

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

WHELAN SECURITY MID-ATLANTIC, LLC
Employer

and

Case 05-RC-220538

LAW ENFORCEMENT OFFICERS SECURITY
UNIONS LEOSU-DC, LEOS-PBA
Petitioner

and

SERVICE EMPLOYEES INTERNATIONAL UNION,
LOCAL 32BJ
Interested Party

ORDER

The Employer's Request for Review of the Acting Regional Director's Amended Decision and Direction of Election Correcting the Name of the Employer is denied as it raises no substantial issues warranting review.¹

LAUREN McFERRAN, MEMBER

MARVIN E. KAPLAN, MEMBER

WILLIAM J. EMANUEL, MEMBER

¹ In denying review, we find no merit to the Employer's argument that the petition is subject to the recognition bar doctrine. The Employer's current bargaining obligation covers only security officers, who are represented by the Interested Party. As found by the Acting Regional Director, the evidence fails to establish that the collective-bargaining relationship between the Employer and the Interested Party clearly covers the petitioned-for sergeants, and instead shows a mutual intent to exclude them. Further, we agree with the Acting Regional Director's finding that the Employer and the Interested Party failed to prove that compelling circumstances warrant disturbing the historical unit consisting of security officers to add sergeants, a finding the Employer has not challenged.

We additionally reject the Employer's contention, raised for the first time in its Request for Review, that the Acting Regional Director should have directed a self-determination election. This issue was not properly presented to the Board. See Board Rules and Regulations, Sec. 102.67(e) ("Such request may not raise any issue or allege any facts not timely presented to the Regional Director."). Moreover, the Petitioner and the Interested Party do not seek a self-determination election.

Dated, Washington, D.C., January 11, 2019.