

location severing close to one-half of the electors in the instant case and is more than simply a *Burns Successor* as in 406 US 272 (1972) and is instead a “perfectly clear successor” because of the inclusion of Executive Order 13495 for the Non-displacement of Qualified Workers incorporated as 48 CFR 52.222-17.

Secureamerica LLC assumed the role of Successor Employer on December 1, 2017. The severed electors (employed at 400 Maryland Ave SW) have no community of interest with their former colleagues at 550 12th Street SW. that remain in the employ of Paragon Security, the titled employer in the instant case. The ballots in the instant case have been impounded because of the appeal of a pending ULP case by the Intervener.

Motion for Extraordinary Relief under 102.67 (j)(i),(ii),(iii)

The Intervener seeks extraordinary relief and an expedited review of the instant case because of the particular circumstance of one bargaining unit being split into two by actions of the Department of Homeland Security effective December 1, 2017 while uncounted ballots sit impounded in the hands of Region Five.

The Intervener seeks a stay of all election proceedings in the instant R case during the pendency of all ULP proceedings against Paragon in the former unit split by the Department of Homeland Security on December 1, 2017 and impoundment and segregation of all ballots received by Region 5 in the instant case.

Motion to cancel the election in the instant case and dismiss the petition in the instant case

Argument in Favor of Successor Bar

The Intervener notes that as Secureamerica LLC is the perfectly clear Successor to Paragon for one-half of the Department of Education guards particularly those employees at 400 Maryland Ave SW. The Intervener further notes that at the time of contract changeover the Intervener was the certified 9(a) representative and as such is due an irrebutable presumption of majority. This position is based on the Intervener's interpretation of applicable case law in *UGL-UNICCO 357 NLRB 76(2011)*.

The Intervener asserts that the petition in the instant case is untimely under the Successor doctrine as it is applied to 400 Maryland Ave SW and should be dismissed. The Intervener further asserts that as Paragon is no longer the Employer for roughly one half of the electors in the instant case the case should be dismissed in that any ballots cast in the instant case would only affect those employees at 550 SW 12th Street because of the divergence of interests on December 1,2017. Any election held will not affect those employees now at 400 Maryland Ave so there is clearly no purpose for this election to proceed. The outcome of any election would only affect Paragon employees at 550 12th Street

SW Washington DC who remain employees of Paragon. The electors employed by Secureamerica LLC operating out of 400 Maryland Ave. SW have been allowed to vote on the question of representation in the instant case but would have no representation in that Paragon is no longer their Employer. It is only under the Successor Doctrine that there is a 9(a) representative at 400 Maryland Ave SW. Proceeding with the election would serve no purpose and as such the election in the instant should be cancelled so that the Intervener may proceed unencumbered to complete negotiations in what remains of the Paragon unit at 550 12th Street SW and undertake negotiations for the Secureamerica LLC unit at 400 Maryland Ave SW.

Submitted to NLRB by NLJSP

Sincerely,

Ronald A. Mikell, President

NLJSP

Cc FAP

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