

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**U.S. SECURITY ASSOCIATES, INC.**

**and**

**Case 22-CA-63206**

**SERVICE EMPLOYEES INTERNATIONAL  
UNION, LOCAL 32BJ**

**ORDER**

The petition to revoke subpoena duces tecum B-612341 filed by U. S. Security Associates, Inc. is granted in part and denied in part. The petition is granted to the extent that the materials requested shall be limited to documents and records regarding employees working for the Petitioner in its Northern New Jersey Region. In this regard, we find that the Region has failed to adequately articulate its reasons for requesting information and records regarding all of the Petitioner's employees in the State of New Jersey. This Order is without prejudice to the Region's right to issue a new subpoena seeking additional information if the information provided by the Petitioner under the instant subpoena, as limited, proves insufficient and the Region can establish why such additional information is relevant to its investigation.<sup>1</sup>

In all other respects, the petition to revoke the subpoena is denied. The subpoena, as narrowed, seeks information relevant to the matters under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules

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<sup>1</sup> Prior to issuing a new subpoena, the Region should enter into discussions with the Petitioner regarding any additional information needed to complete the investigation.

and Regulations. Further, the Petitioner has failed to establish any other legal basis for revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.* 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., January 3, 2012.

MARK GASTON PEARCE, CHAIRMAN  
CRAIG BECKER, MEMBER

Member Hayes, dissenting.

Member Hayes would grant the petition to revoke in full. In his view, the Region has all the information needed to complete the investigation of the charge allegations and has no warrant to expand this investigation to make this case one of statewide scope. Further, he agrees with the Petitioner's argument that issuance of the subpoena was premature in light of offers to further discuss ways in which to satisfy the Region's information needs, if properly limited in scope.

Dated, Washington, D.C., January 3, 2012.

BRIAN E. HAYES, MEMBER