

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

NATIONAL NORDIC MUSEUM

Employer

and

Case 19-UC-390170

**COMMUNICATIONS WORKERS OF AMERICA,
LOCAL 7800**

Petitioner

DECISION AND ORDER CLARIFYING UNIT

National Nordic Museum (“Employer”) operates a museum in Seattle, Washington. Communications Workers of America, Local 7800 (“Union”) filed a petition for a representation election in August 2025. The parties subsequently negotiated a neutrality agreement, which was executed on August 27, 2025. The neutrality agreement included two appendices: Appendix A listed job positions the parties agreed should be included in the bargaining unit; Appendix B listed two disputed job positions. A card check was performed on October 2, 2025. After the card check, the Employer voluntarily recognized the Union as the exclusive bargaining representative of all full-time and regular part-time employees, excluding supervisors, managerial employees, confidential employees, temporary employees, and guards as defined by the National Labor Relations Act. The parties began bargaining for a collective bargaining agreement. The parties agree that the employees in Appendix A are properly included in the bargaining unit. The job positions in Appendix B of the neutrality agreement remain disputed.

The Union filed the instant Unit Clarification petition on June 7, 2026, seeking to clarify whether the two disputed positions – Facilities Supervisor and Guest Services Manager – should

be included in the existing bargaining unit. The Employer argues that both positions are supervisory under Section 2(11) of the Act and must therefore be excluded from the unit.

A hearing officer of the Board held a hearing on this matter via Zoom videoconference on August 26, 2026. The parties subsequently filed briefs which I have duly considered. For the reasons set forth below, I find that the Employer failed to meet its burden of proving that the Facilities Supervisor or Guest Services Manager are supervisors within the meaning of Section 2(11) of the Act. Accordingly, I clarify the unit to include the Facilities Supervisor and Guest Services Manager positions.

I. RECORD EVIDENCE

A. Employer's Operations

The Employer operates a museum focused on the preservation and education of Nordic heritage. The highest-ranking Employer official at the museum is Executive Director and CEO Lāth Carlson. Carlson directly manages the Employer's Director positions, including Director of HR and Finance Pamela Brooks, Director of Guest Services and Retail Joni Hughes, and Director of Operations and Facilities Charlie Sullivan. Brooks performs all human resource functions for the Employer. Hughes manages the Museum Store Manager, a bargaining unit position which oversees two Store and Guest Services Associates, and the Guest Services Manager, a disputed position which in turn oversees four Guest Services Associates. Sullivan manages the Facilities Supervisor, a disputed position, as well as the Facilities Assistant/Custodian, the Exhibition Designer and Preparator, the Venue Services Coordinator, and the Venue Services & Facilities Associate, all bargaining unit positions.

B. Disputed Positions

The Guest Services Manager is a full-time hourly position which manages the day-to-day front of house activities at the Employer, including point-of-sale transactions, selling memberships, providing information, and coordinating daily activities. The incumbent, Mia Walchuk, testified that she has held the position for about a year. She testified that she does not have authority to hire, discipline, suspend, lay off, terminate, or reward employees. She testified that she could not give an employee orders in any way where the employee would be disciplined for failing to comply. She testified that she is not held accountable for the work performance of the Guest Services Associates.

Walchuk performed two employee evaluations for Guest Services Associates in 2026. She testified that she had not performed evaluations before and did not know what happened to the evaluations after she submitted them to human resources. She did not know whether the Employer used them to determine raises, promotions, or disciplines. Walchuk testified that she gives day-to-day assignments to the four Guest Services Associates at the Employer's front desk. She spends about 15 to 30 minutes of her day making those assignments, and makes assignments largely based on who is available at the time. Walchuk participated in hiring interviews with Hughes, describing the process as collaborative but testifying that Hughes was the final decision maker.

The Facilities Supervisor position reports to Director of Operations and Facilities Sullivan. The job description notes that the position is responsible for oversight of the Employer's facility and grounds, building management systems, and equipment; ensures that all public and back-of-house areas are maintained and facilities prepared for visitors and Employer Activities; oversees parking services, security, and safety protocols; and is part of the emergency management team and participates in overnight and/or weekend support. It also states that the position supervises and

coordinates the work of facilities employees, contractors, and volunteers. In contrast to the job description, Director of Human Resources and Finance Brooks testified that the incumbent Facilities Supervisor does not supervise any employees. Instead, Director of Operations and Facilities Sullivan directly supervises the Employer's Custodian and Venue Services & Facilities Associate.

II. ANALYSIS

A. Unit Clarification is Appropriate

Under Section 102.60(b) of the Board's Rules and Regulations, a party may file a petition for clarification of a bargaining unit where there is a certified or currently recognized bargaining representative and no question concerning representation exists. "Where a certification of representative issued after an agreement...and the parties have not subsequently negotiated a collective bargaining agreement, the UC process can be used to resolve unit inclusion issues that the parties are unable to resolve through bargaining." Casehandling Manual, Part II, Sec. 11492.1. *See also NY Law Publishing Co.*, 336 NLRB No. 93, slip op. at 1 (2001); *DIC Entertainment, LP*, 329 NLRB 932 (1999).

UC proceedings are appropriate here. When the Employer agreed to voluntarily recognize the Union, the parties' recognition agreement ultimately contained two lists of employees. Those on Appendix A were agreed as included in the unit. Those on Appendix B – the two positions at issue in this matter – were disputed. The agreement specifically states that Appendix B is a list of disputed bargaining unit members. Further, it states that both parties reserved the right to resort to the National Labor Relations Board to determine whether employees listed in Appendix B constitute bargaining unit members.

The Employer argues that the parties' agreement to place the disputed positions on Appendix B resolved the dispute and therefore a unit clarification position is inappropriate. This argument is not persuasive given that the parties explicitly noted that the dispute over the positions in Appendix B could be resolved via recourse to the Board. The Employer also argues that the Union waived its right to seek unit clarification because it engaged in bargaining and filed and withdrew a prior petition. This argument also must fail. The Union raised the issue of the disputed positions during bargaining. The Employer took the position that the two positions should not be included in the unit. The Union filed the instant petition seeking clarification of whether the disputed positions should be included in the bargaining unit. While the parties are engaged in bargaining, they have not finalized a collective bargaining agreement. They take conflicting positions as to the inclusion of the two positions in the existing unit. I find that unit clarification is appropriate in this matter.

B. Supervisory Status

Supervisory status under the Act depends on whether an individual possesses authority to act in the interest of the employer as specified in Section 2(11) of the Act, which defines a 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.”

Possession of any one of these authorities suffices to confer supervisory status if the authority is exercised with independent judgment and not in a routine manner. *Oakwood Healthcare, Inc.*, 348 NLRB 686 (2006); *NLRB v. Kentucky River Community Care, Inc.*, 532 U.S. 706, 711 (2001). In order to constitute the exercise of independent judgment “an individual must

at a minimum act, or effectively recommend action, free of control of others and form an opinion or evaluation by discerning and comparing data.” *Oakwood Healthcare Inc.*, 348 NLRB at 692. The burden of establishing supervisory status rests on the party asserting that status. *Croft Metals, Inc.*, 348 NLRB 717, 721 (2006). Inconclusive or conflicting record evidence does not establish supervisory status. *Phelps Community Medical Center*, 295 NLRB 486, 490 (1989). Inferences or conclusory statements without detailed, specific evidence are insufficient to establish supervisory authority. *Lynwood Manor*, 350 NLRB 489, 490 (2007); *Golden Crest Healthcare Center*, 348 NLRB 727, 731 (2006).

1. Guest Services Manager

There is no evidence in the record that the Guest Services Manager has authority to transfer, suspend, lay off, recall, promote, discharge, reward, or discipline employees. The Guest Services Manager participates in hiring interviews and the Employer contends that the incumbent effectively recommends hiring. Further, the Employer asserts that the Guest Services Manager has authority to assign and responsibly direct the Guest Service Associates, and substitutes for the Director of Guest Services & Retail.

a. Hiring

The Employer does not contend that the Guest Services Manager independently hires. Instead, the Employer argues that the incumbent effectively recommends hiring. To effectively recommend, a putative supervisor must recommend action “that is taken without independent investigation by superiors.” The recommendation ultimately being followed is not sufficient. Even where a putative supervisor participates in interviews and offers recommendations or opinions given significant weight, the authority to effectively recommend hiring is not established where a

higher-level official also participates in the interview and hiring process. *Ryder Truck Rentals, Inc.*, 326 NLRB 1386, 1387 fn. 9, 1388 (1998).

The record evidence demonstrates that the current Guest Services Manager has participated in interviews alongside her direct manager, the Employer's Director of Guest Services & Retail, Joni Hughes. For example, the two of them interviewed five candidates and ultimately hired two. The current Guest Services Manager, Mia Walchuk, testified that she and Hughes both asked questions during the interviews, she gave her input about who should get the role, and Hughes made the final decision on who to hire. The Employer's Director of HR and Finance Pamela Brooks testified to her belief that Hughes would defer to Walchuk unless she saw a major red flag with an applicant because Hughes valued Walchuk's input. Hughes did not testify.

Walchuk sits on the hiring panel and participates in interviews along with Hughes, but she does not independently interview candidates or make recommendations that are followed by the Employer without further inquiry. This evidence is insufficient to demonstrate that the Guest Services Manager effectively recommends hiring.

b. Assignment

To 'assign', a putative supervisor must give "significant overall duties, i.e. tasks, to an employee," and must "designate an employee to a place (such as location, department, or wing) and appoint an employee to a time (such as a shift or overtime period)." *Oakwood Healthcare*, 348 NLRB at 686. However, "ad hoc instructions to perform discrete tasks" are not considered supervisory direction. *Id.*

Walchuk testified that she has some oversight of the four Guest Services Associates that work the museum's front desk. She gives them day-to-day assignments, but not large projects. She determines who does what task based on who is available and with input from the employees. She

estimated that the time she spends assigning such tasks is about 15 to 30 minutes a day. The assignments come down from upper management. Brooks testified to her understanding that assignments flow from Hughes to Walchuk to the Guest Services Associates. I find that the Guest Services Manager does not assign work in a manner that is sufficient to render the position supervisory under the Act.

c. Responsible Direction

The Employer contends that the Guest Services Manager is a supervisor because the position responsibly directs the Guest Services Associates. In *Oakwood Healthcare*, the Board explained “responsible direction,” as follows: “If a person on the shop floor has ‘men under him,’ and if that person decides ‘what job shall be undertaken next or who shall do it,’ that person is a supervisor, provided that the direction is both ‘responsible . . . and carried out with independent judgment.’” “Responsible direction,” in contrast to “assignment,” can involve the delegation of discrete tasks as opposed to overall duties. 348 NLRB at 690-692. An individual will be found to have the authority to responsibly direct other employees only if the individual is accountable for the performance of the tasks by the other employee. *See, e.g., Entergy Mississippi*, 357 NLRB at 2154-55.

Here, Walchuk’s undisputed testimony is that she does not suffer adverse consequences when a Guest Services Associate fails to adequately perform their job duties. There is no evidence in the record establishing that Walchuk is held responsible for the work performance of the Guest Services Associates. Lack of record evidence on an element necessary to establish supervisory status is construed against the party asserting supervisory status. *Dean & DeLuca New York, Inc.*, 338 NLB 1046, 1048 (2003). I find that the Guest Services Manager position does not responsibly direct employees.

d. Substitution

The appropriate test for determining the status of employees who substitute for supervisors is whether the employee spends a regular and substantial portion of their working time performing supervisory tasks. *Aladdin Hotel*, 270 NLRB 838, 840 (1984). The Board typically finds substitutions regular and substantial where it occurs more than twenty percent of an employee's worktime. *See, e.g., Honda of San Diego*, 254 NLRB 1248, 1249-1250 (1981) (affirming supervisory status where employee regularly substituted ten of his forty working hours each week and had full supervisory authority during those times); *Murphy Bonded Warehouse, Inc.*, 180 NLRB 463 (1969) (finding no supervisory status where substitution occurred only when regular supervisor not present, which was less than ten percent of employee's working time). To confer supervisory status, the substitution must occur according to a pattern or schedule as opposed to only sporadically. *Oakwood*, *supra* at 694; *see also Rhode Island Hospital*, 313 NLRB 343, 348 (1993). An employee who substitutes but does not exercise supervisory authority while doing so is not a supervisor. *Aladdin Hotel*, 270 NLRB at 840, citing *Doctor's Hospital of Modesto*, 183 NLRB 950 (1970).

Here, the record reflects that Hughes works Monday through Friday, and Walchuk works Tuesday through Saturday. In Hughes' absence on Saturdays, Walchuk is the highest-ranking employee in the building. Though this is the case, the record does not establish that Walchuk exercises any supervisory authority on Saturdays. For example, Walchuk testified that she did not know whether she would have the authority to grant an employee's request to go home early on a Saturday, although she would not stop them from doing so. She testified that on one occasion, an employee left early on a Saturday for medical reasons. There is no evidence in the record establishing that on Saturdays, Walchuk functions in a supervisory capacity.

e. Secondary Indicia

Although I have not found that the Guest Services Manager possesses any primary supervisory indicia, I address the Employer's contention that the Guest Services Manager has authority to evaluate employees. Section 2(11) of the Act does not include evaluation in its enumeration of supervisory functions. *Elmhurst Extended Care Facilities, Inc.*, 329 NLRB 535, 536 (1999). Thus, where an evaluation does not, by itself, affect wages/and or job status (i.e., make an effective recommendation of raise, promotion, or any other enumerated function) the individual performing such evaluation is not a statutory supervisor. *Id.* Here, Walchuk testified that she performed two employee evaluations in 2026 but she was not aware of what happened to them after she submitted them to human resources. The Employer presented no evidence that the evaluations were used by the Employer to determine raises, promotions, disciplines, or any other term or condition of employment. Given that lack of evidence, there is an insufficient basis to find that the Guest Services Manager is a supervisory position based on the ability to evaluate.

For the foregoing reasons, the Employer has failed to meet its burden to establish that the Guest Services Manager is a supervisor under Section 2(11) of the Act.

2. Facilities Supervisor

The record evidence regarding the Facilities Supervisor position is scant. Aside from the job description entered into the record by the Union, the only substantive testimony about the position comes from Director of Human Resources and Finance Brooks. The incumbent, although subpoenaed by the Union, did not appear to testify. There is no evidence in the record that the Facilities Supervisor has authority on behalf of the Employer to hire, transfer, suspend, lay off, recall, promote, discharge, reward, or discipline other employees.

The Employer argues that per the existing job description, the Facilities Supervisor has the authority to assign and responsibly direct the Custodian and the Venue Services & Facilities Associate. However, Brooks testified that the Facilities Supervisor does not actually do so. Instead, the Director of Operations and Facilities (who manages the Facilities Supervisor) performs those tasks. The Board looks to evidence of supervisory authority in practice, not simply paper authority; job descriptions or other documents suggesting the presence of supervisory authority are not given controlling weight. *See Golden Crest Healthcare Center*, 348 NLRB at 731 citing *Training School at Vineland*, 332 NLRB at 1416. Because there is no evidence that the Facilities Supervisor exercises any supervisory authority, I decline to find the position is supervisory under the Act.

The Employer's assertion that the Union bears the burden of demonstrating why the Facilities Supervisor should be included in the unit is incorrect. The Union seeks clarification pursuant to the terms of the recognition agreement negotiated by the parties. As the party asserting that the Facilities Supervisor should be excluded from the unit, the Employer bears the burden of proof. The Employer has not met its burden to establish that the Facilities Supervisor is a supervisor under Section 2(11) of the Act.

III. CONCLUSION

Having carefully considered the record evidence, the arguments of the parties, and current Board law, I conclude that the Guest Services Manager and the Facilities Supervisor are not supervisors within the meaning of Section 2(11) of the Act. Accordingly, I determine that they should be included in the existing bargaining unit.

Based on the entire record in this matter and in accordance with the foregoing discussion, I find:

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

2. The Employer is engaged in commerce within the meaning of Section 2(6) and (7) of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.
3. The Union is a labor organization within the meaning of Section 2(5) of the Act.
4. The Unit is as follows:
Included: All full-time and regular part-time employees.
Excluded: Supervisors, managerial employees, confidential employees, temporary employees, and guards as defined by the National Labor Relations Act.

ORDER

It is hereby ordered that the unit is clarified to include the Guest Services Manager and the Facilities Supervisor.

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.nlrb.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 October 2, 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 October 2, 2026**.

Filing a request for review electronically may be accomplished by using the E-Filing system on the Agency's website at www.nlrb.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: September 18, 2026

Ronald K. Hooks

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