

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 16**

SECURITAS SECURITY SERVICES

Respondent,
and

**Cases 16-CA-176006
16-CA-183494**

RYAN PATRICK MURPHY

Charging Party

**COUNSEL FOR THE GENERAL COUNSEL’S RESPONSE OPPOSING
RESPONDENT’S PARTIAL OPPOSITION TO REMAND AND MOTION FOR
PARTIAL SUMMARY REVERSAL**

Respondent argues that allegations as to two rules in this case should be dismissed rather than remanded for the exact same reasons that the Board dismissed allegations pertaining to certain rules in *The Boeing Company*, 365 NLRB No. 154 (December 14, 2017). However, this case presents facts and issues not addressed in *Boeing*, and remand for further proceedings is appropriate.

The rules analyzed by the Board in *Boeing* did not include a no-recording rule which specifically prohibits, “recording disciplinary sessions and/or investigations.” This prohibition is more than a generic no-recording policy and is properly evaluated as a Category 2 rule under *Boeing*. As such, remand and further proceedings are necessary.

Nor is the no-pictures/videos rule here the same as that in *Boeing*. In *Boeing*, the employer established the justification for a rule which prohibited employees from bringing phones or cameras into working areas. Employees there could never take pictures at work. In the case at hand, employees may bring phones or cameras to work, and may take pictures or

videos when “required by Post Orders or when directed by [supervisors].” Thus, the rule at hand is different in character than the *Boeing* rule and the justifications presented are different as well.

The rules at issue are different than the rules analyzed in *Boeing*. The facts and justifications are different as well. For these reasons, Counsel for the General Counsel opposes Respondent’s motion.

DATED at Fort Worth Texas, this 31st day of October, 2018.



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CERTIFICATE OF SERVICE

I hereby certify that Counsel for the General Counsel’s Response Opposing Respondent’s Motion for Partial Summary Reversal has been served this 31st day of October, 2018 on the following:

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