



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (410)962-2822  
Fax: (410)962-2198  
August 14, 2012

NATIONAL LEAGUE OF JUSTICE AND  
SECURITY PROFESSIONALS (NLJSP)  
7528 JUNE ST.  
SPRINGFIELD, VA 22150-3925

Re: The Whitestone Group  
Case 05-RC-086674

Dear Sir or Madam:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered.

***Decision to Dismiss:*** Base on that investigation, I have concluded that further proceedings are unwarranted.

Your August 8, 2012 position statement in support of your petition has been received and reviewed. After full consideration, I have decided to dismiss your petition. You filed your petition on August 6, 2012, seeking to represent a unit of security officers employed by the Whitestone Group at the DHS facility at 800 K Street. As your petition shows, these employees are already represented by the National Association of Special Police and Security Officers (NASPSO). In your position statement, you assert that the National League of Justice and Security Professionals' petition should be processed to an election because of the nature of the Employer's business, the status of NASPSO as a "defunct" labor organization and certain actions of the DHS to merge or bundle multiple security contracts into one mega-solicitation. With respect to your assertions regarding the nature of the Employer's business and the DHS actions, your request for an election due to changed circumstances is not ripe and inappropriate at this time. The Region has processed representation petitions covering security guard units in federal facilities in accordance with the Agency's processing guidelines with respect to the timeliness of petitions and within the appropriate window periods. The possible future changes in DHS contracts do not warrant the Region's removing or changing its policies with respect to contract bar. Lastly, you assert that the contract does not bar your petition because NASPSO is defunct. There is no evidence that NASPSO is unwilling or unable to represent its members or that it has made any clear and unequivocal disclaimer of interest. Based on the evidence of NASPSO's participation in NLRB proceedings, including representation cases, as well as current collective-bargaining agreements, it appears that it remains a functioning organization, able and willing to represent the employees. Regardless of any charges or indictments that Mr. Grey-Burriss may face, there is no evidence that NASPSO, as the collective-bargaining representative of the petitioned-for-unit, is defunct at this time.

Rather, the evidence shows that the Employer and NASPSO are parties to a current collective-bargaining agreement which covers the unit involved in the instant petition. According to its terms, this agreement is effective from January 18, 2012 through January 31, 2014.

Therefore, your petition is contract-barred, and hereby, dismissed. *Hexton Furniture Co.*, 111 NLRB 342 (1955).

***Right to Request Review:*** Pursuant to Section 102.67 of the National Labor Relations Board's Rules and Regulations, you may obtain a review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570-0001. The request for review must contain a complete statement of the facts and reasons on which it is based.

***Procedures for Filing Request for Review:*** A request for review must be received by the Executive Secretary of the Board in Washington, DC, by close of business (**5 p.m. Eastern Time**) on **August 28, 2012**, unless filed electronically. If filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time on August 28, 2012**.

**Consistent with the Agency's E-Government initiative, parties are encouraged, but not required, to file a request for review electronically.** Section 102.114 of the Board's Rules do not permit a request for review to be filed by facsimile transmission. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

Filing a request for review electronically may be accomplished by using the Efiling system on the Agency's website at [www.nlr.gov](http://www.nlr.gov). Once the website is accessed, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Upon good cause shown, the Board may grant special permission for a longer period within which to file a request for review. A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement

that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

Very truly yours,

/s/WAYNE R. GOLD

Wayne R. Gold  
Regional Director

cc OFFICE OF THE EXECUTIVE SECRETARY  
FRANKLIN COURT BUILDING  
NATIONAL LABOR RELATIONS BOARD  
1099 14<sup>TH</sup> STREET, NW  
WASHINGTON, DC 20570

MR. JOHN D. CLARK, PRESIDENT  
THE WHITESTONE GROUP  
800 K STREET  
WASHINGTON, DC 20001

NATIONAL ASSOCIATION OF SPECIAL  
POLICE & SECURITY OFFICERS (NASPSO)  
10 "G" STREET, NE, SUITE 710  
WASHINGTON, DC 20002