

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

THE ADLER PLANETARIUM

Employer

and

Case 13-UC-381942

**ADLER PLANETARIUM WORKERS UNITED,
AFSCME COUNCIL 31**

Petitioner

DECISION AND ORDER

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board to determine whether it is appropriate to clarify the existing bargaining unit represented by the Petitioner to include the job classifications of Teen Programs Manager, Senior Manager of Teen Programs, and Senior Coordinator of Education. Under Section 3(b) of the Act, I have the authority to hear and decide this matter on behalf of the National Labor Relations Board.

I. Issue and Parties' Positions

On January 5, 2026, in Case 13-RC-374476, Adler Planetarium Workers United, AFSCME Council 31 (the "Petitioner") was certified as the exclusive collective bargaining representative of employees of The Adler Planetarium ("Employer") in the following unit ("Unit"):

Included: All full-time and regular part-time Managers of Creative Content and Production, Far Horizons Data Science Postdoctoral Fellows, Science Visualization Specialists, Guest Services Representatives, Event Operations Associates, Theater Presenters, Public Observing Educators, Web Developers, Collection Specialists, Operations Support Representatives, Development Database Specialists, Digital Experience Technicians, Technical Support Specialists, Event Planning Partners, Exhibit Operations Specialists I, Designers, Planetarium Theater Specialists, Content Marketing Specialists, Production & Design Specialists, Digital Marketing Specialists, Development Communications Specialists, Education Specialist, Far Horizons Program Specialist, Manager of Science Content & Communication, and Group Sales Coordinators employed by the Employer at its facility currently located at 1300 S. DuSable Lake Shore Drive, Chicago, IL.

Excluded: All confidential employees, managerial employees, guards and supervisors as defined by the Act.

Prior to the election resulting in that certification, the parties agreed that certain classifications could vote subject to challenge in the election because their eligibility had not been resolved. Following the election, the parties stipulated to the inclusion of the following classifications: Senior Web Developer, Librarian/Archivist, Data Engineer, and Infrastructure & devOps Engineer for Zooniverse. The parties agreed to exclude the Systems Engineer and Astronomer.

On February 27, 2026, the Petitioner filed the instant unit clarification petition seeking to clarify the Unit to include the Teen Programs Manager, Senior Manager of Teen Programs, and Senior Coordinator of Education classifications. The parties subsequently agreed that the unit should be clarified to include the classifications of Teen Programs Manager and Senior Manager of Teen Programs. I approve this stipulated agreement. Thus, the only issue remaining for decision is whether the unit should be clarified to include or exclude the classification of Senior Coordinator of Education.

The Employer contends that Senior Coordinators of Education are supervisors within the meaning of Section 2(11) of the Act and should be excluded from the unit.

A hearing was held on July 7, 2026, before a hearing officer of the National Labor Relations Board. At that time, the parties were afforded the opportunity to present evidence and to state their respective positions on the record. The parties submitted post-hearing briefs, which I have fully considered.

II. Decision and Order

The Board has delegated its authority in this proceeding to me under Section 3(b) of the Act. Based on the entire record in this proceeding, including the parties' post-hearing briefs, and relevant Board law, I find that the Employer failed to meet its burden of showing that the Senior Coordinators of Education are statutory supervisors by specific detailed evidence. Therefore, I find that the Senior Coordinators of Education are not supervisors within the meaning of Section 2(11) of the Act and I order the certification clarified to include the Senior Coordinators of Education.

Accordingly, IT IS HEREBY ORDERED that the existing unit be clarified to include the above classifications into the unit description as follows:

Included: All full-time and regular part-time Managers of Creative Content and Production, Far Horizons Data Science Postdoctoral Fellows, Science Visualization Specialists, Guest Services Representatives, Event Operations Associates, Theater Presenters, Public Observing Educators, Web Developers, Collection Specialists, Operations Support Representatives, Development Database Specialists, Digital Experience Technicians, Technical Support Specialists, Event Planning Partners, Exhibit Operations

Specialists I, Designers, Planetarium Theater Specialists, Content Marketing Specialists, Production & Design Specialists, Digital Marketing Specialists, Development Communications Specialists, Education Specialist, Far Horizons Program Specialist, Manager of Science Content & Communication, Group Sales Coordinators, Senior Web Developer, Librarian/Archivist, Data Engineer, Infrastructure & devOps Engineer for Zooniverse, Teen Programs Manager, Senior Manager of Teen Programs, and Senior Coordinators of Education employed by the Employer at its facility currently located at 1300 S. DuSable Lake Shore Drive, Chicago, IL.

Excluded: All confidential employees, managerial employees, guards and supervisors as defined by the Act.

III. Overview of the Employer's Operations

A. The Public Programs Department

The Employer operates a space science astronomy museum in Chicago that also serves as a research facility. The Public Programs Department¹ provides floor programming for guests to the museum. The Senior Director of Public Programs (“Director”), Michelle Nichols, is the head of the department.² Ani Schmidt, the Senior Manager of Facilitation, reports to the Director. Schmidt develops exhibits and program strategy and manages a team consisting of four Education Specialists (“Educators”) and three Senior Coordinators of Education (“Seniors”). The Employer’s organization chart shows the seven Educators and Seniors on the same tier below Schmidt.

Both Educators and Seniors carry out floor programming by facilitating activities for guests of the museum. They operate mobile activity stations where, for example, guests can make a spacecraft or engage in engineering design challenges. They also operate activities fixed spaces such as the Employer’s “Star Studio”, an art and science design space, and in the “Play Lab”, a family play space with activities for children six and under.

Educators are primarily responsible for facilitating activities and interacting with guests. They lead demonstrations and activities, prepare and set up activities before they open, and clean up after activities close. They also engage in ongoing development to maintain the skills and content knowledge necessary to facilitate the museum’s programming. Full-time Educators work 8:30 a.m. to 4:00 p.m., except on Wednesdays, when the museum is open late and they work from

¹ The Public Programs Department was previously called the Interpretation & Engagement Department. Some exhibits refer to the department as “Interpretation & Engagement” or “Interpretation.”

² Prior to approximately March 2026, this position was held by Ilana Bruton.

12:30 p.m. to 8:30 p.m. Manager Schmidt determines the days of the week and the hours that Educators and Seniors work and approves their timecards for payroll.

Seniors generally work from 8:00 a.m. to 4:00 p.m. and are scheduled so that at least one is on duty on Saturdays, Sundays, and Wednesday evenings, which are the museum's busiest times. On weekends and Wednesday evenings, Seniors are usually the highest-level employees onsite from the department. Typically, at least one Senior will be working whenever an Educator is working.

B. Job Duties of Seniors

Like Educators, Seniors facilitate activities with museum guests. However, Seniors have additional responsibilities, including developing new activities or programming. For example, Seniors have developed activities in the "Stargazer's Hub" (abbreviated as SGH on the schedules) which only Seniors facilitate. The Seniors typically meet with Schmidt (and sometimes Nichols) monthly as a group to discuss upcoming programming, operational initiatives or concerns, and Educator performance.

1. Daily Schedules

Seniors also have operational responsibilities. Starting from existing templates created by Schmidt, Seniors create a daily schedule that assigns Educators and Seniors to particular stations or activities throughout the day and designates the times of lunch breaks. There are different templates for different permutations of staffing levels. For example, there are separate templates for when one Senior and three Educators are working and when three Educators and three Seniors are working. The number of Seniors and Educators working is determined by Schmidt, who sets the weekly schedules. The template has "roles" for Educators, labeled as "A", "B", "C", or "D", depending on how many Educators are scheduled that day. Seniors' roles are designated as "S1", "S2", or "S3". Each role rotates through various activities.

After preparing the daily schedule, Seniors meet with Educators at the start of their shift to hand out and go over the schedule. They also communicate any information that the Seniors or Schmidt determine should be covered at the morning meeting. Sometimes Schmidt or Nichols will attend these meetings. Seniors routinely leave a copy of the schedule for Schmidt to review, and sometimes Schmidt makes changes to the schedule.

2. Training and Monitoring

Seniors are responsible for training Educators on how to facilitate activities, observing Educator performance, and providing feedback. Schmidt testified that Seniors are her "eyes and ears" for monitoring Educator performance, such as whether Educators are setting up activities correctly and how they are interacting with the public. Transcript ("Tr.") 79-80. Seniors have the authority to tell an Educator the proper way to complete a task, in accordance with the standards

the Employer has established, and Educators are expected to comply with instructions from Seniors. If a Senior observes an Educator not performing an activity properly, the Senior is expected to talk to the Educator about it when there is a lull in the activity or, if it is busy, at the end of the day.

On Wednesdays, Educators start their shift at 12:30 p.m., but the floor activities do not open until 4:00 p.m. During that period, there may be a staff meeting or departmental meetings about new programming. Otherwise, Seniors are responsible for making sure this time is filled with training, a learning session for continuous knowledge development, work-related meetings, or preparation activities. For example, Seniors may assign articles to read, or the team might meet with a staff member of the museum for knowledge development.

When new Educators are hired, they first observe Educators and Seniors facilitating activities and shadow or work alongside them. Seniors observe the new Educator and provide instruction and feedback. The Seniors or Schmidt will decide when a new Educator is ready to work independently based on their observations, and the Seniors provide continuous feedback as they continue observing.

IV. Analysis

A. Board Law

Section 2(3) of the Act excludes “any individual employed as a supervisor” from the definition of “employee.” Section 2(11) of the Act in turn 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.

29 U.S.C. §152 (11).

Accordingly, individuals “are statutory supervisors if (1) they hold the authority to engage in any 1 of the 12 listed supervisory functions, (2) their exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment, and (3) their authority is held in the interest of the employer.” *NLRB v. Kentucky River Community Care*, 532 U.S. 706, 713 (2001)(internal quotation marks omitted). The first element may be satisfied by an individual holding the authority to “effectively recommend” action related to one of the 12 functions. *Oakwood Healthcare, Inc.*, 348 NLRB 686, 687-88 (2006). To effectively recommend action, the recommendation must be followed without independent investigation by a superior. *DirecTV*, 357 NLRB 1747, 1748-49 (2011).

The party asserting supervisory status bears the burden of proof and must establish supervisory status by preponderance of the evidence. *Oakwood*, 348 NLRB at 687, 694; *Kentucky River*, 532 U.S. at 711-712. Thus, any lack of evidence is construed against the party asserting supervisory status. *Elmhurst Extended Care Facilities, Inc.*, 329 NLRB 535, 536, fn. 8 (1999). Purely conclusory evidence does not satisfy the burden. *Entergy Mississippi, Inc.*, 369 NLRB No. 109, slip op. at 2 (2019)(citing *Golden Crest Healthcare Center*, 348 NLRB 727, 731 (2006)). Where the evidence is in conflict or otherwise inconclusive on particular indicia of supervisory authority, the Board will find that supervisory status has not been established on the basis of those indicia. *Veolia II*, 363 NLRB 1879, 1884 (2016); *Phelps Community Medical Center*, 295 NLRB 486, 490 (1989).

Evidence must be detailed and specific to establish the use of independent judgment, particularly with respect to the factors weighed or balanced in exercising putative supervisory authority. See *WSI Savannah River Site*, 363 NLRB 977, 978 (2016); *Network Dynamics Cabling, Inc.*, 351 NLRB 1423, 1425 (2007); *Lynwood Manor*, 350 NLRB 489, 490 (2007); *Austal USA, L.L.C.*, 349 NLRB 561, fn. 6 (2007); *Avante at Wilson, Inc.*, 348 NLRB 1056, 1057 (2006); *Croft Metals, Inc.*, 348 NLRB 717, 722 (2006).

Although the Act demands only the possession of Section 2(11) authority, not its exercise, the evidence still must be persuasive that such authority exists. *Avante at Wilson*, 348 NLRB at 1057. Job titles, job descriptions, or similar documents are not given controlling weight and will be rejected as mere paper, absent independent evidence of the possession of the described authority. *Golden Crest Healthcare Center*, 348 NLRB 727, 731 (2006)(citing *Training School at Vineland*, 332 NLRB 1412, 1416 (2000)).

B. Supervisory Indicia

The Employer argues that the Seniors are supervisors because they effectively recommend hiring decisions, assign work to the Educators, and responsibly direct Educators' work. Each of these areas will be analyzed below.

The Employer did not present evidence regarding Seniors' involvement in transferring, suspending, laying off, recalling, promoting, discharging, or rewarding any employees, and the Employer does not argue these indicia in its post-hearing brief.

While some evidence was provided regarding the Seniors' involvement in potential discipline of Educators, this evidence was limited to Seniors reporting policy violations or performance problems to Schmidt so that Schmidt could decide whether discipline was warranted.³ Such evidence clearly does not establish the authority to issue or effectively

³ Seniors Kelsey Chigas and Paul Kaufmann testified that they haven't been told they can discipline or discharge employees and have not been trained on the Employer's discipline process. Both testified that if an Educator is not performing their job properly, they report their observations to Schmidt and do not make recommendations about

recommend discipline. To establish the supervisory authority to discipline, asserted disciplinary authority “must lead to personnel action without independent investigation by upper management.” *Veolia Transportation Services*, 363 NLRB 902, 908 (2016) (citing *Sheraton Universal Hotel*, 350 NLRB 1114, 1116 (2007), and *Beverly Health & Rehabilitation Services*, 335 NLRB 635, 669 (2001), *enfd.* in pertinent part 317 F.3d 316 (D.C. Cir. 2003)). No evidence of this nature was presented, and the Employer does not argue otherwise in its post-hearing brief. Therefore, I find that the Seniors do not possess supervisory authority to discipline.

1. Hiring

When the Employer is hiring an Educator, Seniors are involved in screening applicants by grading applicants on a scale based on their application materials. Schmidt and the Director also participate in that screening process. Ultimately, management provides the Seniors with a list of candidates they want to interview, and the Seniors coordinate the interviews. As part of the interview process, candidates practice facilitating an activity on the museum floor, which the Seniors observe and evaluate using a form provided by management. The form prompts the evaluator to select one of three options: strongly recommend moving forward, recommend reservations, or do not recommend.

On the same day that applicants facilitate activities in the museum, Schmidt conducts separate interviews. Schmidt testified that she “generally” follows the Seniors’ recommendations and they “try to have consensus” on who to hire. Both Seniors who testified stated that they are not involved in any final interview. It is not clear whether Schmidt has the final say on who to hire, or if, for example, the Director is the ultimate decision-maker. Senior Kelsey Chigas testified that during interviews conducted in 2025, the Director was involved to an unknown extent.

The Employer argues that Seniors’ involvement in hiring is significant because management relies on their assessments of the candidates’ performance in the practice facilitation activity. While the Seniors’ input may be significant, their involvement does not establish supervisory authority. The authority to effectively recommend “generally means that the recommended action is taken without independent investigation by superiors, not simply that the recommendation is ultimately followed.” *The Republican Co.*, 361 NLRB 93, 97 (2014). A putative supervisor does not, without additional evidence, effectively recommend hiring where acknowledged supervisors also interview candidates. *Peacock Productions of NBC Universal Media*, 364 NLRB 1523, 1526 (2016); *Ryder Truck Rental, Inc.*, 326 NLRB 1386, 1387 fn. 9, 1388 (1998)(employees who interviewed candidates and offered recommendations that were given “significant” weight did not have authority to effectively recommend hiring where a higher-level official also participated in the interview and hiring process). Here, Schmidt separately interviews

discipline. Similarly, if employees do not follow the department’s attendance guidelines, Seniors report the facts to Schmidt, who then decides whether an occurrence should be issued.

candidates and participates in the hiring process. The evidence does not establish that the Employer enacts Seniors' hiring recommendations without independent investigation.

Moreover, Seniors' role in screening applicants is insufficient to establish supervisory authority to hire. *The Door*, 297 NLRB 601, 601-602 (1990)(employee lacked authority to effectively recommend hiring where he screened resumes and recommended certain candidates not be interviewed, even if such recommendations were followed).

Therefore, I find that Seniors do not possess supervisory authority to hire or effectively recommend hiring.

2. Responsible Direction

Direction is established by showing that the putative supervisor determines "what job shall be undertaken next or who shall do it." *Oakwood*, 348 NLRB at 691. To establish responsible direction, the record must "show[] that the employer delegated to the putative supervisor the authority to direct the work and the authority to take corrective action, if necessary." *Id.* In addition, the record must show that the putative supervisor is "accountable for the performance of the task by the other, such that some adverse consequence may be fall the one providing oversight if the tasks performed by the employee are not performed properly." *Oakwood*, 348 NLRB at 692.

Thus, in order to establish supervisory status by virtue of responsible direction, the Employer must show by specific detailed evidence that Seniors have the authority to direct Educators and take corrective actions, using independent judgment, and face the prospect of consequences based on the quality of the work performed by Educators.

The Employer asserts that directing Educators is a central function of the Seniors' job and that Seniors direct Educators by providing real-time coaching and instruction regarding guest interactions. The Employer focuses on Seniors providing direction as to *how* the work should be done rather than directing what work should be undertaken next and who shall do it.

Seniors are responsible for periodically observing Educators' facilitation of activities on the floor and providing feedback. Schmidt explained that Seniors may advise Educators on how they could orient guests better or different phrases they could use when communicating with guests. Seniors must ensure that activities are "running appropriately and properly" with "the standards and quality that we've established." Tr. 83. Seniors determine if the Educator is "following the set-up and clean-up procedures as laid out" and "following the procedures for the activity." Tr. 114.

In terms of specific instructions in the record, Seniors instruct Educators that when dealing with groups of children, Educators should communicate with chaperones first rather than the children. This directive is set by management, and there is no evidence that Seniors exercise independent judgment when instructing Educators to address chaperones first. Seniors ensure that Educators wear an Employer-branded shirt before working on the floor and instruct Educators

about how to comply with the department's attendance guidelines (i.e. providing minimum notice of absence). However, assessing whether an employee is wearing the right uniform or provided the required amount of notice when calling off are routine matters that do not entail the exercise of independent judgment.

The examples of direction that Seniors provide to Educators fall into two categories: (1) instructions to perform work in accordance with departmental guidelines or to comply with Employer rules (e.g. wearing correct shirt or addressing chaperone first); and (2) suggestions or advice in the manner of mentorship (e.g. different phrases or techniques that may be better for communicating with guests).

The first category constitutes directives that may be enforced with corrective action. When Educators do not provide the required notice for absence, Seniors report the facts to Schmidt. When Educators repeatedly do not follow guidelines such as addressing chaperones before engaging children or cleaning up after an activity, or otherwise do not meet department standards, Seniors report the facts to Schmidt. For example, Senior Paul Kaufmann testified that if he sees an Educator doing something incorrectly, he will tell the educator how the activity is supposed to run and that if the problem keeps happening, he will have to report the matter to Schmidt. Schmidt similarly testified that if a Senior observes an Educator violating a rule, the Senior should weigh the severity of the issue and whether it is something they can handle or should escalate to Schmidt. Reporting deficiencies in performance to those who can issue discipline is sufficient to establish authority to take corrective action. *Community Education Centers, Inc.*, 360 NLRB 85, 85 (2014). However, the directives in the first category do not involve independent judgment; Seniors are merely repeating or applying the directives or rules set by management to routine situations. *Community Education Centers*, 360 NLRB at 86 (Employer failed to establish independent judgment where it did not demonstrate that direction was not controlled by the employer's policies or involved a degree of discretion rising above the merely routine). See also *Croft Metals*, 348 NLRB at 722 (2006) (without evidence of the "factors weighed or balanced" in directing employees, employer failed to establish use of independent, nonroutine judgment).

Actions that fall into the second group may involve the use of independent judgment, but do not constitute directives: Seniors are merely providing advice and mentorship about the style of facilitation, and there is no evidence in the record suggesting that they could take or have taken corrective measures to enforce such feedback.⁴ See *Golden Crest*, 348 NLRB at 729 ("There must be specific evidence that a putative supervisor 'has the ability to *require* that a certain action be

⁴ Senior Kelsey Chigas testified that Educators do not have to take Seniors' advice about how they may facilitate differently, but that she would report it to Schmidt if Educators were not facilitating an activity in accordance with the department standard set by Schmidt. Senior Paul Kaufmann testified that Educators must follow advice from Seniors if it pertains to a management expectation. Educator Steph Sorter testified that she is only required to implement feedback from Seniors if it is something that Schmidt decided.

taken; supervisory authority is not established where the putative supervisor has the authority merely to *request* that a certain action be taken.”).

In sum, while Seniors instruct Educators as to how to perform their work, it is not established by the record that their actual directives involve independent judgment rather than routine matters that are clearly determined by management policy.

Finally, even if the record established that Seniors direct Educators using independent judgment, the record lacks sufficient evidence to conclude that Seniors are accountable for Educators’ work performance. Schmidt explained when evaluating whether a Senior is performing their job adequately, she considers whether the day-to-day operations are running and whether Educators are supported and set up for success. If Educators are struggling, Schmidt considers whether the Seniors have communicated or addressed those situations. Schmidt testified that there could be consequences for Seniors if Educators continually make the same type of errors, but the Employer did not provide any examples on an even a hypothetical basis. Such conclusory testimony is not specific, detailed evidence establishing that the Seniors face the prospect of positive or negative effects on their terms and conditions of employment based on Educator performance.

Notably, both Seniors who testified stated that they had never been disciplined for something an Educator did or did not do and that they had never been informed they could be disciplined for something an Educator did or did not do. The Employer did not present any evidence contradicting this testimony. See *Golden Crest*, 348 NLRB at 731 (Employer failed to establish accountability where no evidence was presented that putative supervisors had been disciplined or were informed they could be disciplined as a result of their performance in directing other employees).

In *Golden Crest Healthcare Center*, the Board found that evaluations of the putative supervisors were not sufficient to establish accountability even though the evaluations included a rating for directing other employees to ensure quality of care. 348 NLRB at 731. These evaluations were insufficient because the mere fact that the putative supervisors were rated on this factor did not establish that any adverse consequences could or would befall them as a result of the rating. Here, the Employer has not even presented evidence that Seniors are evaluated on this factor apart from Schmidt’s conclusory and generic testimony. Therefore, the Employer has similarly failed to establish that a positive or negative action has been or might be taken as a result of evaluating Seniors on their direction of Educators.

In conclusion, I find that the Seniors do not engage in responsible direction within the meaning of Section 2(11) of the Act.

3. Assignment of Work

The Board defines “assign” as “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. Elaborating on this definition, the Board stated that “assignment of an employee to a certain department (e.g., housewares) or to a certain shift (e.g., night), or to certain significant overall tasks (e.g., restocking shelves) would generally qualify as ‘assign’ ... However, choosing the order in which the employee will perform discrete tasks within those assignments (e.g., restocking toasters before coffeemakers) would not be indicative of” assignment authority. *Id.*

To exercise independent judgment, an individual must at minimum act or effectively recommendation action “free of the control of others and form an opinion or evaluation by discerning and comparing data.” *Oakwood Healthcare*, 348 NLRB at 692-93. Even if these criteria are met, an assignment is not made with independent judgment if there is only one obvious and self-evidence choice or if the assignment is made solely on the basis of equalizing workloads. *Id.* at 693. Assignments that are based on known job skills do not involve independent judgment. *WSI Savannah River Site*, 363 NLRB at 979, citing *Volair Contractors, Inc.*, 341 NLRB 673, 675 fn. 10 (2004); *Cook Inlet Tug & Barge, Inc.*, 362 NLRB 1153, 1154 (2015). Nor is independent judgment established by the assignment of recurrent and predictable tasks. *Shaw, Inc.*, 350 NLRB 354 (2007); *Croft Metals*, 348 NLRB at 721, fn. 14. Assignment of work in a merely routine, clerical, or perfunctory manner, where there is only one self-evident choice, or solely based on equalizing workloads does not require independent judgment. *Oakwood*, 348 NLRB at 693.

For the Seniors to be found statutory supervisors, the Employer must show through specific detailed evidence that they assign, with independent judgment, Educators to a place, time, or significant overall duties. As noted above, Seniors do not assign the hours or days of week that Educators work. Therefore, it must be determined whether Seniors assign Educators to a place or significant overall duties. The evidence must show how such assignments are made using independent judgment, including the nonroutine or nonobvious factors Seniors consider.

Seniors give two types of assignments to Educators. First, they assign Educators to specific activities or stations on the museum floor by creating the daily schedule at the start of each shift. Second, they assign various training and knowledge development activities to the Educators. These categories of assignments are analyzed separately below.

i. Daily Floor Schedules and Activity Assignments

Creating the schedule entails designating Educators to a place in the museum and assigning significant overall duties of preparing and facilitating specific activities. The question presented is whether such assignments are more than routine or clerical and require the use of independent judgment.

Seniors create the daily schedule from templates created by Schmidt corresponding to different staffing levels. There are only two examples of daily schedules in the record, and it is unclear how much these schedules differ from their respective templates.⁵ In other words, it is unclear whether Seniors typically do more than assign the Educators and Seniors on staff to the available “tracks” on the template.

Based on the two schedules in the record, there appears to be little substantive difference between the tracks for Educators. For instance, in the Wednesday schedule where two Educators are working, the Educator in the A role alternates between working in Star Studio and facilitating an infrared camera activity (“IR”). The Educator in the B role similarly alternates between Star Studio and IR. Because there is little difference between the two Educator assignments that day, the assignment of an Educator to a particular role does not involve independent judgment. Similarly, the weekend schedule in the record shows all Educators rotating through all open activities or spaces, except that only Seniors facilitate in Stargazer’s Hub (“SGH” on the schedule), and only two of three Educators are assigned to the “Wind Tunnel” activity on the weekend schedule (although the third Educator is assigned to another activity offered later in the same space). In this light, the Seniors’ assignment of Educators in the daily schedule is merely clerical. Essentially, the Educators rotate through the different activities open that day, and assignments made on a rotational basis do not involve independent judgment. *Shaw, Inc.*, 350 NLRB 354, 355–356 (2007)(rotating assignments to prevent burn out on a particular aspect of job not independent judgment); see also *Modesto Radiology Imaging, Inc.*, 361 NLRB 888, 889 (2014) (no independent judgment was required where assignments were made using a rotational system).

The two Seniors who testified explained that Educator preference for a track or activity is often a deciding factor in assignments. For example, Senior Kelsey Chigas testified that they typically decide assignments based on Educator requests for an early lunch or to start on a specific activity, which are usually granted. Assignments based on expressed preferences do not require the exercise of independent judgment. *Springfield Terrace*, 355 NLRB 937, 942 (2010). The only other factor Chigas identified was that if an Educator is not as trained in one of the activities, they might not put them on a track that is alone in that activity for a long period of time. Such considerations are analogous to assigning employees according to their known skills or capabilities, which does not entail the use of independent judgment. See *Shaw, Inc.*, 350 NLRB at 356, fn. 9; *Cook Inlet*, 362 NLRB at 1154.

Moreover, the evidence reflects that any discretion the Seniors possess in determining which activities or stations will be staffed is significantly limited by management constraints. Each daily schedule has a “Program Schedule” at the top which sets out the programming for the day, i.e., the times that each activity should be open. Schmidt testified if Seniors deviate from “what we had hoped to provide” they should update the daily schedule in the morning so that everyone

⁵ The schedule in Petitioner Exhibit 5 appears to be identical to the second page of Employer Exhibit 3.

is on the same page, implying that the activities planned for the day are previously determined with Schmidt's involvement. Tr. 40. Reinforcing this conclusion, Senior Paul Kaufmann explained that Seniors put together the daily schedule by looking at what "management and the building have deemed programs that are necessary to run." Tr. 238-39. Similarly, Educator Steph Sorter testified that Schmidt and management set the activities that are running for the day.

Schmidt testified that Seniors can decide to start an activity that was not originally scheduled in the morning if there are more staff than planned or they want to do something that enhances the experience. However, no evidence was presented where this happened on any specific occasion or what factors would be considered in making such a decision. Schmidt also testified that Seniors can decide to close a station earlier and reassign an Educator to start a new activity without approval from Schmidt. Again, no specific examples were provided, and no evidence was provided as to what factors would be considered in making such decisions. Senior Kelsey Chigas testified that sometimes Seniors need to change the schedule later in the day, but the only reasons she provided were because someone went home early or because Seniors were "instructed" to switch an activity or close one early.

Even if Seniors have discretion in selecting the activities to run, they are guided by management directives. For example, according to Schmidt, staffing Star Studio is the biggest priority, and they try to have as many activities running as possible between 11 a.m. and 2 p.m., or from 10 a.m. to 3 p.m. in the busier season.

Given the above evidence, the Employer failed to establish with specific detailed evidence that Seniors use independent judgment rather than routine considerations to decide which activities will be open and when, which in turn dictates the duties that are available for assignment.

With respect to the designation of Educators to specific activities, Schmidt testified that the Seniors consider anticipated attendance, staffing levels, call-offs, Educator skill and training level, Educator requests, and whether an Educator needs additional support. However, no specific examples or even hypotheticals were provided explaining how expected attendance or staffing levels would affect assignment decisions, apart from staffing levels dictating the appropriate template.

When Educators call off, Seniors must determine how the shortage will be covered. Schmidt provided the day of July 3, 2026, where two of the three Educators scheduled for the day called off, as an example. Schmidt explained that the Seniors decided to open Star Studio 30 minutes later than usual and assigned themselves to more floor time on activities. Schmidt testified that the Seniors "factored in" how the Educator "would move throughout the day" and that it is hard for an Educator to do a day alone. Tr. 67. I find this incident does not demonstrate that Seniors use independent judgment in assigning Educators rather than routine considerations. No specific evidence was provided regarding the factors weighed in adjusting the daily schedule

or how the Educator's assignments changed because of the call-offs. Rather, the evidence shows that Seniors accommodated the shortage by delaying the opening of one activity and taking on more floor coverage themselves, essentially assigning themselves to fill in the gaps.

Similar to call-offs, if an Educator leaves earlier than scheduled, the Seniors can reassign any remaining Educators. However, there is insufficient evidence to conclude that such reassignments entail independent judgment rather than routine or obvious decisions due to the priority of various activities. Notably, none of the examples in the record where an Educator left early included a discussion of how reassignments were made to accommodate an Educator leaving early.

While Seniors designate the lunch periods of Educators on the daily schedule, the assignment of breaks and lunch periods are considered routine and do not require the use of independent judgment. *Springfield Terrace*, 355 NLRB at 942. An example was provided by Schmidt where a Senior approved an Educator request to separate some of his lunch to make a call later in his shift. However, there was no evidence presented regarding the factors considered by the Senior who agreed to the request demonstrating that the decision was more than mere routine. Moreover, this isolated example is insufficient to establish that independent judgment is exercised with respect to scheduling breaks. The sporadic exercise of supervisory authority is not sufficient to transform an employee into a supervisor. See *Shaw, Inc.*, 350 NLRB at 357, fn. 21; *Oakwood*, 348 NLRB 686, 693 (2006).

In its brief, the Employer points to cases where supervisory status was found because the putative supervisors assessed operational needs and adjusted staffing and assignments accordingly. These cases are distinguishable. In *Acumen Capital Partners*, 372 NLRB No. 129 (2023), for example, the putative supervisor was a chief engineer of an office building who assigned engineers their shifts, work hours, and specific tasks based on his assessment of what tasks should be performed in what order and on what day. Here, the Seniors do not assign shifts or hours of work, and, as explained above, the evidence does not establish they use independent judgment to determine which activities need to be staffed on a given day. In *Entergy Mississippi, Inc.*, 367 NLRB No. 109 (2019), dispatchers reassigned personnel in response to evolving conditions. Here, no evidence was presented regarding Seniors' authority to reassign personnel because of conditions in the museum. Rather, the only evidence regarding reassignment was in response to call-offs or early departures, and there was no evidence presented regarding the factors weighed in such reassignments or how the decisions were made in light of the Employer's operational needs. While the Employer claims that Seniors continually adjust assignments as visitor traffic and programming needs change throughout the day, that claim is not supported by any evidence beyond conclusory, general testimony.

In conclusion, I find that the Employer has failed to establish by detailed and specific evidence that Seniors evaluate competing considerations and exercise independent judgment in creating the daily schedule or assigning Educators to facilitate specific activities.

ii. Training and Professional Development

In addition to assigning floor activities, the Seniors assign training and knowledge development activities to Educators. Two questions are posed by the evidence in this area: (1) whether these actions constitute assignment to significant overall duties; and (2) whether the assignments require the use of independent judgment within the meaning of Section 2(11).

The record reflects that Seniors are responsible for ensuring that the Wednesday afternoon non-floor time is occupied by training, learning sessions, other knowledge-development activities, or preparation work when that time is not already scheduled for staff meetings or all-staff activities. Schmidt testified that Seniors may assign articles for Educators to read, arrange learning sessions, or organize knowledge-development activities, and that they do not need prior approval for these assignments.⁶

For example, in January 2026, Seniors intended to use the Wednesday afternoon time to “continue skill focus on welcoming” in Star Studio. Employer Exhibit (“Er. Ex.”) 20. Schmidt testified that this type of training is something that a Senior would have the authority to train Educators on and do not need approval before organizing “this type of training.” Tr. 121-23. However, Schmidt was not sure whether she directed this as a topic for discussion.

As another example, the Employer cites to a photograph of a white-board schedule written by Senior Steve Hobe for July 1, 2026. This schedule included all-staff activities at 12:30 p.m. and 2:00 p.m. (which presumably were determined by management). The Educators had an “open timeslot” at 1:00 p.m. which the Seniors filled by “coordinating some programming for the Educators.” Tr. 74-75. It is unclear what this programming was: the photographed schedule states only “telescopes w/ Hunter.” Er. Ex. 10.⁷ Schmidt testified that she checked in with Hobe as he was writing this schedule, and there is insufficient evidence to establish that Schmidt was not involved in devising or approving the plan.

Two other examples were provided, both involving Senior Steve Hobe assigning knowledge development activities to Educators as a group. On March 21, 2026, Hobe talked to Educators for forty-five minutes about the goals of the Artemis II-IV missions and characteristics of the moon. He also assigned related articles for the Educators to read during off-floor time.⁸ Schmidt testified that these activities were in preparation for spring break programming. The final example is a set of articles that Hobe directed Educators to read during an hour of non-floor time

⁶ Senior Paul Kaufmann testified that he does not always have to get permission from Schmidt to conduct a training but usually runs it by her or tells her what they did after the fact. Senior Kelsey Chigas testified that she must get permission from Schmidt before conducting training for Educators.

⁷ The Seniors also allocated approximately twenty-five minutes to “data check in, supply prep.” Er. Ex. 10. There is insufficient evidence to conclude that this is anything more than a routine task.

⁸ The Employer asserts in its brief that Hobe did not seek permission to implement this training. However, no such evidence is in the record. Schmidt only testified that Hobe did not provide her with a copy of the assignment in advance and that she and the other Seniors were not sure which articles Hobe had assigned.

on a Wednesday afternoon in 2022, more than three years before the hearing in this matter. Schmidt testified that this was an example of a type of an assignment a Senior may give to an Educator to “fill” the time on Wednesday with something “that could be related to new programming that we have coming up” or where they noticed a need in the Educator’s training or knowledge. Tr. 77-79. Schmidt testified that Hobe did not need her approval before making the assignment and that a Senior could make a similar assignment today. It is unclear whether Schmidt did approve the 2022 assignment prior to it being issued.

I find that these training and knowledge development assignments are not assignments of significant overall duties within the meaning of *Oakwood Healthcare*. Rather, these assignments are more akin to instructions to complete “discrete tasks.” In *Oakwood Healthcare*, the Board explained that designating a nurse to regularly administer medications to a group of patients constitutes “an overall duty” while directing a nurse to immediately give a sedative to a particular patient is an instruction to perform a discrete task. 348 NLRB at 689. In the above examples, Hobe is directing the Educators to listen to him speak about a topic, attend a “learning session”, or read specific articles. While these tasks take longer than giving a sedative to a patient, they are simple directives to perform a discrete task and do not rise to the level of “overall duties.” In other words, these activities do not alter the Educators’ overall duty of facilitating museum programming but instead constitute discrete tasks ancillary to that duty.

To the extent these “assignments” are more properly analyzed as responsible direction, I conclude that there is insufficient evidence to establish the Seniors are accountable for the performance of the Educators, as discussed above.

I also find that the training and knowledge development “assignments” do not require independent judgment. Beyond the fact that the record does not clearly establish that Schmidt is not involved in developing or approving these assignments, the record reflects that these activities are assigned to Educators as a whole and do not consist of assigning individual employees to specific duties. Because there is no individuation involved in the assignments, there is no comparative assessment of employee skills, prioritizing of work, or competing operational considerations. Any discretion involved in the assignments is directed at the content of the activity, not the assignment of employees. In many ways, these decisions are analogous to a lead employee deciding that a weekly staff meeting will focus on customer service rather than safety. That may involve judgment and expertise, but the judgment is directed at the subject matter of the training, not at the assignment or direction of employees within the meaning of Section 2(11).

In “assigning” these activities to Educators, the Seniors’ role is primarily selecting training content, to be used primarily during the Wednesday afternoon period designated by management. The Board does not recognize training as an independent indicum of supervisory status. See *Edy’s Grand Ice Cream*, 323 NLRB 683, 692 (1997) (employee did not use independent judgment to exercise any type of authority listed in Section 2(11) where he prepared and used training materials to teach employees about employer policies); *Pacific Coast M.S. Industries Co.*, 355 NLRB 1422,

fn. 13 (2010) (training team members is not a supervisory indicum). Seniors are determining what training will occur or what the specific content of the training will be, not which Educator will perform which duty. Such curriculum-selection decisions do not constitute the assignment of employees to places, times, or significant overall duties within the meaning of Section 2(11).

In conclusion, I find that the Employer has failed to establish by detailed and specific evidence that Seniors exercise independent judgment and assign employees to overall duties through their involvement in professional development or training activities.

4. Secondary Indicia of Supervisory Status

Secondary indicia of supervisory status may be considered only if one of the statutory indicia of supervisory status is established. *Training School at Vineland*, 332 NLRB 1412, fn. 3 (2000). In the absence of evidence establishing one of the statutory indicia, second indicia are immaterial. *DirecTV*, 357 NLRB at 1750. Because I find that none of the primary indicia have been established, secondary indicia cannot be relied upon to find the Seniors are supervisors. Regardless, I find that the secondary indicia militate against a conclusion of supervisory status overall.

The ratio of putative supervisors to employees is one secondary indicium. If Seniors are supervisors under the Act, the supervisor to employee ratio would be four supervisors (the Seniors and Schmidt) to four Educators, or one supervisor for each subordinate employee. In *Waverly-Cedar Falls Health Care, Inc.*, 297 NLRB 390, 393 (1989), the Board found a ratio of one supervisor for every four employees to be unreasonable and thus not dispositive of supervisory status. Accordingly, I find that a ratio of 1:1 is unreasonable and suggests that the Seniors are not supervisors.

The authority to grant or deny time off is another secondary indicium of supervisory status. *Pacific Coast*, 355 NLRB at fn. 13. Schmidt testified that Seniors have the authority to allow an Educator to leave work early if they are ill or need to attend to a personal matter, even if the Educator has not provided the two-days' notice required by the department's attendance guidelines. There are various examples in the record where a Senior permitted an Educator to leave early because of illness or, in one case, because the Educator received notice that their pet was ill. However, there is no evidence that a Senior has ever *denied* such a request. Moreover, Senior Paul Kauman testified that he did not have the authority to let an Educator leave early merely because the museum was slow. Based on the evidence in the record, the Seniors can only grant a request to leave early because of the Educator's personal circumstances. "Automatically granting leave, without the discretion to deny such requests, does not require the use of independent judgment and therefore is not supervisory." *Springfield Terrace Ltd.*, 355 at 942; *Sam's Club*, 349 NLRB 1007, 1014 (2007)(granting employee request to leave early due to illness did not involve independent judgment). Because the Employer has failed to establish that the Seniors use independent judgment in granting requests to leave early, I find that this factor does not suggest supervisor status.

The Employer claims that the Seniors participate in leadership meetings with Schmidt and the Director of the department where programming, operational initiatives, and Educator issues or concerns are discussed. The record reflects that these meetings are currently referred to as a “monthly check-in meeting” with Schmidt, the Director, and the Seniors. Er. Ex. 15 at 2. Given the vague testimony about the content of these meetings and Seniors’ admittedly senior role relative to Educators, which includes monitoring floor operations and developing new programming, I do not find the existence of these meetings compelling evidence of supervisory status.

Another secondary consideration is whether the putative supervisors have significantly different terms and conditions of employment. Here, Seniors and Educators are both hourly employees, and from the limited evidence in the record, Seniors earn around \$25.00 an hour while Educators earn around \$20.00 an hour. Thus, while Seniors earn significantly more per hour than Educators, the difference is not so significant that it strongly suggests supervisory status. Schmidt, on the other hand, is a salaried employee.

The Employer argues that it holds Seniors out as members of management for some of its most important functions. As the only example, the Employer notes that Seniors receive management training regarding sexual harassment and are expected to fulfill the “responsibilities of management” as outlined in the Employer’s discrimination and harassment policy. As the Employer identifies no other situations where it holds Seniors out as its representatives, I do not find this persuasive. Moreover, documentary evidence such as the Employer’s organization chart weighs against finding that the Seniors are held out as supervisors by the Employer.

V. Conclusion

Pursuant to the above analysis, I find that the Employer has not met its burden to establish that the Senior Coordinators of Education are supervisors under the Act.

Based on the entire record in this matter, and in accordance with the discussion above, 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.⁹

⁹ The parties stipulated to the following commerce facts: The Employer, The Adler Planetarium, an Illinois not-for profit corporation with a place of business at 1300 S. DuSable Lake Shore Drive, Chicago, Illinois, is engaged in business as a museum dedicated to astronomy and as a research facility. During the past twelve months, a representative period, Employer derived gross revenues in excess of \$1,000,000 and purchased and received goods,

3. Petitioner is a labor organization within the meaning of Section 2(5) of the Act.
4. The unit is clarified to include the Teen Programs Manager, Senior Manager of Teen Programs, and Senior Coordinator of Education classification.

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 **November 9, 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 November 9, 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 offline 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: October 26, 2026

/s/ **Angie Cowan Hamada**

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