NOT INCLUDED
IN BOUND VOLUMES

LBH
Jersey City, NJ

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

PARASYS, INC.
Employer

and

Case 2-RD-1589

JULIA ODLE
Petitioner

and

UNITED FEDERATION OF SPECIAL POLICE
AND SECURITY OFFICERS, INC., LOCAL 639
Union

and

THE FEDERAL CONTRACT GUARDS OF AMERICA, FCGOA
Intervenor

DECISION AND CERTIFICATION OF RESULTS OF ELECTION

The National Labor Relations Board, by a three-member panel, has considered objections to an election held July 19 and 20, 2010, and the administrative law judge's report recommending disposition of them. The election was conducted pursuant to a Decision and Direction of Election. The tally of ballots shows 17 ballots for the United Federation of Special Police and Security Officers, Inc., Local 639, 0 ballots for the Federal Contract Guards of America, FCGOA, and 51 ballots against any

union representation, with 1 challenged ballot, an insufficient number to affect the results.

The Board has reviewed the record in light of the exceptions and brief, has adopted the judge's findings[1] and recommendations,[2] and has decided to certify the results of the election.

CERTIFICATION OF RESULTS OF ELECTION

IT IS CERTIFIED that a majority of the valid ballots have not been cast for the United Federation of Special Police and Security Officers, Inc., Local 639 or the Federal Contract Guards of America, FCGOA, and that neither is the exclusive representative of these bargaining-unit employees.

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[1] The judge was sitting as a hearing officer in this representation proceeding. Local 639 has implicitly excepted to some of the hearing officer's credibility findings. The Board's established policy is not to overrule a hearing officer's credibility resolutions unless the clear preponderance of all the relevant evidence convinces us that they are incorrect. *Stretch-Tex Co.*, 118 NLRB 1359, 1361 (1957). We find no basis for reversing the findings.

[2] In recommending that the Board overrule FCGOA's Objection 2 and Local 639's Objection 1, which allege objectionable conduct by Local 32B-J, SEIU representative Alvin Carter, the judge found that Carter was acting as an agent of the Petitioner and therefore applied the standard for party conduct. In adopting the judge's recommendation, we find it unnecessary to decide whether this case is governed by that standard or (as the Petitioner argues in her brief) the third-party conduct standard set forth in *Westwood Horizons Hotel*, 270 NLRB 802 (1984),

Dated, Washington, D.C., February 28, 2011.

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Wilma B. Liebman, Chairman

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Craig Becker, Member

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Brian E. Hayes, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

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because we would find the conduct unobjectionable under either standard.