative Aging Institute employed by the Employer at its Akron, Ohio facility; excluding all office clerical employees, professional employees, managerial employees, and all guards and supervisors as defined in the Act.

## **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 Teamsters Local # 348, affiliated with the International Brotherhood of Teamsters.

### **A. Election Details**

The election will be held on Thursday, July 17, 2025, from 2:00pm to 5:00pm and on Saturday, July 19, 2025, from 11:00am to 1:00pm in the Auditorium at the Employer's facility located at One South High Street, Akron, Ohio.

### **B. Voting Eligibility**

Eligible to vote are those in the unit who were employed during the payroll period ending **June 21, 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, 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 **Wednesday, July 2, 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](http://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](http://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 nonposting of notices if it is responsible for the nonposting, and likewise shall be estopped from objecting to the nondistribution of notices if it is responsible for the nondistribution. 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 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 10 business days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

A request for review must be E-Filed through the Agency's website and may not be filed by facsimile. To E-File the request for review, go to [www.nlr.gov](http://www.nlr.gov), select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001, and must be accompanied by a statement explaining the circumstances concerning not having access to the Agency's E-Filing system or why filing electronically would impose an undue burden. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review. Neither the filing of a request for review nor the Board's granting a request for review will stay the election in this matter unless specifically ordered by the Board.

Dated: June 30, 2025



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IVA Y. CHOE  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 08  
1240 E 9TH ST  
STE 1695  
CLEVELAND, OH 44199-2086



United States of America  
National Labor Relations Board  
**NOTICE OF ELECTION**



**PURPOSE OF ELECTION:** This election is to determine the representative, if any, desired by the eligible employees for purposes of collective bargaining with their employer. A majority of the valid ballots cast will determine the results of the election. Only one valid representation election may be held in a 12-month period.

**SECRET BALLOT:** The election will be by SECRET ballot under the supervision of the Regional Director of the National Labor Relations Board (NLRB). A sample of the official ballot is shown on the next page of this Notice. Voters will be allowed to vote without interference, restraint, or coercion. Electioneering will not be permitted at or near the polling place. Violations of these rules should be reported immediately to an NLRB agent. Your attention is called to Section 12 of the National Labor Relations Act which provides: ANY PERSON WHO SHALL WILLFULLY RESIST, PREVENT, IMPEDE, OR INTERFERE WITH ANY MEMBER OF THE BOARD OR ANY OF ITS AGENTS OR AGENCIES IN THE PERFORMANCE OF DUTIES PURSUANT TO THIS ACT SHALL BE PUNISHED BY A FINE OF NOT MORE THAN \$5,000 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH.

**ELIGIBILITY RULES:** Employees eligible to vote are those described under the VOTING UNIT on the next page and include employees who did not work during the designated payroll period because they were ill or on vacation or temporarily laid off, and also include employees in the military service of the United States who appear in person at the polls. Employees who have quit or been discharged for cause since the designated payroll period and who have not been rehired or reinstated prior to the date of this election are *not* eligible to vote.

**SPECIAL ASSISTANCE:** Any employee or other participant in this election who has a handicap or needs special assistance such as a sign language interpreter to participate in this election should notify an NLRB Office as soon as possible and request the necessary assistance.

**PROCESS OF VOTING:** Upon arrival at the voting place, voters should proceed to the Board agent and identify themselves by stating their name. The Board agent will hand a ballot to each eligible voter. Voters will enter the voting booth and mark their ballot in secret. **DO NOT SIGN YOUR BALLOT.** Fold the ballot before leaving the voting booth, then personally deposit it in a ballot box under the supervision of the Board agent and leave the polling area.

**CHALLENGE OF VOTERS:** If your eligibility to vote is challenged, you will be allowed to vote a challenged ballot. Although you may believe you are eligible to vote, the polling area is not the place to resolve the issue. Give the Board agent your name and any other information you are asked to provide. After you receive a ballot, go to the voting booth, mark your ballot and fold it so as to keep the mark secret. **DO NOT SIGN YOUR BALLOT.** Return to the Board agent who will ask you to place your ballot in a challenge envelope, seal the envelope, place it in the ballot box, and leave the polling area. Your eligibility will be resolved later, if necessary.

**AUTHORIZED OBSERVERS:** Each party may designate an equal number of observers, this number to be determined by the NLRB. These observers (a) act as checkers at the voting place and at the counting of ballots; (b) assist in identifying voters; (c) challenge voters and ballots; and (d) otherwise assist the NLRB.

**WARNING:** This is the only official notice of this election and must not be defaced by anyone. Any markings that you may see on any sample ballot or anywhere on this notice have been made by someone other than the National Labor Relations Board and have not been put there by the National Labor Relations Board. The National Labor Relations Board is an agency of the United States Government and does not endorse any choice in the election.



United States of America  
National Labor Relations Board  
**NOTICE OF ELECTION**



**VOTING UNIT**

**EMPLOYEES ELIGIBLE TO VOTE:**

Those eligible to vote are: All full-time and regular part-time museum guides, building service associates, events assistants, gallery teachers, Building Logistics and Maintenance Supervisor, Public Engagement Coordinator, Educator Youth and Family Programs, and Project Manager: Creative Aging Institute employed by the Employer at its Akron, Ohio facility during the payroll period ending June 21, 2025.

**EMPLOYEES NOT ELIGIBLE TO VOTE:**

Those not eligible to vote are: All office clerical employees, professional employees, managerial employees, and all guards and supervisors as defined in the Act.

**DATE, TIME AND PLACE OF ELECTION**

|                                |                                |  |
|--------------------------------|--------------------------------|--|
| <b>Thursday, July 17, 2025</b> | <b>2:00 p.m. to 5:00 p.m.</b>  | <b>Auditorium<br/>at the Employer's Facility,<br/>One South High Street, Akron, OH</b> |
| <b>Saturday, July 19, 2025</b> | <b>11:00 a.m. to 1:00 p.m.</b> | <b>Auditorium<br/>at the Employer's Facility,<br/>One South High Street, Akron, OH</b> |

**EMPLOYEES ARE FREE TO VOTE AT ANY TIME THE POLLS ARE OPEN.**

**ALL BALLOTS WILL BE COUNTED AT THE END OF THE VOTING SESSION  
ON SATURDAY, JULY 19, 2025.**

**WARNING:** This is the only official notice of this election and must not be defaced by anyone. Any markings that you may see on any sample ballot or anywhere on this notice have been made by someone other than the National Labor Relations Board and have not been put there by the National Labor Relations Board. The National Labor Relations Board is an agency of the United States Government and does not endorse any choice in the election.



United States of America  
National Labor Relations Board  
**NOTICE OF ELECTION**



**UNITED STATES OF AMERICA**  
National Labor Relations Board

08-RC-359410

**OFFICIAL SECRET BALLOT**

For certain employees of  
**THE AKRON ART MUSEUM**



Do you wish to be represented for purposes of collective bargaining by  
**TEAMSTERS LOCAL #348, AFFILIATED WITH THE INTERNATIONAL  
BROTHERHOOD OF TEAMSTERS?**

**MARK AN "X" IN THE SQUARE OF YOUR CHOICE**

**YES**

☐

**NO**

☐

**DO NOT SIGN OR WRITE YOUR NAME OR INCLUDE OTHER MARKINGS THAT WOULD  
REVEAL YOUR IDENTITY. MARK AN "X" IN THE SQUARE OF YOUR CHOICE ONLY.**

**If you make markings inside, or anywhere around, more than one square, return your  
ballot to the Board Agent and ask for a new ballot. If you submit a ballot with markings  
inside, or anywhere around, more than one square, your ballot will not be counted.**

The National Labor Relations Board does not endorse any choice in this election. Any  
markings that you may see on any sample ballot have not been put there by the National Labor  
Relations Board.





United States of America  
National Labor Relations Board  
**NOTICE OF ELECTION**



**RIGHTS OF EMPLOYEES - FEDERAL LAW GIVES YOU THE RIGHT TO:**

- Form, join, or assist a union
- Choose representatives to bargain with your employer on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities
- In a State where such agreements are permitted, the Union and Employer may enter into a lawful union-security agreement requiring employees to pay periodic dues and initiation fees. Nonmembers who inform the Union that they object to the use of their payments for nonrepresentational purposes may be required to pay only their share of the Union's costs of representational activities (such as collective bargaining, contract administration, and grievance adjustment).

**It is the responsibility of the National Labor Relations Board to protect employees in the exercise of these rights.**

The Board wants all eligible voters to be fully informed about their rights under Federal law and wants both Employers and Unions to know what is expected of them when it holds an election.

If agents of either Unions or Employers interfere with your right to a free, fair, and honest election the election can be set aside by the Board. When appropriate, the Board provides other remedies, such as reinstatement for employees fired for exercising their rights, including backpay from the party responsible for their discharge.

**The following are examples of conduct that interfere with the rights of employees and may result in setting aside of the election:**

- Threatening loss of jobs or benefits by an Employer or a Union
- Promising or granting promotions, pay raises, or other benefits, to influence an employee's vote by a party capable of carrying out such promises
- An Employer firing employees to discourage or encourage union activity or a Union causing them to be fired to encourage union activity
- Making campaign speeches to assembled groups of employees on company time where attendance is mandatory, within the 24-hour period before the mail ballots are dispatched
- Incitement by either an Employer or a Union of racial or religious prejudice by inflammatory appeals
- Threatening physical force or violence to employees by a Union or an Employer to influence their votes

**The National Labor Relations Board protects your right to a free choice.**

Improper conduct will not be permitted. All parties are expected to cooperate fully with this Agency in maintaining basic principles of a fair election as required by law

**Anyone with a question about the election may contact the NLRB Office at (216)522-3715 or visit the NLRB website [www.nlrb.gov](http://www.nlrb.gov) for assistance.**

**WARNING:** This is the only official notice of this election and must not be defaced by anyone. Any markings that you may see on any sample ballot or anywhere on this notice have been made by someone other than the National Labor Relations Board and have not been put there by the National Labor Relations Board. The National Labor Relations Board is an agency of the United States Government and does not endorse any choice in the election.