

Who Is a Supervisor? Rulings Unlikely to Cause Big Shift

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The National Labor Relations Board has issued three highly anticipated decisions addressing which employees are considered to be supervisors and therefore ineligible for union membership under the law. Despite a lot of dire warnings from union leaders, the so-called Kentucky River decisions appear unlikely to create major changes in determining who is eligible for union membership and who is not.

In addition to certain obvious attributes such as the authority to hire or fire, supervisory activities include the ability to "assign work" and "responsibly to direct" the work of others so long as they exercise "independent judgment" in carrying out their duties in the interest of the employer. The board's most recent decisions merely refine the definitions of these key terms.

These highly anticipated cases are sure to generate considerable reaction from union leaders.

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