

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 31

V2X, INC.

Employer

and

Case 31-RC-383401

**TEAMSTERS, CHAUFFEURS,
WAREHOUSEMAN INDUSTRIAL
AND ALLIED WORKERS OF AMERICA,
LOCAL 166**

Petitioner

DECISION AND DIRECTION OF ELECTION

On March 24, 2026, the Teamsters, Chauffeurs, Warehouseman Industrial and Allied Workers of America, Local 166 (Petitioner) filed a petition seeking to represent a unit of “[a]ll full-time and regular part-time Training Analysis Feedback Facility (“TAFF”) Leads/TAFF Supervisors employed by the Employer at the Fort Irwin Training Center in Fort Irwin, [California].” The petition excluded “[a]ll other employees, including employees in any other bargaining unit, office clerical and confidential employees, guards and Supervisors as defined by the [National Labor Relations] Act.” (BX 1(a).) There are 12 TAFF Leads in the petitioned-for unit.

V2X (Employer) maintains that the unit sought by the Petitioner is inappropriate and that the petition should be dismissed because the TAFF Leads/TAFF Supervisors (TAFF Leads) are supervisors as defined in Section 2(11) of the Act, 29 U.S.C. §152(11), and therefore fall outside the protection of the Act. Specifically, the Employer argues that the TAFF Leads perform several of the supervisory functions detailed in Section 2(11), including the ability to assign, responsibly direct work, discipline and promote.

The parties agree that if an election is directed, it should be conducted by mail ballot.

On April 1, 2026, a hearing officer held a hearing. The parties stated their closing arguments on the record but did not file post-hearing briefs. Having fully considered the entire record, and applicable Board precedent, I find that the Employer has failed to meet its burden of proof that the TAFF Leads possess any of the Section 2(11) indicia of supervisory status. Accordingly, I find that a unit comprised of the TAFF Leads at the Irwin facility is an appropriate unit and direct that an election be held to determine whether the TAFF Leads wish to be represented by the Petitioner.

I. FACTS

A. The Employer's Operation & Organization

The Employer assists active-duty U.S. military personnel with training exercises that take place at the National Training Center at Fort Irwin, California. These exercises focus on brigade combat teams, which are comprised of 6,000 to 7,000 soldiers. (Tr. 14.) In providing this assistance, the Employer operates the Training Analysis Feedback Facility (TAFF). TAFF is responsible for monitoring training exercises and compiling data in real time to provide “instantaneous feedback” on the training operations to military leaders. (Tr. 17.) Located within TAFF is the Division Tactical Operations Center, which provides guidance and tracks operations during military training. (Tr. 18.) The training occurs in an area known as The Box. (Tr. 14, 17, 55.)

Jacob Stockdill is the program manager for mission support at the Fort Irwin facility. (Tr. 13.) James Zimmerman is the manager of TAFF/DTOC, and he reports to Stockdill. Zimmerman oversees twelve TAFF teams.

Each TAFF team consists of a TAFF Lead and several TAFF Specialists, ranging in number from three to ten employees, for a total of 98 employees. (ERX 1; 48.) Each TAFF team supports a lieutenant colonel and command sergeant major in training different sections of a battalion-sized unit.

When a battalion is training at the Fort Irwin facility, the TAFF teams are “on rotation” and operating 24 hours a day, 3 shifts a day. (Tr. 39.) Each rotation lasts for 21 days. (Tr. 15, 55.)

Before a training rotation commences, TAFF receives training objectives from their client identifying the information that the client wants collected. (Tr. 41.) The TAFF Specialists observe the training, gather information and deliver feedback. (Tr. 25.) In providing the feedback, the Specialists use a database called “IS” which allow them to observe the training exercises in real time from their workstations. (Tr. 16-17; 21, 25.) TAFF Specialists also monitor an internal radio system that has a direct line of communication with personnel in The Box. (Tr. 21.) Using these monitoring tools, the TAFF Specialists collect and catalog the data and put together an After Action Review (AAR) of the battalion's activities during the training period. (Tr. 15, 85.)

B. Duties & Responsibilities of the TAFF Lead.

1. Assignment of work schedules and tasks

The TAFF Leads develop schedules to ensure that there is appropriate coverage for the 24-hour training, which requires scheduling 3 shifts. (Tr. 38, 82.) When determining the schedule, the TAFF Lead considers employees' availability and what kind of training is being

planned. (Tr. 41, 82.) When there is no training occurring at the facility, there is only one shift, and the TAFF Lead can determine the shift starting time. (Tr. 116.)

TAFF Leads have carte blanche to approve up to 3 days of leave. Anything over 3 days must be raised to TAFF Manager Zimmerman and possibly to others as well. (Tr. 83, 102-103.) The Employer has parameters for how many hours a TAFF Specialist can work during a rotation; the TAFF Lead cannot deviate from those parameters. (Tr. 126.)

The TAFF Lead assigns tasks to the TAFF specialists; these tasks are contingent on what the military personnel need. (Tr. 114, 120.) Every TAFF team operates differently, but all are comprised of TAFF Specialists who work at different stations; each station has different responsibilities. (Tr. 84.) In explaining how he makes assignments, TAFF Lead Gary Ramirez explained that he has two main stations in his office and, because everyone can perform all the tasks, he simply assigns work on a rotational basis. (Tr. 125, 133, 138.) Specifically, Ramirez stated that he rotates the stations every day; he “just pick[s], and they rotate.” (Tr. 140.) Ramirez adopted this assignment method from his predecessor. (Tr. 142.)

When there is not a military training rotation, TAFF Lead Ramirez testified that he usually requests that the TAFF Specialists finish their training certificates, which are required for TAFF teams to access the necessary operational systems. (Tr. 114, 133, 138.) Both the military and the Employer have various policies in place for what training needs to be completed annually or biannually. (Tr. 115.)

Team Lead Ramirez is not evaluated based on the performance of his team. (Tr. 141.) He receives feedback from the customer based on his team’s performance. He explained that he once received “negative” feedback based on his team not having all ten TAFF Specialist slots filled. (Tr. 142-43.) However, the record reflects only that Team Lead Ramirez was asked to respond to the negative feedback from the customer, and is silent as to whether he was disciplined or otherwise held accountable for the feedback.

2. Discipline

The TAFF Specialists are represented by the IAMAW, and the parties have a collective-bargaining agreement (Agreement). That Agreement has the following progressive disciplinary policy that applies to the TAFF specialists:

- Step 1 Documented Verbal Counseling. Shall not be considered for the purposes of progressive discipline after six (6) months.
- Step 2 Written Warning. Shall not be considered for the purposes of progressive discipline after twelve (12) months.

Step 3 Suspension. Shall not be considered for the purposes of
progressive discipline after eighteen (18) months.

Step 4 Termination

(Tr. 63-64; ERX 6.) As set forth above, if a TAFF Specialist receives a documented verbal counseling and commits the same policy violation within six months, then the employee will receive a Step 2 Written Warning. (Tr. 107-08.) Step 3 is a suspension, and depending on the Employer's policies, it can be without pay. (Tr. 109.) While the Agreement details what level of discipline is required, the Employer's policies determine what constitutes a violation justifying discipline. (Tr. 96.) The Employer's policies and the Agreement define what disciplinary steps to take, based on timing and the number of infractions. (Tr. 121.)

Several disciplinary examples were provided in the record. Three examples involving a particular TAFF Specialist demonstrate how the progressive disciplinary policy works. On August 27, 2025, the same TAFF Specialist received a Step 1 documented verbal counseling for an attendance violation. (ERX 4 0032-0033.) On September 5, 2025, he then received a Step 2 Written warning for another attendance violation. (ERX 4 0034-0035.) Then, on September 20, 2025, he received a Step 3 Suspension without pay, after incurring another attendance violation. (ERX 5.)

When a policy violation occurs, the TAFF Lead completes the disciplinary form. Each form lists the Company policy violation that prompted the discipline. Thus, in the example discussed above, the disciplinary forms listed violations of the Company's Attendance and Punctuality Procedures and violations of the Agreement's provisions regarding absence from work. (ERX 4 0032-0035; ERX 5.)

When the TAFF Lead completes the disciplinary form, it is reviewed by TAFF Manager Zimmerman for quality assurance to make sure it "jives with policy." (Tr. 56.) After Zimmerman reviews it, the TAFF Lead signs it. The TAFF Lead then notifies the IAMAW and counsels the disciplined employee. (Tr. 75-77; ERX 3.)

TAFF Lead Ramirez testified that he lacks authority to discipline and stated that he can only give a recommendation. While Program Manager Jacob Stockdill and TAFF Manager Zimmerman testified they did not override a TAFF Lead's recommendation, TAFF Lead Ramirez testified that his recommendations are not automatically followed. (Tr. 121.) Ramirez detailed a situation in which he issued a verbal counseling to a TAFF Specialist for insubordination. Ramirez testified that when the incident occurred, he contacted Zimmerman, detailed the conduct, and asked what he could do about the situation. Zimmerman told Ramirez to prepare a documented verbal counseling for insubordination, which Ramirez did. (Tr. 121-22; ERX 4 0037-0038.) Zimmerman confirmed that TAFF Leads have recommended that a TAFF Specialist be terminated, and that recommendation was not followed. Zimmerman claimed that the Company's policies did not allow for termination for the conduct at issue. (Tr. 60-64; 95; ERX 4

0024-0026.) Zimmerman also noted that if a TAFF Lead reads a policy as requiring termination for certain conduct, the TAFF Lead's interpretation is not always accepted. (Tr. 97.) Instead, Zimmerman stated that he had the authority to halt a disciplinary report if, in his judgment, it did not comply with established policies or if he disagreed with the Team Lead's determination that the conduct constituted a policy violation (Tr. 99).

3. Designation of Crew Lead

The TAFF Leads have the authority to designate a Crew Lead from among the TAFF Specialists working on a team. The Crew Lead covers the shifts when the TAFF Lead is not present. (Tr. 44.) The Crew Lead receives a \$2 per hour wage increase, which TAFF Manager Zimmerman characterized as a "fringe benefit." (Tr. 112, 124.) The selection does not require any paperwork, and the TAFF Lead simply notifies the selected specialist of the designation. (Tr. 111.) To receive the additional pay, the Crew Lead will simply have an additional entry on their timecard designating them as the "crew lead." (Tr. 111.)

The Crew Lead remains a TAFF Specialist, covered by the collective bargaining agreement. (Tr. 112.) Their only additional responsibility is to answer to the military's questions. (Tr. 44, 124.) They cannot discipline, and they have no other administrative or scheduling responsibilities. (Tr. 44, 87.)

The TAFF Lead does not designate the Crew Lead based on any developed criteria. (Tr. 123.) TAFF Lead Gary Ramirez testified that he chooses his Crew Lead based on who is the "most senior and most knowledgeable," and he explained that he determines the level of knowledge based on seniority and on observing the TAFF Specialists' work. (Tr. 124, 127-28.) Ramirez has never been questioned about his selection of a Crew Lead. (Tr. 112, 124.)

II. Analysis

The Employer contends that the TAFF Leads possess and exercise the authority to assign, discipline or effectively recommend higher discipline, responsibly direct work, and promote. As discussed below, the Employer's evidence is too vague, limited and conflicting to establish that the TAFF Leads exercise any of the Section 2(11) indicia and that they do so with independent judgment. I therefore find that the Employer has failed to meet its burden of proof that the TAFF Leads are supervisors within the meaning of Section 2(11).

A. Applicable Principles

Under Section 7 of the Act, employees "have the right to self-organization, to form, join, or assist labor organizations, [and] to bargain collectively through representatives of their own choosing." 29 U.S.C. § 157. Section 2(3) defines the "employees" who enjoy statutory

protection. 29 U.S.C. § 152(3). Excluded from that definition is “any individual employed as a supervisor.” *Id.*

Section 2(11) of the Act defines the term “supervisor” as:

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

Id. § 152(11). Those functions are listed in the disjunctive, so the possession of any one is enough to make an individual a supervisor. *NLRB v. Ky. River Cmty. Care, Inc.*, 532 U.S. 706, 713 (2001).

However, authority is only supervisory within the meaning of the Act if it is exercised with independent judgment. *Id.* (supervisor is one who has authority to engage in any one of the enumerated functions, if the exercise of such authority “is not of a merely routine or clerical nature, but requires the use of independent judgment”). Independent judgment requires showing that an individual can “act, or effectively recommend action, free of the control of others and form an opinion or evaluation by discerning and comparing data.” *Oakwood Healthcare, Inc.*, 348 NLRB 686, 692-93 (2006).

The burden of proving supervisory status lies with the party asserting it. *Kentucky River*, 532 U.S. at 711-12. Under judicially approved Board law, a showing of supervisory status cannot rest solely on generalized or conclusory testimony. *See Golden Crest Healthcare Ctr.*, 348 NLRB 727, 731 (2006); *accord, e.g., Frenchtown Acquisition Co. v. NLRB*, 683 F.3d 298, 305 (6th Cir. 2012); *Beverly Enterprises-Mass., Inc. v. NLRB*, 165 F.3d 960, 963 (D.C. Cir. 1999). The party asserting supervisory status must therefore present specific evidence or examples of putative supervisors wielding their responsibilities. *Golden Crest*, 348 NLRB at 731. If there is conflicting record evidence as to supervisory status, the Board will find that the party asserting it has not met its burden of proof. *N.Y. Univ. Med. Ctr.*, 324 NLRB 887, 908 (1997), *enforced in relevant part*, 156 F.3d 405 (2d Cir. 1998). Similarly, any lack of record evidence is construed against the party asserting supervisory status. *See Elmhurst Extended Care Facilities*, 329 NLRB 535, 536 fn. 8 (1999).

B. The TAFF Leads Do Not Assign Using Independent Judgment

The authority to “assign” refers to “the act of designating an employee to a place (such as a location, department, or wing), appointing an employee to a time (such as a shift or overtime period), or giving significant overall duties, i.e., tasks, to an employee.” *Oakwood*, 348 NLRB at 689. The Board has held that an individual’s role in scheduling employees does not necessarily establish that the individual is a statutory supervisor, often finding this to be a clerical function in the absence of evidence that the scheduling requires independent judgment. *Dean and DeLuca*

New York, Inc., 338 NLRB 1046, 1047 n.15 (2003). As the Board has explained, “[t]he authority to effect an assignment . . . must be independent [free of 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 ‘routine or clerical.’” *Oakwood*, 348 NLRB at 692-93. For an assignment to involve independent judgment, the putative supervisor must select employees to perform specific tasks based on a judgment regarding the individual employee’s skills. *Id.* at 695. *See also Frenchtown*, 683 F.3d at 312.

A putative supervisor also does not exercise independent judgment when they follow established patterns or rotational systems in assigning or directing subordinates. *See Croft Metals, Inc.*, 348 NLRB 717, 722 (2006) (lead persons followed pre-established delivery schedule and generally employed standard pattern in directing employees); *Shaw, Inc.*, 350 NLRB 354, 355-56 (2007) (foreman made assignments by rotating duties among available crew); *CNN America, Inc.*, 361 NLRB 439, 459-60 (2014) (TV managers followed established pattern in making assignments); *Modesto Radiology Imaging, Inc.*, 361 NLRB 888, 889 (2014) (team leaders assigned using rotational system). Moreover, assignments based on availability do not require independent judgment. *Springfield Terrace LTD*, 355 NLRB 937, 943 (2010) (citing *Children’s Farm Home*, 324 NLRB 61, 64 (1997)).

The Employer has failed to demonstrate that TAFF Leads exercise independent judgment when assigning shifts to the TAFF Specialists. Rather, the evidence shows that scheduling is routine and based on pre-established systems. Each shift must be staffed by a pre-determined number of employees, and the TAFF Lead ensures that those shifts are adequately covered. The record does not contain evidence that in scheduling shifts, the TAFF Lead is considering anything other than availability. As TAFF Manager Zimmerman explained, each TAFF team must provide 24-hour coverage, so the TAFF Lead must “come up with . . . three shifts.” (Tr. 115.) The Company also sets how many hours a TAFF Specialist may work during a rotation, and the TAFF Lead cannot deviate from that parameter. (Tr. 126.) Similarly, the TAFF Lead’s ability to approve leave requests comes with the established parameter that such approval is limited to requests that are for fewer than 3 days.

Regarding the assignment of tasks, the Employer offered only conclusory statements that the TAFF Lead can assign different tasks during a rotation. Those statements did not elaborate on what specific factors or traits the TAFF Lead relies on in making those decisions. TAFF Manager Zimmerman vaguely explained that TAFF Leads must ensure that “they got the right people in the right places.” (Tr. 115.) Such statements fall far short of the specific examples required to demonstrate supervisory status. *Golden Crest*, 348 NLRB at 731 (conclusory evidence not sufficient to establish supervisory status).

TAFF Lead Ramirez’s testimony further supports that he does not exercise independent judgment when assigning work. Ramirez assigns tasks with no consideration of the individual employee’s skillset, because as he explained, “[e]verybody’s able to do the exact same job.” (Tr.

125.) *See Loparex LLC v. NLRB*, 591 F.3d 540, 551 (7th Cir. 2009) (independent judgment not required by assignments that “did not take into account the personal characteristics” of the employees). Given the employee’s uniform abilities, Ramirez relies on a rotational system employed by his predecessor, and he simply rotates the tasks throughout the shift’s duration. (Tr. 140.)

In sum, the Employer’s evidence of assignment authority consists of conclusory assertions that lack detail regarding the discernment that a TAFF Lead exercises when scheduling shifts or assigning tasks. The evidence shows that such decisions are largely routine and devoid of any consideration of a TAFF Specialist’s individual skillset. Thus, the Employer has failed to meet its burden of establishing that the TAFF Leads make assignments using independent judgment.

C. TAFF Leads Do Not Responsibly Direct TAFF Specialists

There is no evidence in the record to support the Employer’s claim that the Taff Leads responsibly direct work. In *Oakwood*, the Board “ascribe[d] a distinct meaning” to the statutory phrase “responsibly to direct.” 348 NLRB at 689. An individual has the authority “responsibly to direct” under Section 2(11) if he “has ‘men under him,’ and . . . decides ‘what job shall be undertaken next or who shall do it,’ . . . provided that the direction is both ‘responsible’ . . . and carried out with independent judgment.” *Id.* at 691 (citations omitted). Direction is responsible only if “the person performing the oversight [is] 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 are not performed properly.” *Id.* at 691-92.

Requiring accountability demonstrates that the putative supervisor’s interests are aligned with management such that “the directing employee will have . . . an adversarial relationship with those he is directing” and “will disregard, if necessary, employees’ contrary interests.” *Oakwood*, 348 NLRB at 692. This contrasts with an employee who directs others’ work but is not held accountable for their performance: their “interests, in directing other employees, is simply the completion of a certain task.” *Id.* Put differently, “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.” *Id.* at 692.

Although TAFF Leads determine which tasks are assigned next (*Oakwood*, 348 NLRB at 691), the record provides little evidence that their direction of TAFF Specialists affects TAFF Leads’ employment terms or conditions in any significant way. *See Dean & DeLuca*, 338 NLRB at 1048 (any lack of evidence necessary to establish supervisory status must be held against the employer, who bears the burden of proof). Indeed, TAFF Lead Ramirez testified without contradiction that he is not evaluated on his unit’s performance. (Tr. 141.) The only record evidence that even tangentially touches upon accountability is Ramirez’s vague testimony

that he received negative feedback from the client about not having all ten of his TAFF Specialist slots filled. That feedback, however, is unrelated to Ramirez's direction to TAFF Specialists to complete a job. And in any event, the testimony provided few details of that "negative" feedback, such as what information it conveyed, and whether Ramirez experienced any negative consequence because of that feedback.

Thus, the Employer has failed to show that the TAFF Leads are held accountable for the TAFF Specialists' performance, and therefore, has failed to meet its burden of proof regarding responsible direction. *See Cook Inlet Tug & Barge, Inc.*, 362 NLRB 1153, 1154-55 (2015) (testimony lacked specific examples or evidence illustrating accountability); *Lynwood Manor*, 350 NLRB 489, 490-91 (2007) (no specific evidence introduced or proffered to show adverse consequences due to failures in subordinates' performance).

D. TAFF Leads Do Not Discipline or Effectively Recommend Discipline Using Independent Judgment

The Employer has also not provided sufficient evidence to establish that the TAFF Leads discipline or effectively recommend discipline with independent judgment. "To confer [supervisory] status, the exercise of disciplinary statutory authority must lead to personnel action, without the independent investigation or review of other management personnel." *Lucky Cab Co.*, 360 NLRB 271, 271 (2014), *enforced*, 621 F. App'x 9 (D.C. Cir. 2015) (per curiam). The authority to effectively recommend discipline generally means that the "recommended action is taken without independent investigation by superiors, not simply that the recommendation is ultimately followed." *Children's Farm Home*, 324 NLRB 61, 61 (1997).

Warnings can rise to the level of job-affecting discipline if "actual consequences flow" from them because they constitute definite steps in a progression. *Ken-Crest Servs.*, 335 NLRB 777, 778 (2001). A warning is disciplinary if, once it is given, any further violations "automatically or routinely result" in "actual discipline." *The Republican Co.*, 361 NLRB 93, 99-100 (2014). It is not enough to call a disciplinary policy "progressive"—an employer "bears the burden of proving the existence of a progressive disciplinary system and the role warnings issued by the putative supervisor plays within it." *Transdev Servs., Inc. v. NLRB*, 991 F.3d 889, 897 (8th Cir. 2021).

Here, the Employer has a progressive disciplinary policy, but the evidence concerning the TAFF Lead's role in initiating the disciplinary process, and whether the TAFF Lead's recommendation is subject to further review, is somewhat unclear. TAFF Manager Zimmerman explained that when a TAFF Lead sees a policy violation, they can initiate a written disciplinary counseling. But Zimmerman reviews that write-up, and if he disagrees that a policy violation occurred, he can stop the process. TAFF Manager Zimmerman initially claimed that he could not recall overriding the TAFF Lead's judgment about discipline, but he later testified that he rejected a TAFF Lead's termination recommendation.

For his part, TAFF Lead Ramirez stated that he has no authority to decide what discipline he can impose and that his disciplinary recommendations are “[a]bsolutely not” automatically followed. (Tr. 121.) Rather, he explained that his role is to report to management that a policy was violated. Elaborating on that point, Ramirez explained that at one point, when he was faced with a possible disciplinary issue, he consulted Zimmerman and asked for guidance. Ramirez then drafted a disciplinary notice for insubordination after Zimmerman instructed him to do so. Thus, the evidence is inconsistent as to whether the TAFF Lead initiates and determines discipline on his own, without interference or review by other management personnel. *N.Y. Univ. Med. Ctr.*, 324 NLRB 887, 908 (1997) (“Whenever there is inconclusive or conflicting evidence on specific indicia of supervisory authority, the Board will find that supervisory status has not been established with respect to those criteria.”), *enforced in relevant part*, 156 F.3d 405 (2d Cir. 1998).

The evidence is also lacking regarding what restrictions or constraints the Employer’s policies or the collective-bargaining agreement place on the TAFF Lead’s disciplinary authority. It is true that the “mere existence of company policies does not eliminate independent judgment from decision-making.” *Oakwood*, 348 NLRB at 693. But “the policies [must] allow for discretionary choices.” *Id.* The Employer did not provide any evidence establishing that TAFF Leads, when issuing discipline, are exercising their discretion independent of any policies or labor agreement. On the contrary, both TAFF Manager Zimmerman’s and TAFF Lead Ramirez’s testimony indicated that the Employer’s policies and the collective-bargaining agreement constrain their discretion as to what is a violation and what discipline to impose. For example, TAFF Manager Zimmerman stated that the Employer’s policies cover what is a violation. He made vague references to “specific examples” of insubordination in “company[] policies,” (Tr. 96) but he never explained those examples or discussed how these policies inform, if at all, the imposition of discipline. The absence of any explanation as to how the Employer’s policies constrain or control the TAFF Lead’s disciplinary decisions must be construed against the Employer. *Elmhurst Extended Care Facilities, Inc.*, 329 NLRB 535, 536 n.8 (1999).

TAFF Lead Ramirez testified that his disciplinary determinations are restricted by both the Employer’s policies and the collective-bargaining agreement. As he explained, when he observes a policy infraction, “the steps that are to be taken” are “[a]lready written in the policy book and the CBA” and that is “what [he] follow[s].” (Tr. 121.) Manager Zimmerman’s testimony confirms Ramirez’s view. Specifically, Zimmerman explained that he has rejected a TAFF Lead’s disciplinary recommendation because it were contrary to the collective-bargaining agreement’s procedures. (Tr. 59.) Thus, while the TAFF Leads fill out and sign disciplinary forms, those actions appear to be a mechanical application of the Employer’s policies and the Agreement and do not involve independent judgment. *See G4S Regulated Security Solutions*, 362 NLRB 1072, 1073 (2015), *enforced*, 670 F. App’x 697 (11th Cir. 2016) (finding no independent judgment when putative supervisory disciplinary authority was “significantly

limited by detailed instructions”); *Universal Protection Serv. NLRB*, 2026 WL 1194880 at *7-*8 (11th Cir., May 1, 2026) (lieutenant does not use independent judgment in imposing discipline based on policies that did not allow for discretionary choices).

In sum, the evidence regarding the TAFF Lead’s role in the disciplinary process is vague and inconclusive. The Employer has not shown whether the TAFF Lead initiates discipline without consultation or review and has offered no clear explanation what role, if any, the Employer’s policies and the collective-bargaining agreement play in the TAFF Lead’s disciplinary determinations. Therefore, I find that the Employer has not shown that the TAFF Leads discipline or effectively recommend discipline using independent judgment.

E. TAFF Leads Do Not Promote Using Independent Judgment

The Employer has also failed to provide sufficient detailed evidence to support its claim that TAFF Leads have authority to promote TAFF Specialists and that the TAFF Leads exercise independent judgment in doing so. To support its assertion of promotion authority, the Employer points to the TAFF Lead’s authority to designate a Crew Lead. The Employer’s evidence relies on vague assertions that fail to clarify the selection process or confirm if the designation is a promotion.

While the Crew Lead designation does come with a \$2/hour raise, TAFF Manager Zimmerman described the increase as a “fringe-benefit” and confirmed that the Crew Lead remained a TAFF Specialist. He emphasized that the designation brings “zero” responsibility other than the additional duty of communicating with the military client in the TAFF Lead’s absence. (Tr. 44.) The designation process is informal. There is no paperwork or involvement with Human Resources. (Tr. 112.) Thus, the Crew Lead designation does not appear to be a permanent elevation or an established progression from one level to another, but is rather an intermittent role performed only when the TAFF Lead is absent. Overall, the designation of a Crew Lead is more fairly characterized not as a promotion, but instead as the assignment of an additional task, albeit one that comes with a pay differential.

Whether the designation of a Crew Lead is a promotion or assignment of work, the evidence does not show that the selection requires independent judgment. Rather, the decision is obvious or routine and based on whether the person can perform the additional task of communicating with military personnel. *Croft Metals*, 348 NLRB at 722 (basing assignments on whether an individual is capable of performing the job does not involve independent judgment). The selection of a Crew Lead does not involve a discernment or comparison of the TAFF Specialists’ skillset. Rather, as Team Lead Ramirez explained, he selected his two current crew leads because they are “the most senior and the most knowledgeable within that shift.” (Tr. 127.) He did not provide any detail regarding how he selected one TAFF Specialist over another. Rather, Ramirez offered largely conclusory explanations for how he determines who is the most knowledgeable, explaining it is based in part on seniority and observing the TAFF Specialist’s

work. (Tr. 128.) *See Oakwood*, 348 NLRB at 693 (a judgment does not rise above clerical or routine when “there is only one obvious and self-evident choice”); *see also Cook Inlet Tug & Barge*, 362 NLRB at 1153 (evidence limited to vague testimony that putative supervisors play to employees’ strength does not establish independent judgment).

The casual and routine selection process, as described by Team Lead Ramirez, stands in stark contrast to the promotion authority at issue in *Public Service of New Hampshire*, 2026 WL 575627 at *1 n.1 (Feb. 12, 2026). There, the Board found that the employer’s foremen used independent judgment when recommending promotions for lineworkers because those decisions rested on the foremen’s role in completing monthly evaluation forms that contain a “qualitative assessment of the lineworker’s strengths, weaknesses, and areas for improvement.” *See also Starbucks Corp.*, 2022 WL 1051145 at *1 n.1 (Apr. 6, 2022) (employer failed to identify evidence demonstrating how shift manager’s promotion decisions “rise beyond routine and clerical”); *Brusco Tug & Barge, Inc.*, 359 NLRB 486, 492 (2012), incorporated by reference at 362 NLRB 257 (2015), *enforced* 696 F. App’x 519 (D.C. Cir. 2017) (independent judgment not established due in part to lack of detailed specific evidence of a putative supervisor selecting one deckhand over another to perform a particular task).

Thus, the Employer’s characterization of the Crew Lead selection as a promotion overstates the reality of the position. While it does come with a wage increase, the additional responsibilities are minimal and intermittent. The Crew Lead is a temporary replacement for the TAFF Lead and, post-selection, remains a TAFF Specialist. And whether viewed as a promotion or assignment of work, the evidence shows the selection is a routine matter. I find that the Employer has not shown that the TAFF Lead exercises any promotion authority using independent judgment.

The Employer has failed to meet its burden of proof that the TAFF Leads possess any of the Section 2(11) indicia of supervisory status. Accordingly, I find that a unit comprised of the TAFF Leads at the Irwin facility is an appropriate unit and direct that an election be held to determine whether the TAFF Leads wish to be represented by the Petitioner.

III. CONCLUSION AND FINDINGS

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

1. The Hearing Officer’s rulings made at the hearing are free from prejudicial error and are hereby affirmed.

2. The parties stipulated and I find that the Employer is engaged in commerce within the meaning of Section 2(6) of the Act, and it will effectuate the purposes of the Act to assert jurisdiction in this case.¹
3. The parties stipulated and I find that the Petitioner is a labor organization within the meaning 2(5) of the Act and claims to represent certain employees of the Employer.
4. The parties stipulated and I find that there is no collective-bargaining agreement covering any of the employees in the petitioned-for unit, and there is no contract bar, or any other bar, to this proceeding.
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 (the Unit) appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All full-time and regular part-time Training Analysis Feedback Facility (“TAFF”) Leads/TAFF Supervisors employed by the Employer at the Fort Irwin Training Center located at 1700 Pork Chop Hill, Fort Irwin, California.

Excluded: All other employees, including employees in any other bargaining unit, office clerical and confidential employees, guards and supervisors as defined in the National Labor Relations Act.

Accordingly, I will direct an election in the Unit described above. There are approximately 12 employees in the Unit found to be appropriate.

IV. DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. The employees will vote whether or not they wish to be represented for the purposes of collective-bargaining by **Teamsters, Chauffeurs, Warehouseman Industrial and Allied Workers of America, Local 166**.

A. Election Details

Pursuant to the stipulation of the parties, the election will be conducted by United States mail.

¹ The Employer, V2X, Inc., an Indiana corporation, with principal offices located in Reston, Virginia, is engaged in the business of providing mission solutions and support to Department of Defense clients at the National Training Center located at 1700 Pork Chop Hill St., Fort Irwin, CA 92310. Within the past 12 months, a representative period, the Employer received goods, products, and materials in excess of \$50,000 directly from points outside the State of California.

The mail ballots will be mailed to the employees employed in the appropriate collective-bargaining unit at **5:00 p.m. on Monday, August 3, 2026**. Ballots will be mailed to voters by the National Labor Relations Board, Region 31. Voters must sign the outside of the envelope in which the ballot is returned. **Any ballot received in an envelope that is not signed will be automatically void.**

Those employees who believe that they are eligible to vote and did not receive a ballot by **Wednesday, August 12, 2026**, as well as those employees who require a duplicate ballot, should communicate immediately with the National Labor Relations Board by calling the Region 31 Office at (310) 235-7531 or our national toll-free line at 1-844-762-NLRB (1-844-762-6572).

All ballots will be commingled and counted at the Region 31 office at 11500 W. Olympic Boulevard, Suite 600, Los Angeles, California, 90064 on **Tuesday, August 25, 2026, at 2:00 p.m.** In order to be valid and counted, the returned ballots must be received in the Region 31 office in Los Angeles prior to the counting of the ballots. Upon conclusion of the count, a tally of ballots will be prepared and immediately made available to the parties.

B. Voting Eligibility

Eligible to vote are those who were employed during the payroll period ending **Friday, June 26, 2026**, 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 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(1) 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 **Tuesday, July 14, 2026**. The list must be accompanied by a certificate of service showing service on all parties. **The Region will no longer serve the voter list.**

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

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

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

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

D. Posting of Notices of Election

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election accompanying this Decision in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees. **The Employer must post copies of the Notice at least 3 full working days prior to 12:01 a.m. of the day of the election and copies must remain posted until the end of the election.**

For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays. However, a party shall be estopped from objecting to the 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. This request must be received by the Board by **Friday, July 24, 2026**. 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.nlrb.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: **July 10, 2026**



Danielle M. Pierce, Regional Director
National Labor Relations Board, Region 31
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Los Angeles, CA 90064