

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

ALASKA POWER AND TELEPHONE COMPANY

Employer

and

Case 19-UC-384477

IBEW LOCAL 1547

Petitioner

DECISION AND ORDER

IBEW Local 1547 (“Petitioner” or “Union”) filed this unit clarification petition under Section 9(b) of the National Labor Relations Act (“Act”) seeking to clarify the existing bargaining-unit description by including the Power Operations Superintendent¹ and Power Plant Superintendent.² The Petitioner asserts that the Power Operations Superintendent and Power Plant Superintendent should be included in the unit on the basis that they are employees under the Act. Alaska Power and Telephone Company (“Employer”) asserts that the Power Operations Superintendent and Power Plant Superintendent are ineligible to be included in the unit on the basis that they are supervisory positions as defined by Section 2(11) of the Act.

I have carefully reviewed and considered the record evidence and the arguments of the parties at both the hearing and in their post-hearing briefs. As an initial matter, I find the petition is timely and appropriate. I further find that the Power Operations Superintendent classification is not a supervisory position within the meaning of Section 2(11) of the Act, and I find that the Power Plant Superintendent classification is not a supervisory position within the meaning of Section 2(11) of the Act. Accordingly, I hereby clarify the bargaining-unit description to include the Power Operations Superintendent and Power Plant Superintendent.

Below, I have set forth the record evidence that forms the basis for my decision, as well as the Board's policies regarding the timing and resolution of UC petitions. Following a review of the record evidence and Board’s policy is an application section. In conclusion, I have issued my Order and addressed the procedures for requesting review of this decision.

I. RECORD EVIDENCE

A. Background

The Employer provides telecommunications and power utility services in the State of Alaska from the interior of Alaska to above the Arctic Circle and down to southern Prince of Wales

¹ Throughout the transcript, this role is also referred to as the “Power Line Superintendent.”

² Throughout the transcript, this role is also referred to as the “Powerhouse Superintendent.”

Island. In case 19-RC-380313, the Union was certified on March 18, 2026, as the exclusive collective-bargaining representative of the employees of the Employer in the following appropriate unit:

All full-time and regular part-time power division employees employed by the Employer and working at or out of its facility located on Prince of Wales Island, Alaska, including all journeyman linemen, apprentice linemen, operations technicians, power plant operators, power operations electricians, and equipment operators; excluding all other employees, office clerical employees, telecommunications employees, watchmen, and guards and supervisors as defined by the Act.

The parties did not agree on the inclusion or exclusion of the Power Operations Superintendent and Power Plant Superintendent and therefore these classifications voted subject to challenge and were neither included in nor excluded from the bargaining unit.

The Employer divides its operations into three service regions: Interior region (Northern Alaska), Upper Lynn Canal region (includes Gustavus), and Southeast Prince of Wales Island region. Upper Lynn Canal region and Prince of Wales Island region are both within Southeast Alaska. In Interior region, the Tok Service Center serves the entire region's power facilities. Prince of Wales Island region is isolated and has its own power grid. Prince of Wales Island region is served by one group of employees who report to the Klawock area office. Klawock is one of the communities in the region. Similarly, Upper Lynn Canal region is serviced by one group of employees who report to regional centers in Skagway, Haines, and Gustavus. Each region has a property manager to whom the superintendents report.

In Prince of Wales Island region, there are 10 powerhouses all serviced by a power plant crew and a power operations crew. The power plant crew reports to Power Plant Superintendent Lloyd Crookes. The power operations crew reports to Power Operations Superintendent Clair Nelson.³ Not included in the crew are watchmen, who reside in the community where a power plant is located and report directly to Power Plant Superintendent Crookes. Each power plant has a watchman who is critical as a first responder for any power plant failures. Crookes and Nelson report to Power Operations Manager Kasey Smith. Smith reports to Director of Operations Bill Farrell who reports to Vice President of Power Engineering Jeffrey Rice.

Power Operations Manager Smith deals with customers and interfaces with the corporate levels of the Employer. Smith also handles the day-to-day operations of Prince of Wales Island region. Smith starts at 7:30 a.m. each day and meets separately with both crews to discuss what they are working on for the day. Throughout the week, Smith meets with upper management as

³ Witness testimony at times referenced a foreman on the power operations crew that the crew would report to either in conjunction with or instead of the Power Operations Superintendent. Testimony has led me to understand that the foreman position was staffed for several years by various linemen, most recently Wade Adamson, but the position was closed a few months prior to the hearing. As of the hearing, Wade Adamson is a Journeyman Lineman on the power operations crew.

well. Depending on the ongoing projects, Smith works collaboratively with the superintendents to ensure projects are done properly.

The day-to-day work for the power operations crew in Prince of Wales Island region consists of regular maintenance for power plants and power lines, site specific walkarounds, large projects, and emergency repairs. The power operations crew also regularly receives assignments from the Employer's engineering department or by calls directly from customers. The day-to-day work for the power plant crew is monitoring power grid conditions and power plant power generation, checking the physical condition of the power plants, and making urgent repairs to equipment. The power plant crew also has commissioning work which consists of constructing additions to the power system. Both the power plant crew and power operations crew maintain spreadsheets detailing maintenance, machine values and specifications, plant walkarounds, fuel deliveries, kilowatt reads, and other items pertaining to their work. Both crews check in together on a daily basis to compare schedules and identify areas where the power plant crew may need to cut power so the power operations crew can perform maintenance.

Both crews use a maintenance program called eMaint x5. When someone is informed about a task that needs to be done, they create a work order in eMaint x5. The program also generates work orders on its own based on runtimes of the machines that have been loaded into the program. For example, work orders for regularly needed services such as valve lashes, oil sampling, and site specific walkarounds are generated by eMaint x5. eMaint x5 also maintains a priority task list. Approximately more than 50% of power operations crew work time is spent on work orders in eMaint x5, and approximately 40% of power plant crew work time is spent on work orders in eMaint x5. Both crews have an on-call rotation. The power plant crew uses a program called Security Control and Data Acquisition (SCADA) to control and monitor the power system. In SCADA, the power plant crew can see power plants, generators, line voltages, and frequencies. SCADA also allows them to dispatch or operate the power system.

The Employer uses a program called iVIEW for payroll. Employees, the Power Operations Superintendent, and the Power Plant Superintendent all fill out their own timesheets in iVIEW. Then, the timesheet is sent to their reviewer. This program is also used for leave requests.

For performance evaluations, the Employer uses a program called PerformYard. In PerformYard, the Power Operations Superintendent or Power Plant Superintendent initially gives a score from 1-4 for different categories and leaves comments about the employee they are evaluating. Then, the evaluation is sent to Power Operations Manager Smith. The program has boxes for Smith to put in comments for different sections of the evaluation. Then, the evaluation is sent to Director of Operations Farrell, who also is able to put comments in designated boxes. After Farrell, the evaluation is routed to VP of Power Engineering Rice, who can leave comments in the designated boxes before routing it to HR. Someone in HR reviews the evaluation and leaves comments before sending it back to the Power Operations Superintendent or Power Plant Superintendent to be edited and approved in accordance with the comments. PerformYard also has prompts for crew members to evaluate other crew members for each project they complete together. For example, when they finish a large project, Justin Coutts, power plant operator apprentice, writes an evaluation for James Bennett, power plant operator, and vice versa. The Employer has a Short-Term Incentive Program (STIP) which is an algorithm that determines

bonuses based on the overall performance of each department. STIP factors in PerformYard evaluations and Key Performance Indicators (KPI).

The Employer has a two-step process for hiring. When someone applies, they have an interview with Power Operations Manager Smith, the applicable superintendent, the recruiter, and sometimes a crew member. Then, if the applicant is a good fit, they travel to the region they would be working in for an in-person culture interview where they meet the crew and tour the facilities.

B. Power Operations Superintendent Duties and Responsibilities

Power Operations Superintendent Clair Nelson has been in his current position for three years. He begins at 7:30 a.m. with a daily power operations crew meeting to discuss what everyone is working on for the day and any calls that came in overnight. The crew consists of Journeyman Lineman Wade Adamson, Journeyman Lineman Jacob Hoppe, Journeyman Lineman Ruben Hoppe, and High Step Apprentice Emmet Benolken. Josh Stukey, an additional employee, works the Command Center with Nelson. Command Center is a program that tracks metering. Stukey does mapping, staking, meter change outs, and disconnections for non-payment. During the daily meeting, the crew discusses Scheduler, a computer program that has a queue of tasks or projects for the crew to complete. Tasks and projects are prioritized by safety then liability. For example, a meter with sparks flying out will be prioritized over a pole that has been leaning for six months. Power outages are also high on the priority list but not over safety. During the daily meeting, Nelson assigns jobs by asking the crew who wants which jobs and letting them choose partners. If Nelson needs to call in someone for an outage repair, he goes in order of seniority, or if it is the middle of the day, Nelson assesses who is on a call closest to the outage. All of the crew are equally capable of repairing the outage.

Nelson spends about 90% of his time on non-field tasks such as responding to emails, doing meet-and-greets with customers, ordering supplies, and approving timesheets. To order supplies, Nelson makes a purchase order request to the purchasing agent who makes the order. For approving timesheets, Nelson checks the hours listed on the timesheet to ensure they are correctly categorized for rate of pay and comport with the number of hours that Nelson would expect. He also approves paid leave requests, and he has never denied one. He recently approved an unpaid leave request, but the unpaid leave request was denied by VP of Power Engineering Rice after Nelson approved it. The crew does not need to request approval to work overtime. If a job will take more than 8 hours, Nelson asks the crew whether they want to start early or stay late, and he lets them decide.

Though VP of Power Engineering Rice testified that superintendents can issue discipline immediately for egregious conduct or initiate coaching which may lead to discipline, Nelson has never issued discipline, and he does not believe he has authority to issue discipline. Similarly, current Journeyman Lineman Hoppe testified that when he was the Power Operations Superintendent from 2018 to 2024, he did not issue discipline and did not believe he had authority to do so. If there was a situation that might have warranted discipline, he would have brought it to HR or the Power Operations Manager's attention.

Nelson has sat in on approximately three interviews for new employees for Prince of Whales Island region. After Jacob Hoppe's interview to rejoin the Employer after an approximately

8-month break, Nelson was asked his opinion, and he said that he was sure Hoppe was capable because Hoppe had been doing the same work for 20 years. For the other interviews, Nelson remembers making small talk with one applicant but does not recall making a recommendation on hiring.

Nelson has only done performance evaluations for two employees, Wade Adamson and Josh Stuke. Previously, the evaluations for the power operations crew were done by Adamson, who was the foreman, a position that no longer exists.

C. Power Plant Superintendent Duties and Responsibilities

Power Plant Superintendent Lloyd Crookes has been in his current position for six months. Operator James Bennett and Apprentice Justin Coutts report to him along with five watchmen. Each watchman resides in the community where a powerplant is located. Crookes visits the power plants either monthly or weekly to check in. He does not direct the work of the watchmen.

Operator Bennett is well-versed in the mechanical side of operations, and Apprentice Coutts has an extensive electrical background. Generally, Crookes does not need to specifically assign tasks to Bennett and Coutts because they know what to work on and can choose their own tasks from eMaint x5. Occasionally, Crookes will specifically delegate a work order to them or direct them to work on a particular project. If Crookes decides to specifically direct work to them, he testified that “it speaks for itself” which work orders go to Bennett or Coutts because they have specific skillsets. Crookes testified that he makes schedules for the operators and considers schedules from other departments, but it is unclear from the record what it means to make a schedule in this workplace as the crew already has a daily morning meeting. Crookes decides when a project needs overtime by evaluating the scope of the work and crew scheduling, and if a project requires overtime, Crookes can approve overtime. The overtime is reviewed by the payroll specialist, and occasionally, Crookes may have to justify his approval of overtime. Similarly, Crookes can approve leave, but his approval is reviewed by the payroll specialist to ensure it follows existing Employer policy. If the approval does not follow policy, the payroll specialist denies the leave over Crookes’s approval. Crookes testified that he can resolve issues pertaining to leave and timesheets, but the record does not contain evidence of examples or how his authority to resolve issues interacts with the payroll specialist’s authority.

Apprentice Coutts testified that he self-assigns tasks from eMaint x5, and he decides what to work on based on urgency and potential impact to the power grid. For work such as breaking down equipment, the work direction comes from the engineering group, not Crookes. Coutts further testified that when someone is on-call and there is an issue, either they handle it or they dispatch someone else to handle the issue. Coutts goes to Crookes to take leave and goes first to Crookes about any timesheet issues. Coutts interacts with Power Operations Manager Smith on a daily basis to update Smith about progress on projects and what he is working on. Smith, in turn, keeps Coutts updated on the power operations side of projects. According to Coutts, Smith acts as the go-between for the two crews.

Crookes testified that he spends about 30% of his time performing work orders and 70% of his time on administrative tasks. His work includes monitoring daily operations and systems,

responding to emails, planning projects, and coordinating with the power operations crew, management, and the engineering department to complete projects and set deadlines. Crookes also acts as quality control to ensure work is done correctly, and he believes he would suffer consequences if work was not done correctly. According to Power Operations Manager Smith, if something goes wrong, the responsibility will fall on whomever made the mistake.

Based on his job description, Crookes believes he has authority to issue discipline. If someone was underperforming, Crookes would have a conversation with them that could lead to either a write-up or a grace period. If the poor performance persisted, Crookes would have another discussion with them and potentially give them a write-up. Write-ups are sent through the chain of command to HR with Crookes's recommendation on what should be done. HR and upper management review the write-up and recommendation and then tell Crookes what should be done. Crookes is responsible for enacting any discipline, but there is a written policy that he would follow. Crookes has discretion not to give someone formal written discipline. Crookes testified that he can send someone home for the day or suspend them for several days, and he can terminate employees for particularly poor conduct. Crookes has not issued discipline to, suspended, or terminated any employee.

Crookes conducts annual evaluations of Bennett and Coutts in PerformYard, which are then sent to HR and upper management for review and comments as previously described. Crookes cannot give a raise or a bonus, but he can recommend a raise or bonus for exceptional performance. Crookes's recommendation goes to Power Operations Manager Smith who can give out bonuses based on the outcome of the STIP.

Crookes has spoken to Power Operations Superintendent Nelson and seen him work, and Crookes's understanding is that they both have the same level of authority.

According to VP of Power Engineering Rice, the Power Plant Superintendent sits in on interviews, makes hiring recommendations, and does the culture fit interview with the crew. Crookes has not had an opportunity to participate in hiring because no one has been hired since he assumed the role of Power Plant Superintendent. Power Operations Manager Smith previously served as the Power Plant Superintendent and recalls that he sat in on an applicant's interview with the Power Operations Manager and 1-2 crew members. Smith gave feedback that the applicant should be hired, which agreed with HR and the Power Operations Manager. Smith also confirmed that he did the culture fit interview for the applicant in collaboration with the Power Operations Manager and power plant crew.

Interior region Power Plant Superintendent Ben Grzyb testified to his duties and responsibilities, and he believes his experience is standard across the Employer's regions. His testimony generally corroborates the testimony of Crookes and Smith, and the differences are noted below. Unlike Crookes, Grzyb specifically assigns all tasks to the operators and apprentices. For example, if there is a valve adjustment needed, he will direct the crew to work on that for the day. For tasks from eMaint x5, Grzyb tells the crew a set amount of time that the task should take. On a daily basis, Grzyb decides which assignments take priority. On a weekly basis, Grzyb goes into the field to inspect the work of the crew. Grzyb believes he would be responsible if apprentices were not trained correctly. If a job is done incorrectly, Grzyb believes he is responsible for it, which

is in conflict with Power Operations Manager Smith's testimony. Grzyb has some discretion to spend allocated funds for specific projects. For employee grievances, Grzyb will route them to where they need to go. Grzyb can write someone up without approval. He can also write and administer a performance improvement plan. Grzyb has given two "writeups" to an apprentice who was behind on book work. Grzyb eventually recommended the apprentice's termination, and HR followed that recommendation with input from the Power Operations Manager and Director of Power Operations.

II. ANALYSIS

A. Timeliness

It is a well-established principle of Board law that the Board's authority to issue certifications under Section 9(c)(1) of the Act carries with it an implied authority to police such certifications, and to clarify them as a means of effectuating the policies of the Act. As such, the Board has developed procedures for a petition allowing clarification of a bargaining unit, a UC petition, to resolve ambiguities concerning the unit placement of individuals. *Union Electric Co.*, 217 NLRB 666, 667 (1975). The Board's procedures allow processing of a UC petition only where there is a certified or currently recognized bargaining representative and no question concerning representation exists. Section 102.60(b) of the Board's Rules and Regulations.

While unit clarification is not appropriate for upsetting an agreement between a union and employer or their established practice, it is appropriate to resolve a unit-placement dispute that the parties have been unable to resolve. Here, the unit description is silent on the unit placement of the Power Operations Superintendent and Power Plant Superintendent classifications, and there is limited history and no practice or agreement that governs the inclusion or exclusion. As noted above, the parties agreed for these classifications to vote subject to challenge, thus preserving this issue. Therefore, this petition is timely and appropriate for resolution by the Region.

B. Power Operations Superintendent Supervisory Status

The term "supervisor" is defined in Section 2(11) of the Act as:

[A]ny 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 of a merely routine or clerical nature, but requires the use of independent judgment.

The three requirements to establish supervisory status are that (1) the putative supervisor possesses one or more of the above supervisory functions, (2) the putative supervisor uses independent, rather than routine or clerical, judgment in exercising that authority, and (3) the putative supervisor holds that authority in the interest of the employer. *N.L.R.B. v. Kentucky River*

Community Care, Inc., 532 U.S. 706, 712–13 (2001) (citing *N.L.R.B. v. Health Care & Retirement Corp. of America*, 511 U.S. 571, 573–74 (1994)).

Supervisory status may be shown if the alleged supervisor has the authority either to perform a supervisory function or to effectively recommend the same. The statutory definition of a supervisor is read in the disjunctive. Possession of any one of the enumerated powers, if accompanied by independent judgment and exercised in the interest of the employer, is sufficient to confer supervisory status. *Ky. River Cmty. Care*, 532 U.S. at 713. Supervisory status may likewise be established if the individual in question has the authority to effectively recommend one of the powers, but effective recommendation requires the absence of an independent investigation by superiors and not simply that the recommendation be followed. *Children’s Farm Home*, 324 NLRB 61, 65 (1997).

If such authority is used sporadically, the putative supervisor will not be deemed a statutory supervisor. *Coral Harbor Rehabilitation and Nursing Center*, 366 NLRB No. 75, slip op. at 17 (2018) (citing *Gaines Electric*, 309 NLRB 1077, 1078 (1992)). The supervisor has to at least act or effectively recommend such action “without control of others and form an opinion or evaluation by discerning and comparing data.” *Oakwood Healthcare, Inc.*, 348 NLRB 686, 692–693 (2006). Judgment is not independent when the putative supervisor follows detailed instructions (e.g., policies, rules, collective-bargaining agreement requirements). *Id.* at 693. To be independent, “the judgment must involve a degree of discretion that rises above the ‘routine or clerical.’” *Id.* at 693 (citing *J.C. Brock Corp.*, 314 NLRB 157, 158 (1994) (quoting *Bowne of Houston*, 280 NLRB 1222, 1223 (1986)) (“[T]he exercise of some ‘supervisory authority’ in a routine, clerical, perfunctory, or sporadic manner does not confer supervisory status.”). If a choice is obvious, the judgment is not independent. *Oakwood Healthcare*, 348 NLRB at 693. The Board has an obligation not to construe the statutory language too broadly because the individual found to be a supervisor is denied the employee rights that are protected under the Act. *Avante at Wilson, Inc.*, 348 NLRB 1056, 1057 (2006); *Oakwood Healthcare*, 348 NLRB at 687.

The party asserting supervisory status has the burden of proving supervisory authority and must establish it by a preponderance of the evidence. *Ky. River Cmty. Care*, 532 U.S. at 711; *Oakwood Healthcare, Inc.*, 348 NLRB at 687. This requires the presentation of “detailed, specific evidence” that is not “in conflict or otherwise inconclusive.” *Oakwood Healthcare*, supra at 694; see also *Veolia Transportation Services*, 363 NLRB 1879, 1886 fn. 19 (2016); *G4S Regulated Security Solutions*, 362 NLRB 1072, 1072–1073 (2015); *Busco Tug and Barge, Inc.*, 359 NLRB 486, 490 (2012), enfd. 696 Fed. Appx. 519 (D.C. Cir. 2017). Mere inferences or conclusory statements, without such detailed, specific evidence, are insufficient to establish supervisory authority. *UPS Ground Freight, Inc.*, 365 NLRB 1123 (2017) (citing *Lynwood Manor*, 350 NLRB 489, 490 (2007); *Golden Crest Healthcare Center*, 348 NLRB 727, 731 (2006)).

The lack of evidence is construed against the party asserting supervisory status. *Dean & DeLuca New York, Inc.*, 338 NLRB 1046, 1047–48 (2003). Similarly, supervisory status is not demonstrated when the evidence is in conflict or inconclusive. *Entergy Mississippi, Inc.*, 367 NLRB No. 109, slip op. at 2–3 (2019). When there is conflicting testimony on the issue, the Board reasonably “prioritizes the testimony of those witnesses who occupy the alleged supervisory role at the time of the hearing,” who denied having that authority. *Avante at Wilson, Inc.*, supra.

Here, the parties stipulated that the Power Operations Superintendent does not have authority to transfer, lay off, or recall employees. Moreover, with regard to the supervisory indicia of suspend, promote, discharge, and adjust grievances, no evidence was received into the record. Therefore, I find that the Power Operations Superintendent does not have authority to suspend, promote, discharge, or adjust grievances.

1. Hire

The Board considers arguments that putative supervisors effectively recommend hire. Without additional evidence, a putative supervisor does not effectively recommend hiring where acknowledged supervisors also interview candidates. *Peacock Productions of NBC Universal Media*, 364 NLRB 1523, 1526-1527 (2016); *Republican Co.*, 361 NLRB 93, 97 (2014); *J.C. Penney Corp.*, 347 NLRB 127, 129 (2006); *Boston Medical Center Corp.*, 330 NLRB 152, 201 (1999); *Ryder Truck Rental, Inc.*, 326 NLRB 1386, 1387 fn. 9 (1998); see also *North General Hospital*, 314 NLRB 14, 16 (1994). This is so even if there is testimony that the putative supervisors' recommendations are given "significant" weight. *Ryder Truck Rental, Inc.*, 326 NLRB 1386, 1388 (1998).

Power Operations Superintendent Nelson participates in interviews with HR, recruiters, and the Power Operations Manager, but the record evidence demonstrates that, aside from offering his opinion that a previous employee seemed capable, he does not have authority to determine who is hired. Therefore, I find the Power Operations Superintendent does not have authority to hire employees.

2. Assign

The Board has held that the authority to assign refers to the act of designating an employee to a place (such as a location, department, or wing), assigning an employee to a time (such as a shift or overtime period), or assigning significant overall duties as opposed to discrete tasks. *Oakwood Healthcare*, 348 NLRB at 686, 689. The authority to make an assignment, by itself, does not confer supervisory status. Rather, the alleged supervisor must also use independent judgment when making such assignments. *Id.* at 692-93. Regarding independent judgment in relation to the authority to assign, "the Board has stated that the authority to effect an assignment must be independent [free of the control of others], it must involve a judgment [forming an opinion or evaluation by discerning and comparing data], and the judgment must involve a degree of discretion that rises above the "routine or clerical." *Croft Metals*, 348 NLRB 717, 721 (2006).

Assignments that are based on well-known employee skills also do not involve independent judgment. *KGW-TV*, 329 NLRB 378, 381-82 (1999). Additionally, basing an assignment on whether the employee is capable of performing the job does not show independent judgment. *Volair Contractors, Inc.*, 341 NLRB 673, 675 n.10 (2004); *Cook Inlet Tug & Barge, Inc.*, 362 NLRB 1153, 1154 (2015) (citing *Croft Metals*, 348 NLRB at 722). No independent judgment is involved when "there is only one obvious and self-evident choice," and with specific reference to assignment authority, there is no independent judgment if an assignment is made "solely on the basis of equalizing workloads." *Oakwood Healthcare, Inc.*, 348 NLRB at 693.

The record evidence shows that Power Operations Superintendent Nelson takes a collaborative approach to assigning work. His regular practice is to ask the crew who wants which tasks and allow them to self-assign work from Scheduler and eMaint x5. Nelson additionally does not determine overtime for the crew and allows them to decide whether they wish to start early or stay late for larger projects. For deciding which tasks to offer the crew, Nelson follows a standard prioritization scheme: safety, outages, then liability. For deciding who to call in an on-call scenario, Nelson follows seniority or who is closest to the outage location. Because Nelson does not assess individual ability, this does not demonstrate use of independent judgment. Therefore, I find the Power Operations Superintendent does not have authority to assign work to employees.

3. Reward

The Board will find authority to reward where alleged supervisors use independent judgment to substantially impact the earnings of other employees, for example, by granting merit increases or awarding bonuses. It has also found the granting of time off *as a result of good performance* to constitute a reward. *Newspaper Guild, Local 47 (Pulitzer Publishing)*, 272 NLRB 1195, 1200 (1984); *Taylor-O-Brien Corp.*, 112 NLRB 1, 12–13 (1955). More commonly, the Board analyzes whether a putative supervisor effectively recommends rewarding employees by virtue of evaluating their performance, and the evaluation, by itself, directly affects other employees' job status. See, for example, *Wal-Mart Stores*, 335 NLRB 1310 (2001); *Trevilla of Golden Valley*, 330 NLRB 1377 (2000); *Bayou Manor Health Center*, 311 NLRB 955 (1993); *Pine Manor Nursing Center*, 270 NLRB 1008, 1009 (1984).

The record evidence reflects that Power Operations Superintendent Nelson may make recommendations for crew members to be given bonuses or raises, but the ultimate decision is made by Power Operations Manager Smith using the STIP. Though the STIP considers the annual evaluation that Nelson contributes to, there are additional factors that Nelson does not control that determine whether a crew member earns a bonus or raise. Because Nelson does not directly grant bonuses nor raises or effectively recommend them, I find the Power Operations Superintendent does not have authority to reward employees.

On brief, the Employer argues that Nelson's approval of leave demonstrates his authority to reward the crew. The record does not reflect that leave is approved as a type of reward to crew members. Additionally, Nelson testified that he always approves leave requests, demonstrating a lack of independent judgment.

4. Discipline

Supervisory authority to discipline under the Act means a putative supervisor can issue discipline without review or independent investigation by other members of management. *Beverly Health & Rehabilitation Services*, 335 NLRB 635, 669 (2001), *enfd. in pertinent part* 317 F.3d 316 (D.C. Cir. 2003).

VP Rice testified that Power Operations Superintendent Nelson can issue discipline for egregious conduct or initiate coaching which may lead to discipline, but in the three years Nelson

has held this role, he has not issued discipline and does not believe he ever had authority to do so. Additionally, Hoppe, who held this position from 2018 to 2024, did not issue discipline and did not believe he had authority to do so. Conflicts in testimony are resolved by crediting the testimony of the witness in the disputed role, so I credit Nelson's testimony that he does not have authority to issue discipline. Additionally, issuing discipline for egregious conduct does not evince supervisory authority because the decision to issue discipline would be obvious. Therefore, I find the Power Operations Superintendent does not have authority to discipline employees.

5. Responsibility to Direct

In *Oakwood Healthcare*, the Board held that, "for direction to be 'responsible,' the person directing and performing the oversight of the employee must be accountable for the performance of the task by the other, such that some adverse consequence may befall the one providing the oversight if the tasks performed by the employee are not performed properly." 348 NLRB at 691-92. "Thus, to establish accountability for purposes of responsible direction, it must be shown that the employer delegated to the putative supervisor the authority to direct the work and the authority to take corrective action, if necessary. It also must be shown that there is a prospect of adverse consequences for the putative supervisor if he/she does not take these steps." *Croft Metals*, 348 NLRB at 721 (quoting *Oakwood Healthcare*, 348 NLRB at 700).

Power Operations Manager Smith testified that if a job is done incorrectly, the person who did the job is held accountable for the mistake. Smith further testified that he would hold accountable whomever made the mistake. Accordingly, the record does not establish that Power Operations Superintendent Nelson is held accountable for the work of the crew, and I find the Power Operations Superintendent does not have authority to responsibly direct employees.

6. Secondary Indicia

While secondary indicia can be a factor in demonstrating statutory supervisory status, absent the putative supervisors possessing any of the primary supervisory indicia, secondary indicia alone are insufficient to establish supervisory status. *Golden Crest Healthcare*, 348 NLRB at 730, fn.10; *Ken-Crest Services*, 335 NLRB at 779. Because I have found that the Power Operations Superintendent does not possess any primary supervisory indicia, I need not address any secondary indicia.

C. Power Plant Superintendent Supervisory Status

The parties stipulated that the Power Plant Superintendent does not have authority to transfer, lay off, or recall employees. Moreover, with regard to the supervisory indicia to promote, no evidence was received into the record. Therefore, I find that the Power Plant Superintendent does not have authority to promote.

1. Hire

Power Plant Superintendent Crookes has not yet had an opportunity to sit in on interviews for applicants, but former Power Plant Superintendent, current Power Operations Manager, Smith

testified that he sat in on an applicant's interview along with the Power Operations Manager at the time and 1-2 crew members. Smith gave feedback that the applicant should be hired which was in agreement with the feedback from HR and the Power Operations Manager. Smith also did the culture interview along with the Power Operations Manager and crew.

Like Power Operations Superintendent Nelson, the record evidence reflects that even though the Power Plant Superintendent is invited to sit in on interviews, there are also members of upper management in the interview. The presence of upper management at the interview demonstrates that the Power Plant Superintendent does not have authority to hire. Therefore, I find the Power Plant Superintendent does not have the authority to hire employees.

2. Suspend

Power Plant Superintendent Crookes has not suspended an employee, but he believes he has authority to do so. The record does not contain examples of the previous Power Plant Superintendent suspending an employee. A lack of evidence is construed against the party asserting supervisory status. Therefore, I find the Power Plant Superintendent does not have authority to suspend employees.

3. Discharge

Where recommendations are not shown to be effective or do not result in personnel action being taken without resort to individual investigation by higher authority, supervisory status is not established. *Mower Lumber Co.*, 276 NLRB 766 (1985).

Power Plant Superintendent Crookes has not discharged an employee, but he believes he has authority to do so for particularly poor conduct. Authority to discharge an employee for particularly poor conduct would not be evidence of independent judgment because the decision would be obvious.

Interior region Power Plant Superintendent Gryzb testified that he recommended the termination of an apprentice, and the apprentice was eventually terminated after the Power Operations Manager and Director of Power Operations gave input. Even if this level of authority was imputed to Crookes, it would not reach the Board's standard for having authority to discharge or effectively recommend such because upper management reviewed the recommendation and only acted on it after looking into the matter themselves.

Therefore, I find the Power Plant Superintendent does not have authority to discharge employees.

4. Assign

The record evidence shows that Operator Bennett and Apprentice Coutts each have expertise in two distinct areas of work—mechanical and electrical, respectively. Power Plant Superintendent Crookes testified that he does not typically assign work to them because they are experienced enough to know what to work on. Even when he does specifically assign work, it is

obvious which assignments go to whom because of their differing expertise. Interior region Power Plant Superintendent Grzyb testified that he has more involvement in assigning work, but because this petition and hearing explore specifically the role of Prince of Whales Island region's Power Plant Superintendent, the testimony from Crookes will be credited over Grzyb's. Though Crookes also approves overtime and timesheets, approvals are reviewed by the payroll specialist who can and has overruled Crookes's approval when it does not comport with established Employer policy. For these reasons, I find the Power Plant Superintendent does not have authority to assign employees.

5. Reward

Like for Power Operations Superintendent Nelson, the record evidence reflects that Power Plant Superintendent Crookes may make recommendations for crew members to be given bonuses or raises, but the ultimate decision is made by Power Operations Manager Smith using the STIP. Because Crookes does not directly grant bonuses or raises nor effectively recommend them, I find the Power Plant Superintendent does not have authority to reward employees.

On brief, the Employer argues that Crookes's approval of leave demonstrates his authority to reward the crew. Like for Power Operations Superintendent Nelson, the record does not reflect that leave is approved as a type of reward to crew members.

6. Discipline

Power Plant Superintendent Crookes has not yet issued discipline to an employee but believes he has authority to do so based on his job description. The record does not contain examples of the previous Power Plant Superintendent issuing discipline to an employee. Interior region Power Plant Superintendent Grzyb testified that he has issued writeups without approval and administered a performance improvement plan. The record does not reflect whether there was an independent investigation by upper management or HR prior to the writeups or performance improvement plan being added into the employee's personnel file. As explained previously, specific evidence is required to make a finding of authority, and a lack of evidence is construed against the party asserting supervisory status. Therefore, I find the Power Plant Superintendent does not have authority to issue discipline.

7. Responsibility to Direct

I credit Power Operations Manager Smith's testimony that if a job is done incorrectly, the person who did the job is held accountable for the mistake. Therefore, Power Plant Superintendent Crookes is not held accountable for the work of the crew, and I find the Power Plant Superintendent does not have authority to responsibly direct employees.

8. Adjust Grievances

To establish supervisory status based on the ability to adjust employee grievances, alleged supervisors must have the authority to resolve workplace complaints beyond minor disputes, again using independent judgment. See *Ken-Crest Services*, 335 NLRB at 778-779; see also *Riverchase*

Health Care Center, 304 NLRB 861, 865 (1991). Responding to informal complaints regarding workloads, break schedules, and personality conflicts amongst employees is not sufficient to establish the authority to adjust grievances. *Riverchase*, 304 NLRB at 865. It is insufficient to show the putative supervisor simply has some involvement in the grievance procedure. Rather, the Employer must present evidence demonstrating the role the purported supervisor plays in the procedure and that they independently adjust employee grievances. *Training School at Vineland*, 332 NLRB 1412, 1412 fn. 2 (2000).

Power Plant Superintendent Crookes testified that he can resolve issues pertaining to leave and timesheets, but as previously discussed, both of those items are ultimately reviewed by the payroll specialist. The record does not contain examples or explain to what extent Crookes has authority to personally resolve those issues or, if he instead, forwards the issues to the payroll specialist who resolves them. Interior region Power Plant Superintendent Grzyb acknowledged in his testimony that he routes issues to the appropriate decisionmaker. Therefore, I find the Power Plant Superintendent does not have authority to adjust employee grievances.

9. Secondary Indicia

Because I have found that the Power Plant Superintendent does not possess any primary supervisory indicia, I need not address any secondary indicia.

III. CONCLUSION

In the preceding sections, I have addressed the timing and substance of the Petitioner's UC petition, and I have found the Petitioner's UC petition to be timely and appropriate. I have also addressed the Section 2(11) supervisory statuses of the Power Operations Superintendent and Power Plant Superintendent, ultimately agreeing with the Petitioner that the Power Operations Superintendent and Power Plant Superintendent should be included in the Unit. The record evidence demonstrates that neither the Power Operations Superintendent nor Power Plant Superintendent have 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.

IV. ORDER

IT IS HEREBY ORDERED that the bargaining unit be clarified to include the Power Operations Superintendent and Power Plant Superintendent.

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 **June 25, 2026**, 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 June 25, 2026**.

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: June 10, 2026

A handwritten signature in black ink that reads "Ronald K. Hooks". The signature is written in a cursive style and is positioned above a horizontal line.

Ronald K. Hooks, Regional Director
National Labor Relations Board, Region 19
915 2nd Ave., Ste. 2948
Seattle, WA 98174-1006