

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

REFUGEE AND IMMIGRANT CARE CENTER
FOR EDUCATION AND LEGAL SERVICES
Employer/Petitioner

and

Case 16-UC-315282

WASHINGTON-BALTIMORE NEWS GUILD,
LOCAL 32035
Union

ORDER

The Employer/Petitioner's Request for Review of the Regional Director's Decision and Order is granted solely with respect to whether the Employer's Supervising Attorneys, Supervising Legal Assistants, and Refugee Resettlement Program Managers are statutory supervisors on the basis of assigning work.¹ Pursuant to Section 102.67(h) of the Board's Rules and Regulations, the parties may file briefs addressing this issue with the Board within 10 business days after the issuance of this order. The request for review is denied in all other respects.²

¹ Member Prouty would deny review. In his view, the Employer/Petitioner has not raised substantial issues warranting review as to any of the supervisory indicia, including authority to assign.

² Regarding the disputed classifications' statutory authority to hire, on which we find that review is not warranted, we do not however rely on the Regional Director's suggestion that Human Resources conducts an independent investigation of applicants for hire simply because it pre-screens candidates or checks the applicant's references after a hiring decision is made. Nevertheless, we agree with the Regional Director, for the reasons set forth in his decision, that the Employer has not met its burden to establish that the hiring recommendations of the disputed classifications are followed without independent investigation from the Employer's Unit Directors.

We also do not rely on the Regional Director's citation to *Family Healthcare, Inc.*, 354 NLRB 254 (2009), as it is a two-member Board decision. See *New Process Steel, L.P. v. NLRB*, 560 U.S. 674 (2010).

In denying review of the Regional Director's determination that these individuals do not have the statutory authority to discipline, Member Mayer does not agree with the Regional Director's finding that their authority to issue verbal warnings under a progressive discipline policy may be discounted merely because the policy allows the Employer to combine or skip steps in the disciplinary process. In his view, it defies reason to suppose that a verbal warning for absenteeism that indisputably advances an employee in a progressive discipline system lacks disciplinary consequences merely because the Employer reserves the right to skip the next step

JAMES R. MURPHY,	CHAIRMAN
DAVID M. PROUTY,	MEMBER
SCOTT A. MAYER,	MEMBER

Dated, Washington, D.C., May 20, 2026.

(written warning) and immediately discharge an employee for subsequently assaulting a co-worker. Denying supervisory status solely on those grounds would be unduly restrictive of supervisory status and contrary to the intent of Congress when it added Sec. 2(11) to the Act. See *Progressive Transportation Services*, 340 NLRB 1044, 1046 (2003) (requiring rigid and inflexible disciplinary system for discipline to be supervisory “does not comport with industrial practicality...”; instead, “it is sufficient that the discipline has the real potential to lead to an impact on employment.”).