

Associate In Small Law Firm Meets NLRA Definition Of Supervisor

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An associate in a small law firm in Alabama has been found by an NLRB administrative law judge to meet the statutory definition of a supervisor under the National Labor Relations Act and, as a result, her termination by the firm did not violate the Act.

In reaching his decision, the ALJ effectively viewed this as a case of first impression. As a result, the ALJ made a detailed examination of the facts relevant to the authority vested in an associate in a 5-lawyer law firm who is assigned on a team with a case manager/paralegal. In coming to his conclusion, the ALJ found that while the associate did not meet the “assigns” definition of a supervisor contained in the Act, the associate did satisfy the “responsibly direct” definition because the associate had direct responsibility over the case manager; had the authority to modify and prioritize the case manager’s daily tasks; and was accountable for the case manager’s work. In addition, the associate had the authority to “effectively recommend hiring of employees and fire or “effectively recommend” termination of employees.

Because the associate was determined to be a supervisor, there was no violation of the Act when she was terminated for violating a firm rule that prohibited employees from discussing their compensation with other employees.

However, the ALJ did find that the law firm’s rule was unlawful under the NLRA. The ALJ ordered the firm to rescind the rule and post notice of that violation.

A copy of the decision is [available here](#).

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