

Section 7103(a)(10) of the Statute defines "supervisor" as:

an individual employed by an agency having authority in the interest of the agency to hire, direct, assign, promote, reward, transfer, furlough, layoff, recall, suspend, discipline, or remove employees, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment, except that, with respect to any unit which includes firefighters or nurses, the term 'supervisor' includes only those individuals who devote a preponderance of their employment time to exercising such authority.

Except as provided under section 7135(a)(2), a unit is not appropriate if it includes supervisors [see 7112(b)(1) and *RCL 14* for a discussion of units including supervisors].

Consistent exercise of judgment: An individual is a supervisor if s/he **consistently** exercises **independent judgment** with regard to the supervisory indicia set forth in §7103(a)(10) of the Statute. See *Army and Air Force Exchange Service, Base Exchange, Fort Carson, Fort Carson, Colorado*, 3 FLRA 596, 599 (1980).

Supervision of "employees": To be a supervisor within the meaning of the Statute, the person supervises an employee, as defined by the Statute. Thus, individuals who supervise military personnel are not supervisors within the meaning of the Statute, since they do not supervise employees. See *Adjutant General of Michigan, Air National Guard, Battle Creek, Michigan*, 11 FLRA 66, 67 (1983).

Number of employees: There is no requirement that an individual supervise a certain number of employees to be a supervisor under section 7103(a)(10). An individual who supervises one employee is a supervisor within the meaning of the Statute. See *Headquarters III Corps and Fort Hood, Fort Hood, Texas*, 13 FLRA 479 (1983).

Number of supervisory indicia: Not all supervisory functions must be exercised, for an individual to be deemed a supervisor. An individual who consistently exercises only one of the supervisor indicia is a supervisor within the meaning of the Statute. See *Department of the Air Force*,

Hanscom Air Force Base, Bedford, Massachusetts, 14 FLRA 266, 268 (1984). *U.S. Department of Veterans Affairs, Veterans Administration Medical Center, Allen Park, Michigan (VA Allen Park)*, 35 FLRA 1206 (1990).

Joint performance of supervisory function: Joint performance of a supervisory function is sufficient to qualify an individual as a supervisor, if independent judgment is exercised by the individual. See *VA Allen Park*, 35 FLRA 1206 (1990).

Evaluation of employees: Responsibility for independently evaluating employee performance is a basis for finding that an individual is a supervisor, where the evidence demonstrates that the evaluations are used when upper management makes decisions to hire, promote, reward or discipline employees. See *Department of the Interior, Bureau of Indian Affairs, Navajo Area Office*, 45 FLRA 646 (1992).

Use of secondary indicia. In cases where the evidence does not conclusively establish that an individual exercises supervisory authority within the meaning of the Statute, certain "secondary indicia" of supervisory status will be considered. These secondary factors include: (1) attending meetings, including supervisory training sessions and (2) having the authority to grant time off to employees. *Department of the Interior, Bureau of Indian Affairs, Navajo Area Office*, 45 FLRA 646 at 654 (1992). The ability to approve or deny leave, without a showing of the exercise of any specific statutory supervisory authority, is not enough to demonstrate supervisory status. *Veterans Administration Medical Center, Allen Park, Michigan*, 34 FLRA 423, 426 (1990).

Seasonal supervisors. Individuals who exercise supervisory authority for a portion of the year and perform unit work for the remainder are "seasonal supervisors". They are excluded from the unit as supervisors during the period in which they are supervising employees, and included in the unit the remainder of the year. *U.S. Department of Agriculture, Forest Service, Intermountain Region, Challis National Forest*, 23 FLRA 349 (1981).

Firefighters and nurses. For application of the supervisory indicia to firefighters and nurses, see section 63 of this manual.

Team leaders. Determination of the supervisory status of team leaders rests upon the degree of independent judgment exercised by the team leaders. Team leaders are not supervisors if their responsibilities are routine in nature; if their function is to give technical advice to others, or if their work duties do not involve the consistent exercise of independent

judgment. See *U.S. Department of the Treasury, Office of Chief Counsel*, 32 FLRA 1255, 1258-60 (1988). Team leaders who consistently exercise independent judgment in assigning work and directing and reviewing other employees' work are considered supervisors. *U.S. Department of the Army, Army Aviation Systems Command and Troop Support Command, St. Louis, Missouri*, 36 FLRA 587 (1990).

See HOG 62 for specific guidance about this topic at hearing.

Other references:

Department of Energy, Oak Ridge Operations, Oak Ridge, Tennessee, 4 FLRA 644, 651-52 (1980).

