

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

REED INSTITUTE D/B/A REED COLLEGE
Employer

and

Case 19-RC-378745

INTERNATIONAL UNION, SECURITY,
POLICE AND FIRE PROFESSIONALS OF
AMERICA (SPFPA)
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.¹

¹ In denying review of the Regional Director's finding that the Employer has not met its burden to establish that the "Night Lead" role is supervisory within the meaning of Sec. 2(11) of the Act, we observe that "Sec[.] 2(11) requires only possession of *authority* to carry out an enumerated supervisory function, not its actual exercise." *Avante at Wilson, Inc.*, 348 NLRB 1056, 1057 (2006) (emphasis in original). To the extent certain of the Regional Director's statements could be construed as suggesting that the Employer was required to furnish specific examples or evidence that the Night Lead exercised supervisory authority in order to meet its burden, we do not rely on this implication.

Further, in light of the Regional Director's conclusion that the Employer failed to satisfy its burden with respect to any primary indicia of supervisory status, it is unnecessary to address or rely on his characterization of the rotating nature of the Night Lead role on a shift-by-shift basis as a "fundamental problem" with the Employer's claim that the role is supervisory.

Member Prouty agrees with the Regional Director's characterization of the rotating nature of the Night Lead role on a shift-by-shift basis as a "fundamental problem" with the Employer's claim that the CSOs who are qualified to serve as Night Lead are Sec. 2(11) supervisors. "As with other aspects of establishing supervisory status, the burden is on the [party] who asserts supervisory status to prove regularity and substantiality, i.e., the [purported supervisor] spends a regular and substantial portion of [their] work time performing supervisory functions." *Oakwood Healthcare, Inc.*, 348 NLRB 686, 698–699 (2006). In Member Prouty's view, the Regional Director correctly observed that the Employer did not put forward any evidence to sustain its burden of showing that the CSOs who are qualified to serve as Night Lead spend a regular and substantial portion of their work time performing that role.

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

Dated, Washington, D.C., September 1, 2026.