

**Advance Industrial Security, Inc. and Security Guards  
Local Union No. 714, Affiliated with the Interna-  
tional Association of Security Guards, Independent,  
Petitioner. Case 10-RC-10595**

June 24, 1976

**DECISION AND DIRECTION OF ELECTION**

BY CHAIRMAN MURPHY AND MEMBERS FANNING  
AND JENKINS

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before Hearing Officer Bernard L. Middleton. Pursuant to Section 102.67 of the National Labor Relations Board Rules and Regulations, Series 8, as amended, and by direction of the Acting Regional Director for Region 10, this case was transferred to the National Labor Relations Board for decision. Thereafter, the Employer and the Petitioner filed briefs in support of their respective positions.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has reviewed the rulings of the Hearing Officer made at the hearing and finds that they are free from prejudicial error. They are hereby affirmed.

Upon the entire record in this case, the Board finds:

1. 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.

2. The Petitioner seeks a unit of security guards as defined within Section 9(b)(3) of the Act who are contracted out by the Employer to various businesses in the Metropolitan Atlanta area. The Employer contends that the Petitioner is (1) not a labor organization within the meaning of Section 2(5) of the Act; and (2) not qualified under Section 9(b)(3) of the Act to represent a unit of guards.

As to (1), it is clear that the International Association of Security Guards was formed in April 1975 for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, and conditions of work. The Petitioner, Local Union No. 714, was chartered by the International around August 1975, and the record shows that there will be employee participation. Although the purposes of the Petitioner have not yet come to fruition, and the Petitioner has participated in no representational activities and lacks structural formality, the Petitioner has indicated that it intends to perform collective-bargaining activities and to be-

come formally structured if certified to represent employees in an appropriate unit. Accordingly, we find that the Petitioner is a labor organization within the meaning of the Act.<sup>1</sup>

As to (2), the Board has previously found that Petitioner is an organization which apparently will restrict its membership only to employees defined as guards under the Act and is qualified under Section 9(b)(3) to represent guards.<sup>2</sup> Essentially the same evidence was presented in the instant case as was presented in the prior proceeding involving the Petitioner. We do not find sufficient basis to change our view that the Petitioner is qualified to represent guards.<sup>3</sup>

3. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Sections 9(c)(1) and 2(6) and (7) of the Act.

4. The Employer contends that the only appropriate units are a unit of its security guards employed in the entire State of Georgia or a combined unit of its security guards employed in the States of Georgia and Alabama. The Petitioner seeks an election in a unit restricted only to the security guards employed in the Metropolitan Atlanta area and will not go to an election in a statewide unit.

The Employer is a nationwide corporation providing contract guards and investigative services to various businesses. The Atlanta office is in charge of such services in the States of Georgia and Alabama, including the metropolitan area of Atlanta. Each State is a cost center for purposes of determining budget, profit-and-loss, and overhead costs. The area supervisor with the rank of colonel has overall supervision of the facilities in the States of Georgia and Alabama, consisting of approximately 244 full-time employees and 86 part-time security guards. The State of Alabama also has a nonuniformed area manager who is responsible for that State's operations. The record shows that there is little interchange of employees among facilities in the State of Georgia or between States.

<sup>1</sup> See *Comet Rice Mills Division Early California Industries*, 195 NLRB 671, 674 (1972), *Butler Manufacturing Company*, 167 NLRB 308 (1967)

<sup>2</sup> *International Security Corporation*, 223 NLRB 1129 (1976)

<sup>3</sup> Petitioner is admittedly funded in its operation and organizational activities by monetary advances from G & G Enterprises through ticket sales for alleged union activities. Absent showing that G & G Enterprises or its agent, Carl Gallo, has affiliation with other labor organizations which would in any way compromise the Petitioner's status to represent guards, we do not consider the arrangement relevant to this proceeding. Accordingly, we find it unnecessary to rule whether Employer's "Exhibit A" (dealing with the activities of Gallo) submitted for Board consideration after the close of the hearing was timely or properly submitted. In *International Security Corporation*, *supra*, we indicated that if the Petitioner is shown to be not qualified to represent guards as defined in the Act, the Board will entertain a motion to withhold or to revoke certification if the Petitioner should win the election directed below

The Metropolitan Atlanta area includes the counties of Fulton, Cobb, Gwinnette, DeKalb, and Clayton. The direct supervision of the employees in the Atlanta area is by three supervisory guards with the rank of captain, each with the responsibility for an 8-hour shift. The captains report directly to the colonel in charge of the State's operations. The Employer employs approximately 175 guards in the metropolitan area in Atlanta, including the three metro shift supervisors who the parties stipulated are supervisors within the meaning of Section 2(11) of the Act. Although guards are generally assigned to one facility, the record shows that there are regular transfers of employees on both a temporary and permanent basis within the Metropolitan Atlanta area. The guards employed in the Atlanta area generally live within the area and are hired from within the area. All the guards are uniformed, perform essentially the same work, and are hourly paid. The fringe benefits in the Atlanta area, as at the Employer's other locations, differ from facility to facility.

Based on the above, we find that the security guards employed in the Metropolitan Atlanta area, in view of their common direct supervision, the frequency of transfers within the area, and the fact that they are hired mostly from and live within the Metropolitan Atlanta area, have a sufficient community of interest to constitute an appropriate unit.<sup>4</sup>

Accordingly, we find that the following employees constitute a unit appropriate for collective-bargaining purposes within the meaning of Section 9(b) of the Act:

All regularly assigned security guards or officers employed by the Employer in the Metropolitan Atlanta area, excluding the three supervisory shift captains, temporary guards, office clerical employees, and supervisors as defined in the Act.

[Direction of Election and *Excelsior* footnote omitted from publication.]

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<sup>4</sup> In the circumstances we find it unnecessary to determine whether the units proposed by the Employer would also be appropriate