



NLRB Rulings Regarding Supervisors Provide Clarity and Controversy

Publication

12.15.06

Recent National Labor Relations Board (NLRB) decisions have provided guidance that will be helpful to employers and unions alike in determining the status of workers whose classification falls into the gray area between supervisor and employee. The analysis remains highly specific and appears unlikely to create the dramatic effects predicted.

The National Labor Relations Act expressly excludes supervisors from the definition of an "employee," thus making supervisors ineligible for union membership. The Act defines a supervisor as any individual having the authority, "in the interest of the employer," to engage in any of 12 enumerated supervisory functions. Among the 12 supervisory functions listed in the Act, the two most ambiguous were a focus of the Board's recent decisions.

This article appeared in the December 2006 issue of *The Corporate Counselor*. A similar article appeared in the December 12, 2006 issue of *Employment Law Strategist*.

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