

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 5**

IN THE MATTER OF:

MASTER SECURITY COMPANY, LLC
Employer

and

Case 5-RC-108493

UNION RIGHTS FOR SECURITY OFFICERS (URSO)
Petitioner

and

INTERNATIONAL UNION, SECURITY, POLICE &
FIRE PROFESSIONALS OF AMERICA (SPFPA) formerly
UNITED UNION OF SECURITY GUARDS, LOCAL 555
Intervenor

and

GOVERNED UNITED SECURITY PROFESSIONALS
Intervenor

REPORT ON OBJECTIONS

Pursuant to a Stipulated Election Agreement¹ approved by the Regional Director on July 12, 2013, a mail ballot election was conducted with the ballots being mailed to the eligible voters on Friday, August 2, 2013.² The ballots were comingled and counted on August 21, 2013, with the following results:

¹ The unit is: "All full-time and regular armed security officers employed by the Employer pursuant to its Government Contracts for uniformed security services at the U.S. Department of Housing and Urban Development building located at 451 7th Street SW, Washington D.C.; but excluding all office clerical employees, lieutenants, captains, professional employees, managerial employees, and supervisors as defined in the Act. The eligibility period is the payroll period ending June 30, 2013.

² All dates refer to 2013 unless otherwise noted.

Approximate number of eligible voters	72
Void Ballots	0
Votes cast for Petitioner	4
Votes cast for Intervenor, United Union of Security Guards, Local 555 (SPFPA)	1
Votes cast for Intervenor, Governed United Security Professionals	46
Votes cast against participating labor organizations	0
Valid votes counted	51

On August 26, 2013, the International Union, Security, Police & Fire Professionals of America (SPFPA), Local 555 (“SPFPA”) filed timely objections to conduct that it alleges affected the results of the election.³ The Objections are attached hereto as Exhibit A.

THE OBJECTIONS

Although SPFPA timely filed Objections to the election, it did not submit any evidence in support of them. Neither the Employer, Petitioner, nor Intervenor-Governed United Security Professionals (“GUSP”) filed any response to the Objections.

Under Section 102.69(d) of the Board’s Rules and Regulations (Rules), the Regional Director may conduct either an administrative investigation of objections or set them for hearing or both. The party filing objections must furnish evidence sufficient to provide a prima facie case in support thereof before the Region is required to investigate the objections. *Howard Johnson Co.*, 242 NLRB 1284 (1979). This includes a list of the witnesses and a brief description of the testimony of each. See Casehandling Manual Section 11392, et seq. and Rules Sec. 102.69. See also *Heartland of Martinsburg*, 313 NLRB 655 (1994); *Holladay Corp.*, 266 NLRB 621 (1983). This evidence must be filed within 7 days of filing objections unless the Regional Director allows additional time. *Craftmatic Comfort Mfg. Corp.*, 299 NLRB 514

³ The petition was filed on July 3. The undersigned will consider on its merits only that alleged interference which occurred during the critical period which begins on and includes the date of filing of the petition and extends through the election. *Goodyear Tire and Rubber Co.*, 138 NLRB 453 (1962).

(1990); *Goody's Family Clothing*, 308 NLRB 181 (1992). The objecting party's burden is heavy because conclusory allegations are insufficient and specific evidence is required. *NLRB v. Claxton Mfg. Co.*, 613 F.2d 1364, 1366 (5th Cir. 1980).

In this case, objections were due to be filed by August 28, and, in fact, SPFPA filed its Objections on August 26. SPFPA's evidence in support of its Objections was due in the Regional Office by close of business on September 4. SPFPA did not request an extension of time to submit evidence in support of its Objections. As of the date of this Report, no evidence has been received from SPFPA. In addition, the Objections themselves contain insufficient facts to be deemed to have met SPFPA's "heavy burden."

SUMMARY

Based on the investigation of the SPFPA's Objections, by failing to establish the existence of substantial or material issues within the critical period, SPFPA has failed to set forth a prima facie case that would warrant setting aside the election results. Accordingly, I recommend that all of the SPFPA's Objections be overruled and that the appropriate Certification issue.

Dated at Baltimore, Maryland, this 19th day of September 2013.

/s/ Wayne R. Gold

Wayne R. Gold, Regional Director
National Labor Relations Board, Region 5
Bank of America Center – Tower II
100 South Charles Street – Suite 600
Baltimore, MD 21201

Right to File Exceptions: Pursuant to the provisions of Section 102.69 of the National Labor Relations Board's Rules and Regulations, Series 8 as amended, you may file exceptions to this Report with the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570-0001. Under the provisions of Section 102.69(g) of the Board's Rules, documentary evidence, including affidavits, which a party has timely submitted to the Regional Director in support of its objections or challenges and that are not included in the Report, is not part of the record before the Board unless appended to the exceptions or opposition thereto that the party files with the Board. Failure to append to the submission to the Board copies of evidence timely submitted to the Regional Director and not included in the Report shall preclude a party from relying on that evidence in any subsequent related unfair labor practice proceeding.

Procedures for Filing Exceptions: Pursuant to the Board's Rules and Regulations, Sections 102.111 – 102.114, concerning the Service and Filing of Papers, exceptions must be received by the Executive Secretary of the Board in Washington, D.C. by close of business on **October 3, 2013**, at 5 p.m. (ET), unless filed electronically. **Consistent with the Agency's E-Government initiative, parties are encouraged to file exceptions electronically.** If exceptions are filed electronically, the exceptions 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 the due date. Please be advised that Section 102.114 of the Board's Rules and Regulations precludes acceptance of exceptions filed by facsimile transmission. Upon good cause shown, the Board may grant special permission for a longer period within which to file.⁴ A copy of the exceptions must be served on each of the other parties to the proceeding, as well as to the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

Filing exceptions electronically may be accomplished by using the E-filing system on the Agency's website at www.nlr.gov. Once the website is accessed, select the E-Gov tab, and then click on the E-filing link on the pull down menu. Click on the "File Documents" button under Board/Office of the Executive Secretary and then follow the directions. The responsibility for the receipt of the exceptions rests exclusively with the sender. A failure to timely file the exceptions 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.

⁴ 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.

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GOVERNED UNITED SECURITY PROFESSIONALS,

Intervenor.

Intervenor's Objections to the Election

The International Union, SPFPA files the following Objections to the Election for which the ballots were tallied on August 21, 2013:

1. The Employer undermined the incumbent union (SPFPA) by inviting rival Unions to its facility and allowing them to solicit SPFPA's members.
2. The Employer's interference signaled a disapproval of the SPFPA and an endorsement of rival unions and therefore improperly influenced the election.
3. The Employer, acting through its agents, acted in these and other manners that destroyed the conditions necessary for a fair election

The events described above all took place during the critical period.

Exhibit A

By these and other acts, the Employer violated the Act and improperly interfered with the conditions necessary for a fair election. Therefore, the International Union, SPFPA requests that a rerun election be held without delay.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. Berg". The signature is written in a cursive style with a large, looping "E" and a long, sweeping tail.

Eric W. Berg

Dated: August 26, 2013

c.c. Master Security Company, LLC
Union Rights for Security Officers (URSO)
Governed United Security Professionals