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

IGN ENTERTAINMENT, INC.

Employer/Petitioner

and

Cases 31-RM-367196, 31-RM-367232, and 31-RM-367234

PACIFIC MEDIA WORKERS GUILD, TNG, CWA, LOCAL 39521

Union

DECISION AND DIRECTION OF ELECTIONS

IGN Entertainment, Inc. (the Employer)[1] is engaged in the business of online media/journalism. On June 4, 2025,[2] Pacific Media Workers Guild, TNG, CWA, Local 39521 (the Union) demanded recognition as the exclusive collective-bargaining representative for employees in the Employer's Engineering, Product Development, and Product Operations departments and sought to add those employees to an existing bargaining unit of the Employer's Editorial employees.[3] In response, the Employer filed the instant petitions on June 9 under Section 9(c)(1)(B) of the National Labor Relations Act (the Act).

The Union primarily seeks an *Armour-Globe*[4] self-determination election in which employees from the Engineering, Product Development, and Product Operations departments would vote, as a single voting group, on whether to join the existing Editorial unit. Alternatively, the Union seeks an election in a separate combined unit of Engineering, Product Development, and Product Operations employees. Lastly, the Union seeks an *Armour-Globe* self-determination election for any single department of Engineering, Product Development, or Product Operations that shares a community of interest with the existing Editorial unit. The Union is also willing to proceed to an election in any other unit or units found appropriate. In this regard, the parties stipulated that the Engineering, Product Development, and Product Operations departments have their own internal communities of interest.

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[1] IGN Entertainment, Inc., is both the Employer and Petitioner in this proceeding. For readability, I refer to it as the Employer.

[2] All dates here are in 2025 unless stated otherwise.

[3] The record refers to these four units at various times as "departments," "teams," and "units." Product Development is also referred to as a "function." For clarity, I refer to each grouping as a department or simply by its name (for example, either "the Editorial department" or "Editorial").

[4] *Armour & Co.*, 40 NLRB 1333 (1942); *Globe Machine & Stamping Co.*, 3 NLRB 294 (1937).

The Employer contends that the employees in each department do not share a community of interest with employees in the other departments. It, therefore, maintains that the only appropriate units are separate units drawn along departmental lines.

The parties also dispute whether Operations Supervisors in the Product Operations department are supervisors within the meaning of Section 2(11) of the Act. The Union seeks to include Operations Supervisors in any appropriate unit covering Product Operations employees, while the Employer contends that they possess authority to assign, responsibly direct, and discipline employees.

Thus, this proceeding presents two issues: (1) which bargaining unit or units are appropriate for collective-bargaining purposes; and (2) whether Operations Supervisors are statutory supervisors under Section 2(11) of the Act. On July 7, 8, and 9, a hearing officer of the National Labor Relations Board (the Board) conducted a consolidated hearing on the Employer's three petitions. The parties had the opportunity to present witnesses and evidence and to state their positions on the record as to these two issues. Thereafter, they timely filed post-hearing briefs.

Pursuant to Section 3(b) of the Act, I have authority to hear and decide this matter on behalf of the Board. After careful consideration of the entire record, the parties' briefs, and relevant Board law, I find that the Union's requested units are inappropriate because they either are not identifiable or they do not share a community of interest. Conversely, I find the Employer's petitioned-for units appropriate because they are identifiable and each unit has an internal community of interest. I also find the Operations Supervisors are not supervisors within the meaning of Section 2(11) of the Act, and so they will be eligible to vote as part of the Product Operations unit. Accordingly, I am directing three separate mail-ballot elections in units for the Engineering, Product Development, and Product Operations departments.[5]

I. BACKGROUND & PROCEDURAL HISTORY

A. The Employer's Operations

As noted above, the Employer is engaged in the business of online media and journalism. It is an umbrella organization for various websites producing content related to video games, entertainment, and technology. The content includes news, reviews, and previews of video games, technology, and entertainment, as well as guides for video games. The Employer also produces videos for these same purposes and for promoting its content on social media.

In addition to the flagship IGN brand, the Employer runs other websites, including Humble Bundle, Eurogamer, Gamesindustry.biz, VG247, and 1TwentyFour. Relevant to this

[5] The parties stipulated that a mail-ballot election is appropriate because most, if not all, employees at issue in this matter work remotely. Given that voters are physically scattered, and in agreement with the parties, I find that a mail-ballot election is appropriate.

case, the Employer's operations related to Humble Bundle involve selling video games, eBooks, and other digital goods.

The units involved in this case are the Editorial, Engineering, Product Development, and Product Operations units. Since February 22, 2024, the Employer has voluntarily recognized the Union as the collective bargaining representative of the Editorial unit. The work of these departments, the classifications involved in each department, and the approximate number of employees in each department are as follows:

- **Editorial:** creates, edits, produces, designs, and publishes written, audio, video, and graphical content for IGN.com. As described further below, the Editorial unit is comprised of various teams across multiple departments.
  Classifications: The record does not contain a list of all classifications in the Editorial unit. The Editorial unit is described as consisting of "employees who create, edit, produce, write, design and publish written, audio, video and graphical editorial content."
  Number of Employees: 68

- **Engineering:** builds internal platforms used by employees to create content and publish content online, builds external features for consumers to use on the Employer's websites, maintains the Employer's websites, and addresses technical bugs.
  Classifications: DevOps Engineer, Principal DevOps Engineer, Software Engineer, Senior Software Engineer, Senior Software Engineer I, Principal Software Engineer, Senior Principal Software Engineer, and Senior Full Stack Software Engineer.
  Number of Employees: 11

- **Product Development:** develops concepts and designs for internal and external software and features.
  Classifications: Product Operations Associate/Product Operations Coordinator, Product Manager, Lead Product Manager, Product Design Manager, and Product Designer.
  Number of Employees: 7

- **Product Operations:** builds webpages for selling video games, software, eBooks, and other digital goods on the Humble Bundle website.
  Classifications: Operations Coordinators. The parties disagree on the Section 2(11) supervisory status of Operations Supervisors.
  Number of Employees: 4 Operations Coordinators, 2 Operations Supervisors

B. The Union's Demand for Voluntary Recognition and the Employer's Refusal

On June 4, the Union emailed the Employer to demand recognition as the collective-bargaining representative of employees in the Engineering, Product Development, and Product Operations units. The demand also sought to combine those three units with the existing Editorial unit.

C. The Employer's Petitions

On June 9, in response to the Union's June 4 demand, the Employer filed the instant three petitions. In its petitions, the Employer claims that each department should be a separate bargaining unit.

II. THE APPROPRIATE UNIT OR UNITS FOR COLLECTIVE-BARGAINING PURPOSES

A. Relevant Board Law

A self-determination election is the proper method by which a union may add unrepresented employees to an existing unit if those employees (1) constitute an identifiable, distinct segment so as to comprise an appropriate voting group and (2) share a community of interest with unit employees. *Walt Disney Parks & Resorts, U.S., Inc.*, 373 NLRB No. 99, slip op. at 5 (2024); citing *Warner-Lambert Co.*, 298 NLRB 993, 995 (1990). As the Board has recently stated, the inquiry is "whether the petitioned-for employees *may* be included in the existing unit because they share a community of interest with the unit employees," not whether they must be included because of an overwhelming community of interest. *Wheatland Electric Cooperative, Inc.*, 375 NLRB No. 16, slip op. at 2–3 (2026). A certifiable unit, including the combined unit formed in *Armour-Globe* self-determination case, need only be an appropriate unit, not the ultimate or the only or even the most appropriate unit. See *Overnite Transportation Co.*, 322 NLRB 723 (1996).

In the context of a self-determination election, an "identifiable" unit is one where unit employees can "logically and reasonably be segregated from other employees for the purposes of collective bargaining." *Champion Machine & Forging Co.*, 51 NLRB 705, 707–708 (1943). There must be a "substantial, rational basis" for the unit's contours. See, for example, *Johnson Controls, Inc.*, 322 NLRB 668, 672 (1996). Where a unit has no coherent organizing principle, it is a "clearly arbitrary" unit. *American Steel Construction Co.*, 372 NLRB No. 23, slip op. at 3–4 (2022); *Champion Machine & Forging Co.*, 51 NLRB at 708.

In any case where the Board considers the appropriateness of a subdivision of employees containing some but not all employees that would otherwise be included in a plantwide, employer-wide, or craft unit, the Board considers whether the unit sought is (1) homogenous, (2) identifiable, and (3) sufficiently distinct. *American Steel*, slip op. at 3 (2022). Although each element of this inquiry is fundamental to determining an appropriate unit, the Regional Director is not required to litigate or address an element if it is not in dispute. *Id*. In determining whether a unit is homogenous, the Board applies the traditional community-of-interest test. *Id*. That test examines eight factors, asking whether the employees in a proposed unit (1) are organized into a separate department; (2) have distinct skills and training; (3) have distinct job functions and perform distinct work; (4) are functionally integrated with the employer's other employees; (5) have frequent contact with other employees; (6) interchange with other employees; (7) have distinct terms and conditions of employment; and (8) are separately supervised. *Id*., slip op. at 2 (2022), citing *United Operations, Inc.*, 338 NLRB 123, 123 (2002).

As a practical evidentiary matter, the facts relevant to identifiability are the same core facts relevant to community of interest. The Board determines identifiability by examining classifications, departments, functions, locations, skills, and similar considerations. *American Steel*, above, slip op. at 4 (2022). The Board evaluates community of interest through the broader list of the factors listed above. Because the former considerations are encompassed within the community-of-interest factors, the two inquiries may be addressed from the same factual record even though each answers a distinct legal question. Consequently, I have organized the following facts section according to the community-of-interest factors.

B. Facts

Before proceeding to the community-of-interest factors, I note the parties' stipulation that the Engineering, Product Development, and Product Operations departments each have their own internal community of interest. Thus, I do not summarize here facts related to the internal community of interest in each department.

1. Departmental Organization and Supervision

The existing Editorial unit, as described in the background section above, is comprised of various teams. Those teams exist across three separate departments, which are helmed by different managers: Senior Vice President & Publisher John Davison over various editorial teams; Executive Vice President & Chief Development Officer Peer Schneider over the product experience department; and Vice President of Commerce & Subscriptions Justin Davis, who is over some – but not all – of the represented employees of the commerce team. Some Editorial employees have layers of supervisors and managers between them and their respective department heads. For example, one senior writer testified to having two individuals, one supervisor and one manager, between herself and Senior Vice President & Publisher Davison.

Engineering and Product Development are grouped together, along with the departments of Business Intelligence and Revenue Operations, under the Employer's Innovation Team. Departments under the Innovation Team support all other business units. Departments outside the Innovation Team generally perform their duties independently, such that most employees who work on IGN.com only work on IGN.com, and most employees who work on Humble Bundle only work on Humble Bundle.

Engineering employees are managed and supervised by four people: Director of Engineering Brian Rose, Director of Site Reliability Engineering Mollie Gaufin, and two engineering managers, Laura Fiebing and David Hansen. The two Engineering managers report to Rose. Rose and Gaufin report to Vice President of Innovation Shawn Cheatham. Cheatham reports to President Yael Prough.

All the Product Development employees report to Product Development Senior Director Jaime Segovia, who reports to Vice President of Innovation Cheatham.

Within Product Operations, all Operations Coordinators are split into two teams, each of which is led by an Operations Supervisor. The Operations Supervisors report to Operations

Manager Dany Keilo. Keilo reports to Director of Customer Experience Annie Barry. Barry reports to General Manager Mike Hill, who oversees all of Humble Bundle.

All of the Employer's employees have a common manager at the presidential level: President Yael Prough. As described above, all unit employees have at least one director between them and Prough. The record is silent on whether Prough has any involvement in the day-to-day activities of any of the employees at issue in this matter.

2. Skills and Training

The record does not contain any details of the skills, training, or education required of any classifications under Editorial.

Engineering employees must have experience in software engineering and some proficiency with programming languages. Knowledge of the JavaScript and Python programming languages is useful because they are the languages primarily used in Engineering employees' work. There is no degree requirement to work in Engineering, and there are no entry-level positions. The Employer has used at-home tests and live oral tests for first-round interviews of engineering job candidates.

The record contains little detail of the skills, training, or education required of any classifications under Product Development. One product design manager testified that there is some onboarding to know how to use a tool, such as those used by Product Development to create visuals.

Product Operations employees must have some exposure to or interest in learning Python code, which is the primary programming language used for the Humble Bundle website. Employees must be able to read Python code, but they do not write their own code; instead, they run Python scripts to publish their sales content to the website.

All employees at issue in this matter fall under the Ziff Davis parent company. All Ziff Davis employees are required to complete the same annual and semi-annual trainings.

3. Job Functions and Work (Including Job Overlap)

The existing Editorial unit consists of various classifications of employees whose purpose is to create, edit, produce, write, design, and/or publish written, audio, video, and/or graphical editorial content. In performing their work, Editorial employees primarily use a content management system (CMS) for drafting and publishing most of their work. Editorial employees also use Google Docs for drafting.

The Editorial writers report on many topics related to gaming and entertainment, such as how video games are made, releases or cancellations of games, interviews with video game developers, and behind-the-scenes development stories. Editorial content is primarily published on IGN.com using CMS.

The social team creates content that gets posted on the Employer's social media platforms. That content includes text, videos, and images for the posts.

The video team creates videos about video games, entertainment, and technology. They also turn written reviews into videos. The video team has special software for video editing that other Editorial employees do not use.

The branded or commerce team is a subset of the video team, and they work on including certain brands in content. For example, a senior reporter testified that the Employer had a promotion with Pringles, and the branded team worked on putting Pringles products in the Employer's video content. Another group within the video team is the syndication team, which pushes the Employer's videos out through various channels. The syndication team does not create the video content but does create the descriptions for videos.

The product experience team creates written guides and videos to help consumers complete video games or specific tasks within video games. They also create interactive maps that consumers may use as guides for video games.

All employees in Editorial work on computers, but some classifications use more powerful computers. For example, the product experience team, also known as the guides or game-help department, uses more powerful computers to be able to play video games for which they are creating content.

Engineering consists of employees who create and maintain internal and external technical products used by the Employer's publications and business units. Engineering is the only department that writes code for the Employer; they also write notes on how the code works. Engineering maintains and responds to technical tickets submitted by employees of other departments in the Slack Support Hub channel. Engineering produces work not only for the departments at issue in the present matter but also for other departments, including sales and marketing, and for end-user consumers. For example, Engineering, as the code writers, works with certain divisions that audit the company's security protocols. Engineering also provides some support for the Employer's Marketing department.[6] However, Engineering's work for departments other than for Editorial, Product Development, and Product Operations are not explained in detail in the record.

The CMS application used by Editorial employees was created by Engineering, and Engineering continues to service that software when technical issues arise. Engineering employees create and provide training for new software or features, such as when it created the CMS. Engineering employees also maintain the Employer's websites. Most project work done by Engineering takes one to several months to complete.

Engineering employees use more powerful computers than other employees because their work involves memory-intensive tasks. With the exception of one employee, all Engineering employees use Mac computers. Engineering employees use a program called Visual Studio Code to write code. Engineering employees also spend a lot of time using a product called GitHub,

[6] The record is unclear as to whether Engineering builds tools used by Marketing. One software engineer initially testified to not building tools for Marketing but later testified it was possible that other engineers did work for Marketing that the engineer was not aware of.

where code is stored. Engineering employees also use Google Docs for documentation and collaboration purposes.

An example of a major Engineering project is the rebuild of the Humble Bundle website due to phaseout of the existing software used by Product Operations employees. Work on this project required engineers to write new code for the Humble Bundle website and its features.

Product Development consists of product development employees who develop internal and external technical features. They do this by consulting with various stakeholders – usually members of management across various departments, such as the chief financial officer, directors, and vice presidents from other departments; sometimes with employees – to gain an understanding of how a feature works or might work. Product Development employees meet with Engineering employees on design and feasibility questions for features. One product design manager testified to being involved in updating the visuals for the redesign of the Humble Bundle website. There is some testimony that some Editorial employees also create visuals – such as icons, graphics, and banners – for webpages, and that the employees who create these visuals use the same applications, Sigma and Adobe, to make them. The record, though, does not reflect details as to specific instances when Editorial employees created visuals, the Editorial classifications that created visuals, or the frequency with which Editorial employees create visuals.

Product Operations consists of operations employees who build webpages on the Humble Bundle website for the purpose of selling video games, other software, eBooks, and other digital goods. In building the webpages, Product Operations employees make some decisions as to how the pages are designed. The products sold through Humble Bundle are determined through a separate department, Business Development, which is responsible for signing or approving deals, which are then communicated to Product Operations via email or Slack. Product Operations employees are responsible for ensuring that sold goods are delivered to people who purchase them, ensuring that internal mechanisms correctly provide purchasers with product keys to download the digital goods. For video games sold through Humble Bundle, employees test the product keys and play the games to ensure that the product keys are for the correct game or version of the game. Product Operations has a specific ticketing system called Jira that it uses for logging work. Product Operations supervisors and coordinators attach all the components of what they need for building a webpage for a video game to a Jira ticket, which is reviewed by a quality assurance team. Product Operations employees will troubleshoot some of their own issues when error codes occur during their work, but they escalate the issues to Engineering if they are unable to fix them.

4. Functional Integration and Contact With Other Employees

Product Development defines the scope of a feature, and Engineering creates and implements that feature. Product Development decides what is most important to work on as well as time targets for completing work, which dictate the projects that Engineering works on. One engineer testified that Engineering works “hand in hand” with Product Development to understand the design and aesthetic of what needs to be presented to consumers through the code that Engineering writes. The record largely does not show the frequency with which Engineering and Product Development employees, as opposed to their managers, communicate with one

another about the prioritization of work. However, one engineer testified that Engineering works with Product Development on technical bugs at least once a week and possibly more frequently than that.

Engineering employees work less directly with Product Operations employees, as most of the collaboration happens between managers of the two departments. One engineer working on the rebuild of the Humble Bundle website testified to meeting twice with a Product Operations supervisor to learn how current processes work in Product Operations. That engineer testified that Engineering was working on structuring existing Humble Bundle data for the new Humble Bundle site and for moving that data into the CMS, as well as determining the "technology stack," or applications, that Product Operations will eventually need for their processes. The same engineer testified that a lead product manager from Product Development was coordinating the rebuild of the Humble Bundle website, creating the scope of what to build and prioritizing the work, while also gathering feedback from stakeholders – including Product Operations employees and leadership – about the project.

The record contains various examples of new tools or features developed by Product Development, created and implemented by Engineering, and then used by some Editorial employees. One major example is the Employer's CMS. A senior reporter from the Editorial unit testified that she began working for the employer shortly before the deployment of the CMS, and she was aware of "a lot of communication" between her bosses and coworkers as to what the team's needs were for the CMS. The same reporter testified to receiving training on the CMS from various sources, including an Engineering employee, and Engineering and Editorial leads.

Shortly after the CMS was deployed, the same senior reporter, along with other Editorial employees, communicated to their manager a desire to be able to use CMS to embed tweets from Twitter[7] in their articles. On cross examination, the reporter testified that she, her manager, and two other Editorial employees spoke with Engineering about developing this feature. Once the idea of the feature had been raised, it took "at least a couple months" for the feature to be implemented, during which the reporter participated in meetings about the new feature on two or three occasions. The length of those meetings is unknown.

Another example is the tier-list feature, which allows the Employer's Editorial employees and external website users to build ranked lists. One Product Development employee testified that she created visuals for how the tier list would look. In developing those visuals, she communicated with Editorial employees on how the feature could be used. The Product Development employee testified to working on the tier-list project for a "few months" and meeting with Editorial employees less than five times over that period. While that same Product Development employee testified that Product Development would be involved in updates for the tier-list feature, she clarified that there had been no such updates that she was aware of in the more than one year since the feature was implemented.

[7] The witness referred to "tweets" and "Twitter" throughout her testimony. That platform is now, and was at the time of the hearing, branded as "X," and its content is referred to as "posts." I retain the witness's exact testimony for this decision.

Another example is a feature called IGN Playlist. This feature allows Editorial employees and website users to create a list of video games for a variety of purposes, such as recommending games to others, grouping games under a common theme, or tracking games to play in the future. The Employer encourages Editorial employees to use the feature in their work. A senior writer and an unknown number of other employees from Editorial attended a meeting with Product Development to develop the feature, and the senior writer also attended a one-on-one meeting with a Product Development employee about the feature.

Another example is a checklist tool, which allows Editorial employees to add checkboxes to various content, such as walkthroughs and strategy guides, that the Employer's consumers can check off as they complete tasks in video games. One Editorial employee from the product experience department, a guides checklist editor – whose regular role is to aggregate all checkboxes into a database for all checklists – testified that she interacted with Engineering employees to develop features for checklists and to resolve bugs within the checklist database. That same editor testified to not having had any meetings with Engineering employees in the year 2025 prior to the hearing in this matter in July 2025. The same editor testified to having more contact with Engineering employees than other Editorial employees, having "not very much" contact with Product Development employees, and having no dealings with Product Operations employees.

Another example involves the Editorial employees being able to embed interactive maps of video games into their online content. The Employer already had its own in-house maps, and it also acquired a service called Map Genie, which contained more maps for video games, several years prior to the hearing in this matter. One software engineer testified that, when the Engineering department created the tool for embedding maps into content, he was in "fairly constant contact" with now-former manager Oison O'Neill, who supervised certain Editorial employees of the product experience department and reported to Executive Vice President & Chief Development Officer Peer Schneider.

Apart from situations similar to those described above, all employees of the Employer are required to attend a monthly all-hands meeting. Most employees attend the all-hands meeting remotely. From the record, the purpose of the all-hands meeting is not clear, although one witness testified to Ziff Davis and the Employer giving out awards during such meetings. Product Development hosts a showcase meeting every six weeks, which all employees have the option to attend.

A product design manager testified that Product Development sometimes meets with end users of new systems for training and testing purposes.

Employees from all departments are able to communicate with one another via applications such as Slack and Google Meet. Bug reporting for technical issues is done through a Support Hub via Slack. Product Development typically screens reported bugs for urgency and to see if they can resolve the issue; if not, Product Development will contact Engineering for assistance, and Engineering will join the Slack channel to engage with whoever reported the issue. For example, Director of Engineering Brian Rose testified that, at the time of the hearing, the CMS was a "relatively stable piece of software" and that Engineering may work on reported bugs for the CMS a couple times a month due to the limited capacity of the Engineering

department to work on the CMS. Slack is also used for nonwork discussions to socialize over various video game and entertainment topics.

The Employer maintains an "embargo" that forbids Product Operations employees from sharing certain details of their work with Editorial employees. Product Operations employees receive sensitive information from other companies related to products to be sold on the Humble Bundle website. That information must be kept from Editorial employees to avoid confidentiality violations between the Employer and the companies with which it contracts.

One senior reporter in the Editorial unit testified to having more contact with employees in the Product Development department than she does with branded, video, or commerce teams within the Editorial unit.

5. Interchange with Other Employees

The record contains no examples of temporary interchange between the units at issue in this matter; indeed, several witnesses testified to the absence of such interchange.

The record contains one example of permanent interchange that occurred prior to the Employer's current departmental structure. Prior to March 2024, the Employer grouped engineers who worked on Humble Bundle separately from other engineers. In March 2024, the Employer combined all engineers into a single Engineering department. In 2019, prior to the merging of engineers, a product operations employee permanently transferred to an engineering role.

Director of Engineering Brian Rose testified that although he has not witnessed any permanent interchange into or out of Engineering during his time with the Employer, it is not uncommon for engineers to look for different roles should they cease to enjoy writing code.

The record also contains references to an employee, a graphic designer, in the recognized bargaining unit who is currently under the Product Development department. Prior to being moved, the employee worked with two other artists in the Editorial department to make art to promote articles, podcasts, and other content. After the Employer voluntarily recognized the Union as the bargaining representative for the Editorial unit, the Employer moved the employee to Product Development and gave her additional duties. The parties agreed that, despite the move, the employee would remain in the bargaining unit for Editorial employees.

6. Terms and Conditions of Employment

Most of the employees at issue in this matter work remotely. The record contains references to employees working in various states, including California, Colorado, Georgia, New York, Texas, Oregon, and Washington. The record contains some references to employees and managers in Los Angeles and New York reporting to a physical office space, although only a single employee is named as reporting to a physical office.

Parent Company Ziff Davis also issues policies that all employees, including those at issue in this matter, must follow. Director of Engineering Brian Rose testified that Engineering

has an exception to one companywide policy related to computer access because Engineering has to be able to work with low-level portions of computers that other employees do not have to work with.

All employees in this matter are salaried and do not track their hours. Employees work similar daytime hours, with the record showing most employees starting around 9 or 10 a.m. and ending around 5 or 6 p.m. The record does not reveal whether working hours are specific to a particular time zone.[8] All employees have the same benefits available to them, including flexible time off, healthcare, welfare, dental, vision, employee stock options, and life insurance.

The parties stipulated to the following salary ranges:

- Engineering: $122,003.52 to $202,352.16.
- Product Development: $67,603.20 to $145,600.08.
- Product Operations: $62,402.40 to $95,190.48.

The record evidence does not contain the salary range for employees in the existing Editorial unit.[9]

C. A Self-Determination Election In a Single Voting Unit of Engineering, Product Development, and Product Operations Is Inappropriate

The Union first requests a self-determination election in which a single voting unit of Engineering, Product Development, and Product Operations employees vote on whether to join the existing Editorial unit. As explained below, I find such a voting unit inappropriate because it fails both inquiries under *Warner-Lambert*: the unit is not identifiable, and the unit does not share a community of interest with the Editorial unit.

1. The Combined Voting Unit Is Not Identifiable

The Board will find a voting unit to constitute a readily identifiable group based on classifications, departments, functions, locations, skills, or any similar considerations. *American Steel*, 372 NLRB No. 23, slip op. at 13. The Union argues that Engineering, Product Development, and Product Operations are the Employer's remaining production employees,

[8] One product operations manager testified to her hours being in Eastern Time. However, as noted above, employees work in various states, and those states span at least the four time zones of the Continental United States.

[9] During the Union's cross examination of Director of Customer Experience Annie Barry, the Union's counsel implied that the existing Editorial unit employees had a salary range of $59,000 to $131,000. However, neither Barry's testimony nor any other part of the record confirms such a salary range for the Editorial unit.

creating products that IGN sells and markets, while other unrepresented employees are involved in selling and marketing, or engaged in business operations.[10] I disagree.

It is true that Editorial produces articles, guides, and videos that consumers read and view to assist them in how to play a video game or which games or tech to buy. However, no employees in Engineering, Product Development, or Product Operations create content for consumers. Neither Engineering nor Product Development creates content that consumers buy or use; instead, they create and improve upon the means by which Editorial and Product Operations can do and display their work. While I acknowledge that Product Development and Engineering play a role in how content and features will eventually appear on the Employer's websites for consumers to access, they are not producing the content for the features and websites. Furthermore, the record is unclear as to what portion of Engineering's and Product Development's day-to-day activities are comprised of their work for departments outside of Editorial and Product Operations. Product Operations creates nothing directly used by consumers; instead, they are managing an online store where consumers can buy *other companies'* products.

The Union also argues that the other unrepresented departments – those not at issue in this matter – are involved in sales, marketing, or business operations. However, the record is largely silent on the work of those other departments. For example, the Editorial unit represents some but not all employees in the Employer's commerce department, and the record is silent as to which commerce employees are unrepresented and how their work is different from the represented commerce employees. Thus, the record is insufficient for me to find whether other departments that the Union does not seek to represent are involved in production work.

Moreover, applying the Board's test on this element, Engineering, Product Development, and Product Operations are not a readily identifiable group. Specifically, as detailed further below in the community of interest analysis, employees in these departments have different classifications, are organizationally grouped into separate departments, perform different functions, and have different skills.

Accordingly, I find that the Union's requested unit of Engineering, Product Development, and Product Operations is not a readily identifiable group.

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[10] The Union initially argues that whether the Engineering, Product Development, and Product Operations departments constitute an identifiable unit is not at issue in this matter because the Employer filed three separate petitions. I disagree. The Union requested voluntary recognition, and the Employer rejected that request. Had the Union subsequently filed an RC petition for the same unit, such an inquiry would be required in determining the appropriate unit. Under current Board law, an employer may test the appropriateness of a unit for which a union has requested voluntary recognition by filing an RM petition. *Cemex Construction Materials Pacific, LLC*, 372 NLRB No. 130, slip op. at 25 (2023). Accordingly, I must fully assess the Union's requested voting unit under the appropriate standard, which includes whether the voting unit is identifiable.

2. The Existing Unit of Editorial Employees Does Not Share a Community of Interest With a Combined Unit of Engineering, Product Development, and Product Operations Employees

Even if a voting unit of Engineering, Product Development, and Product Operations employees were a readily identifiable group, I would nevertheless find the voting unit inappropriate for a self-determination election to join the existing Editorial unit because such a voting unit does not share a community of interest with the Editorial unit.

i. Employees Are Organized Into Separate Departments

An important consideration in any unit determination is whether the proposed unit conforms to an administrative function or grouping of an employer's operation. Thus, for example, the Board would generally not certify a unit consisting of some, but not all, of an employer's production and maintenance employees. See, for example, *Check Printers, Inc.* 205 NLRB 33 (1973). However, in certain circumstances, the Board will approve a unit in spite of the fact that other employees in the same administrative grouping are excluded. *Home Depot USA,* 331 NLRB 1289, 1289, 1291 (2000).

The record shows that the Employer has separate departments for Editorial, Engineering, Product Development, and Product Operations. While Engineering and Product Development are part of a larger grouping, the Employer's Innovation Team, Editorial and Product Operations are not part of the Innovation Team. Furthermore, the Innovation Team also includes Business Intelligence and Revenue Operations, neither of which is fully explained in the record. No party contests these facts.

Absent any shared administrative grouping among all four departments, I find that this factor weighs against a shared community of interest among the four departments.

ii. Employees Have Distinct Skills and Training and Perform Different Job Functions and Work

These factors examine whether disputed employees can be distinguished from one another on the basis of skills, duties, or job functions. If they cannot be distinguished, this factor weighs in favor of including the disputed employees in one unit. Evidence that employees perform the same basic function or have the same duties, that there is a high degree of overlap in job functions or of performing one another's work, or that disputed employees work together as a crew, support finding similarity of functions. Evidence that disputed employees have similar requirements to obtain employment, that they have similar job descriptions or licensure requirements, that they participate in the same employer training programs, or that they use similar equipment supports finding similarity of skills. *Casino Aztar*, 349 NLRB 603 (2007); *J.C. Penny Company*, *Inc*., 328 NLRB 766 (1999); *Brand Precision Services*, 313 NLRB 657 (1994); *Phoenician*, 308 NLRB 826 (1992). Where there is also evidence of similar terms and conditions of employment and some functional integration, evidence of similar skills and functions can lead to a conclusion that disputed employees must be in the same unit, in spite of lack of common supervision or evidence of interchange. *Phoenician*, 308 NLRB at 826.

The record here shows that Editorial, Engineering, Product Development, and Product Operations must complete the same annual trainings as directed by the Employer's parent company. Those same trainings are required of all employees, including those at issue in this matter. The record is largely silent on and, thus, does not reveal any similarities in on-the-job training for each unit's day-to-day activities. Similarly, with the few exceptions described below, the record fails to establish that there is any substantial overlap in skills or work among the four units.

The Union argues that Engineering and Product Operations both perform coding work. The record shows that this is true but only to an extent. Product Operations employees read Python code to be able to run scripts in their daily work activities, but they do not write new code for any purpose. Engineering, on the other hand, performs complex coding to create new tools and features. Thus, the record only supports a similarity in skills at a basic level between Engineering and Product Operations. The record reveals nothing to support finding that Product Development has any daily engagement with coding.

The record shows that, among Engineering, Product Development, and Product Operations, all three perform some troubleshooting of work issues. However, the record reveals that Product Operations only troubleshoots its own issues, and it will escalate those issues to Engineering if they are unable to resolve them. Product Operations may resolve ticketed bugs from any department, and they also pass those tickets to Engineering if they cannot resolve them. Engineering performs the highest level of troubleshooting. The record is silent as to how frequently Product Operations and Product Development work on technical issues, while Engineering regularly works on technical issues when they do not have higher priority projects.

The Union also argues that Editorial, Product Development, and Product Operations all engage in similar design work. While the record shows that Product Development spends much of their time designing how applications and features will look and operate, the record contains only general statements about certain teams within the Editorial unit, such as the social media and video teams, creating or designing visuals. The record contains no specific examples of these visuals for those teams. Additionally, a single employee in the Editorial bargaining unit, a graphic designer, was moved to Product Development but remains in the Editorial unit by agreement of the parties. Similarly, the record contains only general, nonspecific testimony about Product Operations employees making design decisions when building webpages.

The Union also argues that the four departments all work to create IGN product. As previously explained in the above section on the identifiableness of the voting unit, I disagree with the Union's argument that Editorial, Engineering, Product Development, and Product Operations all perform work that may be considered production work. The functions of these four units are not the same: Editorial produces content primarily for the Employer's IGN website; Engineering produces code for creating applications and features, some internal and some external; Product Development develops concepts and designs for internal and external applications and features; and Product Operations builds webpages for selling other companies' digital goods.

Given the above, I find that the record evidence for these two factors, which encompass skills, training, and job functions, weighs against finding a shared community of interest between

the four departments. While annual trainings weighs slightly in favor of a shared community of interest, it is insufficient to offset the differences across skills and daily work for all four departments. Furthermore, any similarities across these two factors are largely based on general and nonspecific record evidence.

iii. Employees Are Not Functionally Integrated Except for Engineering and Product Development

Functional integration refers to when employees' work constitutes integral elements of an employer's production process or business. Thus, for example, functional integration exists when employees in a unit sought by a union work on different phases of the same product or as a group provides a service. Another example of functional integration is when the Employer's workflow involves all employees in a unit sought by a union. Thus, "functional integration is present when employees must work together and depend on each other in order to accomplish their overall duties." *Walt Disney Parks and Resorts*, 373 NLRB No. 99, slip op. at 6 (2024) (internal citations omitted).

The Union claims that Engineering and Product Development are functionally integrated with Editorial, arguing that Engineering and Product Development create the tools, such as the CMS, that Editorial uses in producing its content every day. In so arguing, the Union relies on *WideOpenWest Illinois, LLC*, 371 NLRB No. 107, slip op. at 7 fn. 16 (2022), for the proposition that functional integration is present when employees must work together and depend on each other to accomplish their overall duties. In the present matter, *WideOpenWest* works against the Union's argument. In *WideOpenWest*, the Board reversed the Acting Regional Director's decision to direct an election in a larger unit. In reversing the Acting Regional Director, the Board specifically found that additional employees included by the Acting Regional Director were not functionally integrated with the smaller unit of field technicians. The Board specifically pointed out that employees who planned and coordinated long-term projects worked on by field technicians were not integrated with them because the planning employees were "not at all involved in the day-to-day" work of the unit employees. *WideOpenWest*, above, slip op. at 7. Likewise, the Board found no functional integration between non-field technicians engaged in troubleshooting functions and the field technicians where the troubleshooting technicians performed "discreet, specialized tasks, and ha[d] few opportunities for genuine collaboration with technicians on the ground." *Id*. Similar findings are warranted in the present case. Editorial employees complete their daily work on systems created by Engineering and Product Development employees without having any day-to-day involvement with one another. And just as Engineering employees and Product Development employees may respond to technical bugs submitted by any other department, including Editorial, the record does not support finding that the discreet task of addressing a technical bug provides opportunities for employees across departments to engage in genuine collaboration on their daily work.

The Union also asserts that the process of creating tools, such as the CMS, involves collaborative efforts between Engineering, Product Development, and Editorial that constitute functional integration. I disagree. Here, the creation of the CMS and other tools did not require Editorial employees to work on any part of the CMS in creating it; instead, the record shows only that Editorial employees provided input on how tools might look or function during sporadic meetings. Under these facts, I find that Editorial, Engineering, and Product Development are not

functionally integrated. For the same reasons, I find that Product Operations, Engineering, and Product Development are not functionally integrated with respect to the three departments' work on the redesign of the Humble Bundle website.

I note that the record supports finding that Engineering and Product Development are functionally integrated with respect to their regular work activities in developing and creating tools and features. Product Development effectively provides the concept and goals for Engineering to create tools and features, and they must work closely together so that Engineering fully understands what needs to be created. The record also shows that Product Development prioritizes work for Engineering. However, the record does not show evidence of such a relationship between Product Operations and Engineering or Product Development.

Based on the above, I find that the record evidence for this factor weighs against finding a shared community of interest between the four departments.

iv. Employees Do Not Have Frequent Contact With Each Other Except for Engineering and Product Development

Also relevant is the amount of work-related contact among employees, including whether they work beside one another. Thus, it is important to compare the frequency of contact among employees in the unit sought by a union. See, for example, *Casino Aztar*, 349 NLRB at 605–606.

The Union argues that employees in all four departments have regular contact with one another during monthly all-hands meetings and during Product Development showcase meetings every six weeks. While the all-hands meetings are mandatory for all employees to attend, the record contains no detail as to what employees do at those meetings, including whether they interact with one another. Indeed, the only specific testimony about all-hands meetings is that awards are given at those meetings. As to the Product Development showcase meetings, these meetings are optional and, again, the record contains no detail as to what employees do at those meetings. Consequently, I do not find these regular meetings to be examples of frequent work-related contact between employees. Compare *Wheatland Electric Cooperative, Inc.*, 375 NLRB No. 16, slip op. at 3-4 (2026) (Board found frequent contact between employees weighed in favor of a shared community of interest where employees had frequent and substantive daily contact through daily meetings, shared facilities, and regular work-related interactions).

The Union also points to contact between Editorial, Engineering, and Product Development, but that contact is largely incidental to technical bugs and the development of new features and tools, which I explained under the functional integration factor. In any event, the record shows that those contacts occurred infrequently and without any apparent regularity.

The Union also argues that "[i]t is significant that there is an employee in the Product Development department that is already in the bargaining unit" because it "necessitates a significant amount of interaction between" the Editorial and Product Development departments (see Union's post-hearing brief at p. 20). Although the record confirms the placement of this single Product Development employee in the existing Editorial unit, the record does not detail any evidence to show that the single employee's unit placement has had any impact, great or small, on the frequency of contact between the two departments.

I also note that the Employer's prohibition on Product Operations employees discussing details of the digital goods sold through Humble Bundle with Editorial employees, due to confidentiality agreements between the Employer and companies providing those digital goods, is a barrier against frequent contact between the two departments.

The record does show that Engineering and Product Development have more regular contact with each other than with other departments. Although the exact frequency of their contacts across all types of work is unknown, they communicate at least weekly when it comes to resolving reported technical problems.

In light of the above, I find that the record evidence for this factor weighs against finding a shared community of interest between the four departments. I am cognizant, however, of the Board's holding that "a lack of regular, work-related contact between petitioned-for employees and existing-unit employees ought to be accorded less weight where 'there is also infrequent contact between the [existing bargaining-unit members] in one [division] with those in another.'" *Wheatland Electric*, above, slip op. at 5 fn. 8, citing *Metropolitan Life Insurance Co.*, 181 NLRB 814, 819 (1970); and *Walt Disney*, 373 NLRB No. 99, slip op. at 10. Here, the record shows that some Editorial employees have more frequent contact with non-unit employees than they do with other Editorial employees. Thus, the impact of this factor on any weighing of interests is afforded less weight.

v. Employees Do Not Interchange With Each Other

Interchangeability refers to temporary work assignments or transfers between two groups of employees. Frequent interchange "may suggest blurred departmental lines and a truly fluid work force with roughly comparable skills*." Hilton Hotel Corp*., 287 NLRB 359, 360 (1987). Permanent transfers among employees in the unit sought by a union are also relevant under this factor. However, the existence of permanent transfers is not as important as evidence of temporary interchange. *Id*.

No party argues, and the record does not support finding, that temporary interchange occurs among the employees at issue in this matter.

The Union argues that interchange is established through the testimony of the Employer's two witnesses at the hearing in this matter. The Union does not further describe which testimony supports interchange. In any event, as explained in the corresponding facts section on interchange, Director of Engineering Rose testified that it would be possible for an engineer to take another role if they ceased to enjoy coding. The record evidence also shows that one of the Employer's current engineers used to be an operations coordinator in the Product Operations department. This evidence, though, does not support finding any significant amount of actual permanent transfers as the former amounts to speculative testimony and the latter is, at most, a single example of a transfer.

Based on the above, I find that the record evidence for this factor weighs against finding a shared community of interest between the four departments.

vi. Employees Have the Same Terms and Conditions of Employment Except for Pay

Terms and conditions of employment include whether employees receive similar wage ranges and are paid in a similar fashion (for example hourly); whether employees have the same fringe benefits; and whether employees are subject to the same work rules, disciplinary policies and other terms of employment that might be described in an employee handbook. However, the facts that employees share common wage ranges and benefits or are subject to common work rules does not warrant a conclusion that a community of interest exists where employees are separately supervised, do not interchange and/or work in a physically separate area. *Bradley Steel, Inc*., 342 NLRB 215 (2004); *Overnite Transportation Company*, 322 NLRB 347 (1996). Similarly, sharing a common personnel system for hiring, background checks and training, as well as the same package of benefits, does not warrant a conclusion that a community of interest exists where two classifications of employees have little else in common. *American Security Corp.*, 321 NLRB 1145 (1996).

Except for pay, no party disputes that all employees across the Editorial, Engineering, Product Development, and Product Operations departments share the same terms and conditions of employment: hours of work, remote work, health and welfare benefits, employer policies, and stock options. Engineering has one minor difference in policies where their work requires greater access to lower levels of their computers.

The parties take different positions on employees' salaries: the Union argues the salary ranges across the four departments overlap, while the Employer points out that compensation varies by department. First, the record does not reveal the salary range for Editorial employees. Second, the record shows that salary ranges for Product Operations and Engineering do not overlap at all: the former annually earn between $62,402.40 and $95,190.48, while the latter earn between $122,003.52 and $202,352.16. Product Development salaries range from $67,603.20 to $145,600.08. Thus, while there is considerable overlap between Product Operations and Product Development, their top earners are separated by approximately $50,000. Similarly, top earners in Product Development and Engineering are separated by approximately nearly $57,000. Such differences in pay are not insignificant. Where the Board has been faced with cases of significant differences in earnings but otherwise similar or identical terms and conditions of employment in other areas, the Board generally considers the weight of all other community-of-interest factors. Compare *Sundor Brands, Inc.*, 334 NLRB 755 (2001) (finding a smaller unit appropriate based on separate supervision, specialized skills and functions, limited interchange, and higher wages, despite shared employment terms with excluded employees); with *TDK Ferrites Corp.*, 342 NLRB 1006 (2004) (finding a smaller unit inappropriate despite wage differences because included and excluded employees shared other employment terms and supervision, with substantial functional integration, contact, and interchange).

Based on the above, while I find that the record evidence for this factor as a whole supports finding a community of interest, the significant difference in the salary ranges between Engineering, Product Development, and Product Operations, as well as the lack of salary information for Editorial, undermines how heavily this factors weighs in favor of finding a community of interest.

vii. Employees Are Separately Supervised

For this factor, the Board considers whether the disputed employees are commonly supervised. In examining supervision, most important is the identity of employees' supervisors who have the authority to hire, discharge, or discipline employees (or effectively recommend those actions), or to supervise the day-to-day work of employees, including rating performance, directing and assigning work, scheduling work, or providing guidance on a day-to-day basis. *Executive Resources Associates*, 301 NLRB 400, 402 (1991); *NCR Corporation*, 236 NLRB 215 (1978). Common supervision weighs in favor of placing the employees in dispute in one unit. However, the fact that two groups are commonly supervised does not mandate that they be included in the same unit, particularly where there is no evidence of interchange, contact, or functional integration. *United Operations*, 338 NLRB at 125. Similarly, the fact that two groups of employees are separately supervised weighs in favor of finding against their inclusion in the same unit. However, separate supervision does not mandate separate units. *Casino Aztar*, 349 NLRB at 607, fn. 11.

The Union argues that all employees have a reporting structure that reports up to a single individual, President Prough, which supports finding that this factor is at least neutral in weighing a shared community of interest. The Employer argues that its supervisory structure only overlaps at the highest levels of management and not in the day-to-day supervision, weighing against a shared community of interest.

The record here supports the Employer's position that employees are separately supervised. As detailed above, all employees involved in this matter have at least one director and/or supervisor between them and President Prough, and these directors and supervisors are not the same across the four departments at issue. Furthermore, the record is silent as to whether Prough is involved in the day-to-day supervision of any employees at issue.

In light of the above, I find that this factor weighs against finding a shared community of interest.

3. Conclusion

Although all or nearly all employees are remote, complete the same annual trainings, and have the same fringe benefits, the remaining community-of-interest factors weigh against finding a shared community of interest. When comparing Editorial employees to a grouping of the Engineering, Product Development, and Product Operations employees, they are organized into separate departments, have different skills, perform different job functions and work, are not functionally integrated, have little contact with one another, do not interchange, have substantial differences in salary ranges, and are separately supervised. Furthermore, while the diversity within the Editorial unit "may be relevant to consider generally" in the community-of-interest analysis, *Public Service Co. of Colorado*, 365 NLRB 1017, 1017 fn. 4 (2017), that internal diversity does not outweigh all of the factors that weight against finding a community of interest. Accordingly, I find that the Editorial unit and a unit of Engineering, Product Development, and Product Operations employees do not share a community of interest.

Therefore, as a voting unit of Engineering, Product Development, and Product Operations is not readily identifiable as a group and because such a voting unit does not share a community of interest with the existing Editorial unit, a self-determination election for Engineering, Product Development, and Product Operations employees to vote on inclusion into the existing Editorial unit is inappropriate.

D. A Separate Unit of Engineering, Product Development, and Product Operations Employees is Inappropriate

As an alternative to the above-analyzed self-determination election, the Union asserts that Engineering, Product Development, and Product Operations constitute an appropriate unit for collective bargaining, separate from the existing Editorial unit. As noted above, in any case where the Board considers the appropriateness of a subdivision of employees containing some but not all employees that would otherwise be included in a plantwide, employer-wide, or craft unit, the Board considers whether the unit sought is (1) homogenous, (2) identifiable, and (3) sufficiently distinct. *American Steel*, slip op. at 3 (2022). For the reasons explained below, I find such a unit inappropriate because the employees of these three departments are not readily identifiable as a group, and they do not share a sufficient community of interest.

First, as already noted above, a unit of Engineering, Product Development, and Product Operations is not readily identifiable as a group. Simply stated, as reflected in the discussion above, employees in these departments have different classifications, are organizationally grouped into separate departments, perform different functions, and have different skills. Thus, they are not readily identifiable as a group.

Second, most of the community-of-interest analysis for a unit of Engineering, Product Development, and Product Operations employees mirrors the above discussion of the community-of-interest factors for the self-determination election. Here, Product Operations lacks shared interests with Engineering and Product Development much in the same way Editorial does. Engineering and Product Development are functionally integrated, share a common second level manager, share similar work in troubleshooting technical issues, and are grouped together with two other departments – Business Intelligence and Revenue Operations – as part of the Innovation Team. Product Operations, as more thoroughly described in the previous section, is not functionally integrated with the Engineering and Product Development and does not share a common manager until President Prough. One difference in this comparison is that Product Operations shares some similar work with Engineering and other similar work with Product Development. As explained above, Product Operations and Engineering both deal with Python code to an extent, but Engineering's coding is more complex. Meanwhile, Product Operations and Product Development both have some design work; however, Product Operations is designing webpages to sell digital goods, while Product Development is designing internal and external tools and features for employees and the Employer's websites. However, these similarities in types of work do not involve any interchange, shared supervision, or functional integration.

In sum, while all employees in the Engineering, Product Development, and Product Operations departments work remotely, complete the same annual trainings, and have the same fringe benefits, they are organized into separate departments, largely have different skills,

perform different job functions, largely perform different work, are not all functionally integrated, do not all have frequent contact with one another, do not interchange, have substantial differences in salary ranges, and are separately supervised. Accordingly, I find that the proposed unit lacks a community of interest and is inappropriate for collective-bargaining purposes.

E. None of the Petitioned-for Departments Are Appropriate for a Separate Self-Determination Election

For all the reasons discussed above, neither Engineering, nor Product Development, nor Product Operations individually shares a community of interest with the existing Editorial unit. In all instances, employees have the same terms and conditions of employment and complete the same annual trainings. The salaries of the Editorial unit are unknown, and so I draw no comparison on that factor. Although some Editorial, Product Development, and Product Operations employees engage in some design work, the record contains only general, nonspecific testimony about that work. Furthermore, in separately comparing the Editorial unit with each of the petitioned-for units, they are organized into separate departments, have different skills, perform different job functions, largely perform different work, are not functionally integrated, have little contact with one another, do not interchange, and are separately supervised. Accordingly, I find that none of the petitioned-for individual units individually share a sufficient community of interest with the existing Editorial unit. Thus, any self-determination election for any one of the petitioned-for units to vote on whether to join the existing Editorial unit is inappropriate.

F. The Petitioned-for Units Are Appropriate

Given the above determinations, I find that the petitioned-for units are appropriate for collective-bargaining purposes. As previously noted, the parties have stipulated that the Engineering, Product Development, and Product Operations departments have their own internal communities of interest. Furthermore, the employees in each of these departments are readily identifiable as a group. Consequently, I will direct a separate mail-ballot election in each of the petitioned-for units, as modified by the parties' stipulations as to the appropriate employees included in each unit.

III. WHETHER OPERATIONS SUPERVISORS ARE STATUTORY SUPERVISORS

A. Relevant Board Law

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. *Id*. at § 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. at § 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. Kentucky River Community Care, Inc.*, 532 U.S. 706, 713 (2001).

Authority is only supervisory within the meaning of the Act if it is exercised with 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).

B. Facts

The record contains details related to the following supervisory indicia: hiring, discharge, assign, reward, and responsibly direct. The record also contains details for secondary supervisory indicia. Most facts related to this issue were provided by two witnesses: an operations supervisor, called by the Union; and Director of Customer Experience Annie Barry (Director Barry), called by the Employer.

i. Product Operations Work

As explained in the above community-of-interest section, Product Operations employees are responsible for building webpages to sell digital goods and ensuring that sold goods are delivered. Operations supervisors work alongside operations coordinators; at the time of the hearing in this matter, the Employer had four employees working as operations coordinators, including three temporary full-time employees. There are two operations supervisors at issue in this matter. The operations supervisors report to Operations Manager Dany Keilo, who reports to Director Barry. Operations supervisors do all of the same work as coordinators, although they may work on more technical or complicated issues. As further detailed below, operations supervisors also have some duties related to hiring, assigning, responsibly directing, and disciplining operations coordinators. Director Barry testified that operations supervisors should typically be spending 50 percent of their time doing the same work as operations coordinators – also referred to as independent contributor (IC) work – and 50 percent of their time doing the additional supervisory duties.

The two operations supervisors work in a separate segment of the Humble Bundle website. One of the operations supervisors coordinates the work of "store operations," which consists of setting up webpages for individual products. The other operations supervisor coordinates the work on bundles, which consist of multiple products bundled together for purchase, and memberships, which are monthly subscriptions for Humble Bundle services. Although the operations supervisors will coordinate work for their specific segments of the Humble Bundle website, all operations supervisors and coordinators are expected, when fully trained, to be able to do work on all segments: individual products, bundles, and memberships.

ii. Hiring

Operations supervisors participate in interviewing operations coordinator candidates during panel interviews. During such interviews, the operations supervisors ask the candidate technical questions to assess the candidate's skillset or aptitude to learn skills for the position. The operations supervisor may also ask an icebreaker question, such as what is the candidate's favorite video game. After the interview, the operations supervisor participates in a meeting with the other panel members. During that meeting, the operations supervisor states whether the candidate answered the technical questions correctly and whether the candidate appeared capable of doing the job. Operations supervisors also submit that same feedback through Jobvite, an application used by the Employer's recruiting team. Operations Manager Keilo and Director Barry review the feedback from the operations supervisors before making a final decision on whether to hire a candidate.

Director Barry testified that the operations supervisors' feedback on candidates is "extremely strong" in the weight given to it when making a hiring decision, and that Product Operations "has a very consensus-based culture." According to Director Barry, the Employer would never hire someone that the operations supervisors had recommended against hiring, and Director Barry testified that she would "push to hire" a candidate whom the operations supervisors had recommended for hiring. Director Barry also testified that she would not hire a candidate whom the operation supervisors had recommended but Operations Manager Keilo did not recommend hiring.

The record reflects one instance where an operations supervisor recommended a candidate be hired based on the candidate having answered the technical questions correctly and the candidate's experience, but the candidate was not hired.

iii. Discharge

Neither of the current operations supervisors have ever discharged or recommended the discharge of another employee. Director Barry testified that if either of the current operations supervisors were to recommend an employee's discharge, she "would help to make that happen." Director Barry also testified that she could not discharge an employee on her own and would have to work with Human Resources to do so.

iv. Assignment of Work

The operations supervisors run stand-up meetings once or twice a week, and they do spring planning meetings every two weeks. During these meetings, operations supervisors and coordinators receive their assignments, and they also check in on whether there are any impediments or "blockers" on any of the tickets.

According to the operations supervisor who testified, the work assignments are made on a first-come, first-served method, primarily because the assignments involve receipt of a product key to test a video game or product, and the operations supervisors and coordinators may have a preference to play a particular game they are interested in. Work that is not voluntarily chosen is assigned based on who has the free space in their schedule to take it. According to the operations

supervisor who testified, nobody assigns work based on skill, and she voluntarily takes tasks that are more problematic because she has the most experience.

Director Barry testified that operations supervisors assign work that is not voluntarily chosen by assessing employees' availability, current bandwidth, and areas of expertise or areas for growth. Barry testified that, during stand-up meetings for store-operations work, the operations supervisor shares their screen to show all the Jira tickets that need to be done. Barry testified that during stand-up meetings for bundles and memberships, the operations supervisor assigned work two weeks in advance, and all assignments are made to two operations employees due to the profitability of bundles and memberships.

Prioritization of work is determined either by a given timeline from Business Development or based on a predetermined framework when no timeline is given. The framework gives priority to certain product partners of Humble Bundle based on the partner's agreement with the Employer.

Director Barry testified that Operations Manager Keilo has had to provide feedback to both operations supervisors on adequately splitting their time between IC work and supervisory duties, aiming to get both operations supervisors to spend more time on supervisory duties. Barry testified that one operations supervisor has spent up to 80 percent of her time doing IC work, and that the other operations supervisor assigned a lot of work to himself.

v. Reward

According to the operations supervisor who testified, she has no involvement in approving wage increases or time off for operations coordinators. Meanwhile, Director Barry testified that the operations supervisors have authority to grant time off to operations coordinators because they approve those requests in ADP, the time-off system used by the Employer's staff.

vi. Responsibly Direct

According to the operations supervisor who testified, her compensation and performance evaluations are not tied to the performance of operations coordinators. She testified that she does not give instructions on or inspect the work of any operations coordinators unless they ask her how to do a task. Director Barry testified that the operations supervisors "lightly check in" to monitor assigned work, and that they will communicate via Slack with the operations coordinators, using emojis, to react when work is done or delayed.

vii. Secondary Indicia

Operations coordinators may raise technical issues to the operations supervisors to see if they can resolve the matter; if the issue cannot be resolved within Product Operations, the operations supervisor opens a ticket with Engineering. One of the operations supervisors usually talks through such issues as a group so everyone can contribute to resolving it.

Operations supervisors finalize timecards for the three temporary employees working as operations coordinators. According to an operations supervisor, she "basically just hit[s] approve from whatever they've clocked in," but if she thought the timecard was not correct, she would not approve it. The record is silent on what would happen if an operations supervisor did not approve a temporary employee's timecard.

New operations coordinators will train with the operations supervisors. However, new coordinators have also been trained by senior coordinators.

According to the operations supervisor who testified, she does not act or substitute for Operations Manager Keilo when Keilo is away from work. Furthermore, when operations coordinators need to escalate a matter, they go to Keilo.

According to Director Barry, operations supervisors are included in the holiday coverage sheet for Humble Bundle. If an issue arises with respect to some part of Humble Bundle operations, the sheet lists who to contact. One operations supervisor is listed as a point of contact for store operations, and the other operations supervisor is listed as a point of contact for bundle operations. Documentary evidence in the record shows that the same operations supervisor was the point of contact for store operations on the holiday coverage sheet from 2020 through 2024; however, this person did not hold the position of operations supervisor until 2024. When a person listed on the holiday coverage sheet is contacted, any work they perform is part of their regular duties and is not something extra.

According to the operations supervisor who testified, she has done performance reviews in her previous role as a senior operations coordinator. In doing those reviews, she received the coordinators' self-reviews, where the coordinators had answered questions such as what they did well, where they can improve, and what their biggest projects were. She would then put one to two sentences under each question, rephrasing what the coordinators had said themselves. According to the operations supervisor, these reviews are separate from salary or merit reviews.

C. Operations Supervisors Are Not Supervisors Within the Meaning of the Act

The burden of proving supervisory status lies with the party asserting it. *Kentucky River*, above at 711–712. Under Board law, a showing of supervisory status cannot rest solely on generalized or conclusory testimony. See *Golden Crest Healthcare Center*, 348 NLRB 727, 731 (2006). The party asserting supervisory status must therefore present specific evidence or examples of putative supervisors wielding their responsibilities. *Id*. 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. *New York University Medical Center*, 324 NLRB 887, 908 (1997), enfd. in relevant part, 156 F.3d 405 (2d Cir. 1998); *Phelps Cmty. Med. Ctr.*, 295 NLRB 486, 490 (1989). 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).

Here, the record evidence fails to establish that operations supervisors possess supervisory authority or that they exercise independent judgment over any supervisory indicia.

With regard to hiring authority, the operations supervisor's role is limited to assessing technical skills. The Board has consistently held that such a role in hiring does not constitute effectively recommending hire under Section 2(11) of the Act. See *Republican Co.*, 361 NLRB 93, 98 (2014) (Electrical Manager who assessed "whether or not candidates had the requisite electrical qualifications" for positions in employer's electrical department not a statutory supervisor); *Aardvark Post*, 331 NLRB 320, 320-321 (2000) (Board found a senior staff editor was not effectively recommending hire where that individual's role was to test applicants' technical skills through editing tests and reporting those results); and *The Door*, 297 NLRB 601, 601-602 (1990) (Board found a medical doctor and laboratory director whose recommendations in hiring were limited to applicants' technical ability was not effectively recommending hire under Section 2(11)). Thus, operations supervisors' limited role in advising management as to whether a candidate correctly answered the technical questions does not constitute effective recommendation to hire under Section 2(11) of the Act. Furthermore, and despite Director Barry's testimony that operations supervisors' recommendations are given "extremely strong weight," the record reflects one instance when a candidate answered the technical questions correctly, the operations supervisor recommended hiring the candidate at a time when Product Operations needed a coordinator, and the Employer did not hire the candidate. Thus, the evidence fails to support finding that operations supervisors possess the authority to hire or effectively recommend such action.

On discharge authority, the Employer argues that Director Barry's testimony – that she "would make that happen" should an operations supervisor recommend discharge of an employee – shows that operations supervisors possess unexercised authority in effectively recommending discharge. I do not find this argument persuasive. First, I note that Director Barry's complete testimony was that she "would *help* to make that happen" (emphasis added). In fact, she explained that she did not have authority to discharge an employee and would have to work with Human Resources. Second, while the Board may rely on the testimony of a superior in finding sufficient evidence to establish Section 2(11) supervisory status, Director Barry's testimony falls short of what the Board has relied on. See, e.g., *Sheraton Universal Hotel*, 350 NLRB 1114, 1118 (2007) (Board concluded an individual possessed authority to effectively recommend hiring where that individual's manager testified that the individual's recommendations were "very, very key," a recommendation not to hire "would be fatal," and that the manager would not hire an applicant if the individual did not like the candidate). Here, Director Barry's testimony about operations supervisors' unexercised authority to effectively recommend discharge does not unequivocally state such recommendations would occur – Barry would only *help* to make them happen – and Director Barry's testimony that she would have to work with Human Resources raises doubt as to whether independent investigation may follow. In essence, Director Barry's testimony as to this indicium amounts to conclusory testimony, which – as noted above – is insufficient to establish supervisory authority. *Golden Crest Healthcare Center*, 348 NLRB at 731.

As to the authority to assign, the record fails to establish that operations supervisors possess the statutory authority to assign or that they even exercise independent judgment when making work assignments. The Board interprets the authority to "assign" to mean designating employees to a place (such as a location, department, or wing), appointing them to a time (such as a shift or overtime period), or giving them significant overall duties. *See Oakwood*

Healthcare, 348 NLRB at 689. It is well settled that merely having the authority to assign work or tasks does not confer supervisory status, and "not every act of assignment constitutes statutory supervisory authority." *King Broad. Co.*, 329 NLRB 378, 381 (1999). Here, simply put, the record evidence does not support finding that operations supervisors assign employees to specific locations, department, or wings; appoint employees to a time or shift; or give employees significant overall duties. As such, the evidence does not support finding that operations supervisors possess the authority to assign within the meaning of the Act. Moreover, even considering the evidence regarding operations supervisors' involvement in the assignment of tasks, the record does not support finding that operations supervisors exercise independent judgment when making such assignments. In this regard, according to one of the operations supervisors, assignments are first-come, first serve, and she then takes the remaining assignments or the most difficult assignments for herself. Although some testimony suggests that operations supervisors may take into account the "bandwidth" or workload of the operations coordinators, equalizing of workloads does not involve independent judgment. *Oakwood Healthcare*, 348 NLRB at 693; *Lynwood Manor*, 350 NLRB 489, 490 (2007). Likewise, Director Barry's limited testimony that operations supervisors consider the coordinator's expertise is likewise insufficient to establish independent judgment. See, for example, *Cook Inlet Tug & Barge, Inc.*, 362 NLRB 1153, 1153 (2015) (vague or hypothetical testimony as to captains considering deckhands' strength insufficient to establish independent judgment). Similarly, assignments made on the basis of whether an employee has been trained on a task do not involve independent judgment when all employees are expected to be trained on and capable of performing that task, as is the case with all operations coordinators. See *Oakwood Healthcare*, 348 NLRB at 693.

On authority to reward or responsibly direct, the record evidence is insufficient to conclude that operations supervisors possess such authority or exercise independent judgment in either area. Although the record shows that operations supervisors approve time-off requests, to the extent that these may be considered rewards, the record is silent as to what, if anything, operations supervisors consider when approving the requests. Furthermore, the record contains no evidence that operations supervisors give time off as a reward, as opposed to approving a request for leave. While the record contains evidence that operations supervisors complete performance reviews for operations coordinators, the record does not reveal that such reviews have any effect on personnel actions or the operations coordinators' job status. *Hillhaven Rehabilitation Center*, 325 NLRB 202, 203 (1997) (evaluations must, by themselves, affect job status); *Passavant Health Center*, 284 NLRB 887, 891 (1987) (authority simply to evaluate without more is insufficient to find supervisory status). Finally, operations supervisors are not held accountable for the performance of any task assigned to operations coordinators. Thus, in addition to not reflecting the exercise of independent judgment (as discussed above), operations supervisors' assignment of tasks does not constitute responsible direction. *Oakwood Healthcare*, 348 NLRB at 691-692 ("for direction to be 'responsible,' the person directing and performing the oversight of the employee must be accountable for the performance of the task by the other, such that some adverse consequence may befall the one providing the oversight if the tasks performed by the employee are not performed properly").

Based on the above, I find that operations supervisors do not possess authority or exercise independent judgment over any supervisory indicia enumerated in Section 2(11) of the Act.

Consequently, it is unnecessary to further consider any secondary supervisory indicia. Therefore, operations supervisors should be included in the Product Operations unit.

IV. CONCLUSIONS AND FINDINGS

Based upon the entire record in this matter, including stipulations by the parties, and in accordance with the discussions 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 herein.[11]

3. The parties stipulated and I find that the Union is a labor organization within the meaning of Section 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 units, 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 Employer has not met its burden of establishing that operations supervisors are supervisors within the meaning of Section 2(11) of the Act.

7. A self-determination election for Engineering, Product Development, and Product Operations employees, either as a single group or individually by department, to vote on inclusion into the existing Editorial unit is not appropriate.

8. The following employees of the Employer constitute appropriate bargaining units for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

[11] The Employer, IGN Entertainment, Inc., is a Delaware corporation with an office and place of business at 2231 S. Barrington Avenue, Los Angeles, California 90064 (the facility or the Los Angeles facility), where it is engaged in the business of online media/journalism. During the past twelve (12) months, a representative period, the Employer derived gross revenues in excess of $200,000. During this same period of time, the Employer purchased and received at its Los Angeles facility goods valued in excess of $5,000 directly from enterprises located outside the State of California.

Case 31-RM-367232: ENGINEERING UNIT

INCLUDED: All full-time and part-time employees in the Employer's Engineering department in the following classifications: DevOps Engineer, Principal DevOps Engineer, Software Engineer, Senior Software Engineer/Senior Full Stack Software Engineer, Senior Software Engineer I, Principal Software Engineer, and Senior Principal Software Engineer.

EXCLUDED: All other employees, office clerical employees, professional employees, managerial employees, confidential employees, guards, and supervisors as defined in the Act, as amended.

Case 31-RM-367234: PRODUCT DEVELOPMENT UNIT

INCLUDED: All full-time and part-time employees in the Employer's Product Development function in the following classifications: Product Operations Associate/Product Operations Coordinator, Product Manager, Lead Product Manager, Product Design Manager, and Product Designer.

EXCLUDED: All other employees, office clerical employees, professional employees, managerial employees, confidential employees, guards, and supervisors as defined in the Act, as amended.

Case 31-RM-367196: PRODUCT OPERATIONS UNIT

INCLUDED: All full-time and part-time Operations Coordinators and Operations Supervisors in the Employer's Product Operations function.

EXCLUDED: All other employees, office clerical employees, professional employees, managerial employees, confidential employees, guards, and supervisors as defined in the Act, as amended.

Accordingly, for the reasons detailed above, I will direct a mail-ballot election in each of the three bargaining units described above; there are approximately 11 employees in the Engineering Unit, 7 employees in the Product Development Unit, and 6 employees in the Product Operations Unit.

DIRECTION OF ELECTION

The National Labor Relations Board will conduct a secret ballot election among the employees in the units found appropriate above. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by **Pacific Media Workers Guild, TNG, CWA, Local 39521**.

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A. Election Details

As agreed to by the parties, the elections will be conducted by United States mail.

The mail ballots in Cases 31-RM-367196, 31-RM-367232, and 31-RM-367234 will be mailed to the employees employed in the appropriate collective bargaining unit at **5:00 p.m. on Wednesday, December 2, 2026**. [12] 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, December 9, 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 in each individual case will be commingled with the ballots received for that case and counted at the Region 31 office at 11500 W. Olympic Boulevard, Suite 600, Los Angeles, California, 90064 on **Tuesday, December 29, 2026, at 10:00 a.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.

If the election is postponed or canceled, the Regional Director, in his or her discretion, may reschedule the date, time, and place of the election.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending **Sunday, November 8, 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 in 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)

[12] The parties entitled to receive the voter list in each case, waived 10 days out of the 10-day requirement and waived the right to file objections over not receiving the over list at least 10 days prior to the election.

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(l) 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 (that employees use at work), 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. **An individual voter list must be provided for each of Cases 31-RM-367196, 31-RM-367232, and 31-RM-367234.**

To be timely filed and served, each list must be *received* by the regional director and the parties by **Tuesday, November 24, 2026**. Each list must be accompanied by a certificate of service showing service on all parties. **The region will no longer serve the voter lists.**

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.nlrb.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.nlrb.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 each 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 each 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 at any time following the issuance of this Decision until 10 business days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. 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: November 20, 2026

Danielle Pierce

Danielle M. Pierce, Regional Director
National Labor Relations Board, Region 31
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