

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

FJC SECURITY SERVICES,  
Employer

and

Case No. 22-RC-115634

PROTECTIVE SECURITY OFFICERS ASSOCIATION,  
Petitioner

and

SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 32 BJ,  
Intervenor

**ERRATUM**

Inasmuch as there is an inadvertent error in the Decision and Direction of Election that issued on January 17, 2014, the Decision is corrected to substitute the following paragraphs for the first two paragraphs in Section 1, page 2 of that Decision:

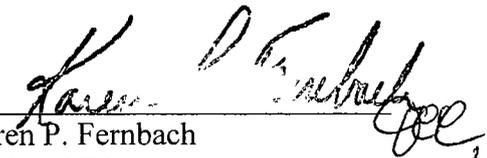
1. The Hearing Officer's rulings are free from prejudicial error and are hereby affirmed.

Regarding the deferred motion to dismiss, Local 32 BJ argues that upon issuance of a certification of result, the Board should not allow the filing of any petitions, for some reasonable time, in order to allow a “mixed” union an opportunity to demand voluntary recognition. Local 32 BJ contends that because the Board’s election process is fraught with delay, the statutory election bar should not be triggered until the validity of the election is final. This argument conflates the statutory prohibition with the Board’s policy regarding an insulated certification year bar.

Pursuant to Section 9(c)(3) of the Act, the twelve-month period during which a new election is barred applies to a valid election, and runs from the date of balloting, not the date of certification of results. *Mallinckrodt Chemical Works*, 84 NLRB 291 (1949); *Retail Store Employees Local 692 (Irvins, Inc.)*, 134 NLRB 686, fn. 5 (1961). As Petitioner notes in its opposition, it is well-settled that the twelve-month period is to be measured from the date of the holding of the election. *Bendix Corp.*, 179 NLRB 140 (1969). Here, the mail ballot election was conducted over two weeks in August 2012. Although the statutory bar for filing a petition would

expire August 2013, here it extends to October 18, 2013, which is the date that the Board concluded that the election was valid. Thus, the instant petition was timely filed on October 25, 2013. Accordingly, I am denying 32BJ's motion to dismiss.

DATED at New York, New York this 21st day of January 2014.

  
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Karen P. Fernbach  
Regional Director  
National Labor Relations Board  
Region 2  
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1/21/2014