

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

CHICAGO HISTORICAL SOCIETY<sup>1</sup>

Employer

and

SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 46, AFL-CIO

Petitioner

Case 13-RC-20250

**DECISION AND DIRECTION OF ELECTION**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record<sup>2</sup> in this proceeding, the undersigned finds:

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

2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.<sup>3</sup>

3. The labor organization(s) involved claim(s) to represent certain employees of the Employer.

4. 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.

5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:<sup>4</sup>

If a majority of the employees in the professional voting group (b), *infra*, indicate a choice to be included in a unit with the non-professional employees, the following employees will constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time employees, including professional and non-professional employees, employed by the Employer at its facility currently located at 1601 N. Clark Street, Chicago, Illinois; but excluding all supervisors and guards as defined in the Act.

If, on the other hand, a majority of the employees in the professional voting group (b), *infra*, do not vote for inclusion, the following two groups of employees will constitute separate units appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

(a) All full-time and regular part-time non-professional employees employed by the Employer at its facility currently located at 1601 N. Clark Street, Chicago, Illinois, in the following job classifications, but excluding confidential employees, managerial employees, supervisors, and guards as defined in the Act: Accounting Assistant, Accounting Clerk, Administrative Assistant, Assistant Registrar, Building Engineer, Building Maintenance, Custodian, Database Support Analyst, Exhibit Installer I, Exhibitions Preparator, Imaging

Technician, Information Services Coordinator, Information Services Technical Support Engineer, Inventory Manager/Reorder Buyer, Office Assistant/Events Representative, Photography Intern, Project Assistant, Reading Room Page, Research Access Secretary, Retrospective Conversion Assistant, Sales Person, Scanning Technician, Shipping and Receiving Clerk, Special Events Coordinator, Staff Accountant, Store Operations Coordinator, Switchboard Receptionist, Visitor Services Coordinator/Scheduler, and Volunteer Coordinator.

(b) All full-time and regular part-time professional employees employed by the Employer at its facility currently located at 1601 N. Clark Street, Chicago, Illinois, in the following job classifications, but excluding confidential employees, managerial supervisors, and guards as defined in the Act: Collections Manager, Communications Manager, Conference & Group Sales Manager, Conservator, Conservator of Costumes, Corporate Events Events Coordinator, Curator of Architectural Collections, Designer, Distance Learning Coordinator, Editor, Gifted Workshop Coordinator, Graphic Designer-Exhibitions, Graphic Designer-Publications, History Explorers Coordinator, Photographer, Professional Contractor, Project Coordinator-My History is Your History, Public Historian, Public Historian-Exhibitions, Public Historian-Historical Documentation, Research and Access Cataloger, Research Assistant-Collections Services, Research Services Librarian, Research Specialist I, Senior Photographer, System Administrator, Technical Services Librarian, USNP Cataloger, and Web Editor.

#### **DIRECTION OF ELECTION\***

An election by secret ballot shall be conducted by the undersigned among the employees in the unit(s) found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit(s) who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced.

Separate elections should be conducted in voting groups (a) and (b) described above.

The employees in the non-professional voting group (a) shall vote whether or not they desire to be represented for collective bargaining purposes by Service Employees International Union, Local 46, AFL-CIO.

The employees in the professional voting group (b) will be asked two questions on their ballots:

(1) Do you desire to be included in the same unit as non-professional employees of the Chicago Historical Society for the purpose of collective bargaining?

(2) Do you desire to be represented for the purpose of collective bargaining by Service Employees International Union, Local 46, AFL-CIO?

If a majority of the employees in voting group (b) vote "yes" to the first question, indicating a choice to be included in a unit with the non-professional employees, the group will be so included. The votes on the second question will then be counted with the votes of the non-professional voting group (a) to decide the representative for the entire unit. If, on the other hand, a majority of the professional employees in voting group (b) do not vote for inclusion, these employees will not be included with the non-professional employees, and their votes on the second question will be separately counted to decide whether they want to be represented in a separate professional unit.

### LIST OF VOTERS

In order to insure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of the full names of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *N.L.R.B. v. Wyman-Gordon Company*, 394 U.S. 759 (1969); *North Macon Health Care Facility*, 315 NLRB 359, fn. 17 (1994). Accordingly, it is hereby directed that within 7 days of the date of this Decision 2 copies of an election eligibility list, containing the full names and addresses of all of the eligible voters, shall be filed by the Employer with the undersigned Regional Director who shall make the list available to all parties to the election. In order to be timely filed, such list must be received in **Suite 800, 200 West Adams Street, Chicago, Illinois 60606** on or before January 26, 2000. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

### RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the **Executive Secretary, Franklin Court Building, 1099-14th Street, N.W., Washington, D.C. 20570**. This request must be received by the Board in Washington by February 2, 2000.

**DATED** January 19, 2000 at Chicago, Illinois.

/s/ Elizabeth Kinney  
Regional Director, Region 13

- \*/ The National Labor Relations Board provides the following rule with respect to the posting of election notices:
- (a) Employers shall post copies of the Board's official Notice of Election in conspicuous places at least 3 full working days prior to 12:01 a.m. of the day of the election. In elections involving mail ballots, the election shall be deemed to have commenced the day the ballots are deposited by the Regional Director in the mail. In all cases, the notices shall remain posted until the end of the election.
  - (b) The term "working day" shall mean an entire 24-hour period excluding Saturdays, Sundays, and holidays.
  - (c) A party shall be estopped from objection to nonposting of notices if it is responsible for the nonposting. An employer shall be conclusively deemed to have received copies of the election notice for posting unless it notifies the Regional Director at least 5 working days prior to the commencement of the election that it has not received copies of the election notice.

- 1/ The names of the parties appear as amended at the hearing.
- 2/ The arguments advanced by the parties at the hearing and in their briefs have been carefully considered.
- 3/ The Employer is a not for profit Illinois corporation engaged in operating a historical museum and library in Chicago, Illinois.
- 4/ The Petitioner seeks to represent a unit of all full-time and regular part-time employees, temporary/seasonal and grant employees employed by the Employer. There is no contention that the petitioned-for unit is inappropriate. Both parties assert that some of the employees in the petitioned-for unit are professional employees within the meaning of Section 2(12) of the Act, and that the ballot must therefore present professional employees with the choice to be included in or to remain separate from a bargaining unit that includes non-professionals. *Sonotone Corp.*, 90 NLRB 1236 (1950).

The parties stipulated at the hearing to the professional or non-professional status of forty-two job classifications. The parties stipulated that the following job classifications are not professional: Accounting Clerk, Administrative Assistant, Building Maintenance, Custodian, Exhibit Installer I, Exhibitions Preparator, Imaging Technician, Inventory Manager/Reorder Buyer, Photography Intern, Project Assistant, Reading Room Page, Research Access Secretary, Sales Person, Shipping and Receiving Clerk, Store Operations Coordinator, Switchboard Receptionist, Visitor Services Coordinator/Scheduler, and Volunteer Coordinator.

The parties also stipulated at the hearing that the following job classifications are professional: Communications Manager, Conference & Group Sales Manager, Conservator, Conservator of Costumes, Corporate Events Events Coordinator, Curator of Architectural Collections, Designer, Editor, Gifted Workshop Coordinator, Graphic Designer-Exhibitions, History Explorers Coordinator, Photographer, Professional Contractor, Public Historian, Public Historian-Exhibitions, Public Historian-Historical Documentation, Registrar, Research and Access Cataloger, Research Services Librarian, Retrospective Conversion Coordinator, Senior Photographer, System Administrator, Technical Services Librarian, and Web Editor.

Finally, the parties stipulated at the hearing that the Chief Cataloger and Program Coordinator positions are supervisory.

During the hearing, the Employer was unable to take a position with regard to the remaining classifications. However, after reviewing the record, the Employer in its post-hearing brief was able to take a position on most, but not all of the remaining positions. Accordingly, the parties are now in agreement on the professional status of additional positions. The parties agree that the Accounting Assistant, Assistant Registrar, Information Services Technical Support Engineer, and Office Assistant/Events Representative classifications are not professional; and that the Collections Manager and Project Coordinator-My History is Your History classifications are professional.

At issue, then, is the professional status of the following job classifications: Building Engineer, Database Support Analyst, Distance Learning Coordinator, Information Services Coordinator, Research Assistant-Collection Services, Research Specialist I, Retrospective Conversion Assistant, Scanning Technician, Staff Accountant, and USNP Cataloger.

Also at issue is the supervisory status of four job classifications: Project Coordinator-My History is Your History, Registrar, Retrospective Conversion

Coordinator, and Visitor Services Coordinator/Scheduler. The Employer contends that each of these positions is supervisory and should be excluded from the bargaining unit; Petitioner claims that none of these employees is a supervisor, and that each should be included in the unit.

*Facts*

The Employer is a not for profit historical society located in Chicago, Illinois. It operates a historical museum that not only houses a permanent collection, but also hosts temporary, travelling, and other special exhibitions and maintains a library. It also conducts a variety of outreach programs targeting community groups, area schools, and the academic community, and is also engaged in efforts to use digital technologies to make its resources more accessible to the public. The Employer also gives tours of and hosts special events at its facility and operates a gift shop.

The Building Engineer is responsible for the overall maintenance and operation of the Employer's physical plant, including mechanical, electrical, plumbing, and climate control systems. The Building Engineer must monitor sophisticated building systems and respond to changes in the system by the manipulation of complex controls. Part of the Building Engineer's work is highly specialized and periodically calls for the exercise of judgment. However, according to Robert Nauert, the Employer's vice president of finance and administration, many of the Building Engineer's tasks involve the routine, regularly scheduled maintenance of the various physical building systems.

The Building Engineer position does not require, and the present Building Engineer does not hold, a college degree. He holds some licenses and certifications from technical training courses, but these are more similar to knowledge gained through apprenticeship than through a prolonged course of study at an institution of higher learning. The Petitioner claims that the Building Engineer is a professional; the Employer contends that the position is not professional.

The Database Support Analyst is responsible for developing computer database systems to catalog and provide greater electronic access to the Society's library and museum collections. It is unclear from the testimony of the Employer's Director of Information Services, to whom the Database Support Analyst reports, whether the position involves the writing of software applications or merely the development of databases using commercially developed software. According to the Director of Information Services, the duties of the Database Support Analyst are intellectual and varied.

However, the position requires no specific level of education, only proficiency with certain computer database standards. The current Database Support Analyst has an advanced degree in history but no advanced academic training in computer science or any other technical field. Instead, she acquired her expertise largely through on-the-job training. The Petitioner contends that the Database Support Analyst position is non-professional; the Employer continues to take no position.

The job description for the Distance Learning Coordinator provides that the incumbent has broad responsibility for historical educational programs for both teachers and students that use video conferencing to include remote participants. The position is responsible not only for implementing and sometimes teaching a variety of educational

programs in history, but also for determining what sorts of programs the Society will sponsor and designing those programs.

The record shows that the Distance Learning Coordinator's work is predominantly intellectual and varied and relies substantially on the employee's discretion and judgment. The program's results cannot be reduced to measurement in standard units of time. Moreover, the work requires specialized training in the form of a bachelor's degree in history, education, or museum studies, along with specialized knowledge of history, education, and museum operations that could only be gained through higher education. Petitioner claims that the Distance Learning Coordinator is a professional position; the Employer contends the position is not professional.

The Information Services Coordinator is responsible for planning for, procuring, installing, and testing software that supports the Employer's computer operations, as well as for training and writing manuals in the use of that software. The Information Services Coordinator must exercise judgment and discretion in the evaluation of software products, but the evidence does not show that the installation and testing of software and the writing of user manuals are more than routine, if sometimes complex, tasks.

Moreover, the position has no specific educational requirements. The current Information Services Coordinator has a master's degree in history, but acquired the technical expertise required for the position by taking at least ten courses in training, project management, and information systems management. Petitioner claims the Information Services Coordinator is not a professional position; the Employer continues not to take a position.

The Research Assistant's work primarily involves performing historical research in preparation for the staging a special exhibition and conference, as well as developing an educational component for the Employer's Distance Learning program. The conduct of historical research is intellectual and varied work that requires the consistent exercise of judgment and discretion. Moreover, historical research produces no consistent, quantifiable result that could readily be measured in standard units of time. Finally, the Research Assistant position requires, and the current Research Assistant holds, an advanced academic degree in history. Petitioner claims that this position is professional; the Employer continues to take no position.

The Research Specialist I conducts research and assists persons in using the Employer's collections to do research, helping them find materials and devise research strategies. While not involving the same advanced level of historical research required of the Research Assistant, the Research Specialist's work is similarly intellectual and varied in character, requires similar exercise of discretion and judgment, and similarly produces no output capable of standardization with respect to time.

The Research Specialist I position requires a college degree in a humanities field and knowledge not only of history, but of bibliographic tools and research methodologies. The Petitioner contends that the Research Specialist I is a professional; the Employer continues to take no position.

The Retrospective Conversion Assistant assists the Employer's efforts to digitize certain elements of its collections. The Retrospective Conversion Assistant's duties in this regard include tagging and labeling items, transcribing and keying information, photocopying, microfilming, scanning, and shipping materials. The record shows that properly carrying out these duties requires the exercise of discretion and judgment, along

with advanced knowledge of library cataloging techniques usually attainable only through an advanced library science degree. The current Retrospective Conversion Assistant, along with all other applicants for the position, holds a master's degree in library science. However, as the Director of Collections Services testified, most of the Retrospective Conversion Assistant's duties are routine, even if some are complex and specialized.

The Scanning Technician organizes and prepares certain collections materials for digital scanning, performs the scans, and monitors the condition of the materials scanned. The Scanning Technician also researches the history of some scanned items in order to record extra information about the item digitally along with the image, forming a catalog record.

The record is unclear as to what portion of the Scanning Technician's duties such intellectual and varied historical research occupies. The Employer's Director of Research and Access testified that most of the time not spent scanning is spent in "project management," which he equated with evaluating the pace and quality of scanning—essentially routine tasks. Moreover, the Employer's job description does not list historical research among the Scanning Technician's job duties.

The Employer prefers, but does not require, that the Scanning Technician hold a bachelor's degree in the humanities; the current Scanning Technician has a bachelor's degree and is "close to an advanced degree" and has needed that academic expertise in order to perform the research functions of the job. Petitioner claims that the Scanning Technician position is non-professional; the Employer continues not to take a position.

The Staff Accountant maintains the Employer's financial accounts and records, prepares internal financial reports, prepares the Employer's tax filings, and performs other essential accounting functions. Some of the Staff Accountant's work may be intellectual and varied, require the exercise of discretion and judgment, and be incapable of measurement in terms of output per unit of time. However, the Staff Accountant is not required to hold, and does not hold, a degree in accounting, but rather has taken some college-level accounting courses. Petitioner contends that the Staff Accountant is a professional position; the Employer claims that the position is not professional.

The USNP Cataloger surveys collections of newspapers in order to create bibliographic records for contribution to a national database. The assessment of newspaper collections and the determination of how to apply bibliographic standards to them is predominantly intellectual and varied, rather than routine, work. While established standards guide the Cataloger's description of the newspapers, according to Bernard Riley, the Employer's Director of Research and Access, applying those standards to a given set of documents involves organizing and evaluating hundreds of years of back newspapers to determine an effective way of describing the collection. It is unclear from the record how often the USNP Cataloger is required to exercise such creative judgment, but it is clear that he or she must always be prepared to exercise it in determining how to organize and describe a given set of newspapers.

Moreover, the position requires knowledge of bibliographic systems and newspaper cataloging standards ordinarily attainable only by completing a master's degree in library science. Petitioner contends that the USNP Cataloger is a professional position; the Employer contends that the position is not professional.

The Project Coordinator is responsible for the employer's grant-funded project entitled "My History is Your History," working with community groups, performing historical research, and developing exhibitions. In the course of performing these duties, the Project Coordinator also oversees interns working on the project. The Project Coordinator is involved in the hiring of interns, but the record is unclear as to how involved the Project Coordinator's direct supervisor was in those hiring decisions.

The Project Coordinator also determines interns' work schedules, but it is unclear from the record to what extent this is a routine task of simply making interns' work schedules fit their school schedules or a task requiring the coordinator's independent judgment. The Project Coordinator gives work assignments to interns without consulting with her supervisors, but it is again unclear from the record whether these assignments are routine and clerical in nature or require the exercise of independent judgment.

The record contains no evidence of any other indicia of supervisory status. The Employer claims that the Project Coordinator-My History is Your History is a supervisory position; Petitioner claims that the position is not supervisory.

The Registrar has overall responsibility for maintaining and developing cataloging and record-keeping systems for the Employer's collections in order properly to maintain the collections as well as to increase their accessibility to the public. Among the Registrar's varied job duties are evaluating resumes and conducting candidate interviews to hire an Assistant Registrar. The Registrar made a hiring recommendation regarding the current Assistant Registrar to which the Registrar's supervisor deferred.

Additionally, the Registrar evaluates the Assistant Registrar's performance, can grant her time off, and has the authority to discipline the Assistant Registrar without her supervisor's approval, although she has never had occasion to do so. The Registrar also independently directs the Assistant Registrar in her work. The Employer contends that the Registrar is a supervisory position; Petitioner claims that the position is not supervisory.

The Retrospective Conversation Coordinator oversees the Employer's efforts to digitize certain elements of its collections. Among the Retrospective Conversion Coordinator's varied job duties are evaluating resumes and conducting candidate interviews to hire a Retrospective Conversion Assistant. The Retrospective Conversion Coordinator made a hiring recommendation regarding the current Retrospective Conversion Assistant to which her supervisor deferred.

Also, the Retrospective Conversion Coordinator has responsibility for the Retrospective Conversion Assistant's performance evaluations and discipline. The Coordinator does not have exclusive responsibility for the overall direction of the Retrospective Conversion project, but she independently gives the Retrospective Conversion Assistant work assignments. The Employer contends that the Retrospective Conversion Coordinator is a supervisor; the Petitioner claims that the position is non-supervisory.

The Visitor Services Coordinator/Scheduler prepares the schedule for the Visitor Services staff, which includes the switchboard receptionist, coat check, and reception desk positions. She trains new employees in these positions, and reports on their performance to the Director of Visitor Services.

The Visitor Services Coordinator/Scheduler has no authority to assess the abilities of other employees, and makes no recommendations regarding the discipline or firing of

employees. Moreover, she exercises no discretion in the preparation of the employees' schedule, instead simply entering names into a computer template. The Employer claims that the Visitor Services Coordinator/Scheduler is a supervisory position; Petitioner contends that the position is not supervisory.

### *Analysis*

Employees are considered professional within the meaning of Section 2(12) of the Act if they meet the following criteria: their work must be predominantly intellectual and varied in character, rather than routine; it must involve the consistent exercise of discretion and judgment; it must not be susceptible to standardization in terms of output or result per unit of time; and it must require advanced knowledge usually acquired through prolonged, specialized intellectual instruction and study at an institution of higher learning or a hospital, rather than through general academic education or an apprenticeship. Each of these four indicia of professional status must be present in order for an employee to be considered professional.

While an employee's academic or other qualifications are relevant to this determination, the controlling factor is generally the nature of the work the employee performs. *Ohio St. Legal Services Ass'n*, 239 NLRB 594 (1978). Expertise gained through limited, technical coursework does not rise to the level of advanced knowledge requiring a prolonged course of instruction at an institution of higher learning. *Id.*, 239 NLRB at 595-96; *Taft Broadcasting Co.*, 226 NLRB 540 (1976). Furthermore, a position that requires only a general college education is not professional. *Express-News Corp.*, 223 NLRB 627, 629-30 (1976). And even when a specialized job function is performed primarily by persons with advanced degrees in the field, if the work is routine, the job is not professional. *A.A. Mathews Assocs.*, 200 NLRB 250, 251 (1981).

Applying these standards to the instant case, I find that the positions of Distance Learning Coordinator, Research Assistant-Collection Services, Research Specialist I, and USNP Cataloger are professional. While the Employer contends that the Distance Learning Coordinator and USNP Cataloger lack one or more of the indicia of professional status, I find that each of the four positions possesses a sufficient amount of each of the indicia to justify classifying them as professional. However, I find that the positions of Building Engineer, Database Support Analyst, Information Services Coordinator, Retrospective Conversion Assistant, Scanning Technician, and Staff Accountant are not professional.

As discussed above, the work of the Building Engineer is essentially routine in nature. See *Arizona Public Service Co.*, 310 NLRB 477 (1993); *Western Ass'n of Engineers*, 101 NLRB 64 (1952). Moreover, although the incumbent has attended seminars and conferences for museum building operations, it appears that the knowledge required for this position is more like knowledge attained through an apprenticeship than knowledge acquired through prolonged higher education. *Arizona Public Service Co.*, 310 NLRB 477. The Building Engineer fails to meet at least two of the criteria of professional status, and I, therefore, find that the Building Engineer is not a professional position.

Similarly, the Database Support Analyst, Information Services Coordinator, and Staff Accountant positions require no specialized training. While the incumbents in the

Database Support Analyst and Information Services Coordinator positions both hold advanced degrees, neither holds a degree in computer science or any other field directly related to their job tasks. And the Staff Accountant does not hold any university degrees, and does not possess a license. Accordingly, I find that none of these positions require advanced knowledge of a type usually obtained through prolonged study at an institution of higher learning. *Arizona Public Service Co.*, 310 NLRB 477; *Ohio St. Legal Services Ass'n*, 239 NLRB 594; *Taft Broadcasting Co.*, 226 NLRB 540. Further, the record does not clearly support a finding that intellectual and varied duties predominate over routine duties in any of these positions. Accordingly, I find that these positions are not professional.

Likewise, I find that the Retrospective Conversion Assistant and Scanning Technician positions are not professional. While both positions normally involve independent judgment, I find little evidence that either position involves a substantial amount of intellectual and varied work. The mere fact that an advanced degree is necessary to successfully perform a job does not make it professional if the tasks are routine, albeit complex. The work of both these positions is essentially routine, and so I find them not to be professional.

Employees are considered supervisors within the meaning of Section 2(11) of the Act if they have “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 the exercise of that authority requires independent judgment rather than mere routine or clerical tasks. An employee need exercise only one of these abilities to be considered a supervisor. *Davis Mem'l Goodwill Indus.*, 318 NLRB 1044, 1048 (1995); *Pro/Tech Sec. Network*, 308 NLRB 655, 659 (1992). The burden of demonstrating supervisory status rests upon the party asserting that status. *Fleming Cos.*, 330 NLRB No. 32 at 1 n.1 (1999); *Bennett Indus.*, 313 NLRB 1363, 1363 (1994).

In the instant case I find that the Registrar and the Retrospective Conversion Coordinator possess several of the indicia of supervisory status within the meaning of Section 2(11) of the Act. The incumbent in each position has effectively recommended hiring, evaluates and disciplines employees, and directs employees.

The Petitioner contends that a high supervisor to non-supervisor ratio precludes a finding of supervisory status in each of these positions, citing *NLRB v. Grancare, Inc.*, 170 F.3d 662, 667 (7th Cir. 1999). However, the supervisor to non-supervisor ratio in a department of only a few people must be large, if the department is to have a supervisor at all, and nothing in the Board’s decisions disallows supervisors in small departments. *Minneapolis Soc’y of Fine Arts*, 194 NLRB 371, 373-74 (1971).

On the other hand, the evidence fails to establish that the Visitor Services Coordinator/Scheduler uses independent judgment in the performance of any of the functions required for a finding of supervisory status by Section 2(11) of the Act. I, therefore, find that the Visitor Services Coordinator/Scheduler is not a supervisor and shall be included in the appropriate bargaining unit.

I find that the record provides insufficient evidence upon which to determine whether the Project Coordinator-My History is Your History is a supervisory position within the meaning of Section 2(11) of the Act. Therefore, the Project Coordinator-My History is Your History shall be permitted to vote subject to challenge.

In sum, I find that the positions of Distance Learning Coordinator, Research Assistant-Collection Services, Research Specialist I, and USNP Cataloger are professional; and the positions of Building Engineer, Database Support Analyst, Information Services Coordinator, Retrospective Conversion Assistant, Scanning Technician, and Staff Accountant are not professional. I also find that the Registrar and Retrospective Conversion Coordinator hold supervisory positions and will be excluded from the bargaining unit; but that the Visitor Services Coordinator/Scheduler does not hold a supervisory position. Finally, I find that the record is insufficient to allow a determination of whether the Project Coordinator-My History is Your History is a supervisor, and will allow the employee in that classification to vote subject to challenge. There are approximately 89 employees in the unit found appropriate herein.

177-9325; 177-9350; 177-9375;  
401-2575-1450; 440-1760-4320;  
440-1760-4340