

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

PARAGON SYSTEMS, INC.

and

Case 13-CA-241354

**COMMITTEE FOR FAIR AND EQUAL
REPRESENTATION (CFER UNION)**

**MOTION TO TRANSFER PROCEEDINGS TO THE BOARD
AND MOTION FOR DEFAULT JUDGMENT**

Now comes Vivian Perez Robles, Counsel for the General Counsel of the National Labor Relations Board, and files this Motion to Transfer Proceedings to the Board and Motion for Default Judgment, pursuant to Section 102.24(b) of the Board's Rules and Regulations. Respondent Paragon Systems, Inc. failed to file an Answer to the Complaint and Notice of Hearing in the required timeframe. Accordingly, Counsel for the General Counsel files the instant Motion for Default Judgment pursuant to the Board's Rules and Regulations, Section 102.20.

In support, Counsel for the General Counsel respectfully submits the following:

1. Pursuant to an unfair labor practice charge filed by the Committee for Fair and Equal Representation (CFER Union) in Case 13-CA-241354 on May 13, 2019, the Regional Director for Region 13 issued a Complaint and Notice of Hearing on August 1, 2019, alleging violations of Section 8(a)(1) and 8(a)(5) of the National Labor Relations Act. Copies of the unfair labor practice charge and the affidavit of service for the charge are attached as Exhibits 1 and 2. A copy of the Complaint and Notice of Hearing and an affidavit of service for the Complaint and Notice of Hearing are attached as Exhibits 3 and 4.
2. The Complaint and Notice of Hearing advised Respondent that if it failed to file an Answer within 14 days of service thereof (August 15, 2019), as required under Section 102.20 of the Board's Rules and Regulations, all allegations in the Complaint and Notice of Hearing would be considered to be admitted true.
3. Because Respondent failed to file an Answer by the original due date (August 15, 2019), on August 29, 2019, Respondent was sent a "last chance" letter by certified mail, return receipt requested, from Vivian Perez Robles, an attorney for Region 13, stating Respondent had failed to file an Answer to the outstanding Complaint and Notice of Hearing, and extending the due date for filing of its Answer to September 5, 2019. Respondent was further notified that if Respondent failed to file an Answer by the close of business

September 5, 2019, the Region would file a Motion for Default Judgment with the Board. Copies of said letter and certified mail receipt are attached here as Exhibits 5 and 6, respectively.

4. Since delivery of the Complaint and Notice of Hearing, and the August 29, 2019 “last chance” letter, Respondent has failed to file an Answer and none is anticipated. Based on the foregoing, it is clear that no hearing in this matter is necessary and it is appropriate for the Board to issue a Decision and Order without further proceedings herein.

WHEREFORE, Counsel for the General Counsel respectfully moves that 1) the Board grant the Motion to Transfer Proceedings to the Board and Motion for Default Judgment; 2) find all of the allegations in the Complaint and Notice of Hearing to be true; and 3) issue an appropriate Order.

Dated at Chicago, Illinois, this 18th day of September 2019.



Vivian Perez Robles
Counsel for the General Counsel
National Labor Relations Board
Region 13
Dirksen Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604

Attachments

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of September 2019, a copy of the **COUNSEL FOR THE GENERAL COUNSEL'S MOTION TO TRANSFER PROCEEDINGS TO THE BOARD AND MOTION FOR DEFAULT JUDGMENT** was filed electronically through the Board's E-Filing System and also in the manner indicated upon the following parties of record and their counsel:

CERTIFIED MAIL AND ELECTRONIC MAIL

Laura Hagan, Vice President
Paragon Systems, Inc.
13900 Lincoln Park Drive, Suite 300
Herndon, VA 20171
lhagan@parasys.com

Carrie Upshaw, President
Committee for Fair and Equal Representation
(CFER UNION)
16268 Prince Drive
South Holland, IL 60473
cferunion@gmail.com

Will Davis, Vice President
Committee for Fair and Equal Representation
(CFER)
450 Prairie Avenue, Suite 106
Calumet City, IL 60409-2125
cferunion@gmail.com



Vivian Perez Robles
Counsel for the General Counsel
National Labor Relations Board
Region 13
219 South Dearborn Street, Suite 808
Chicago, Illinois 60604
(312) 886-2641
vivian.robles@nlrb.gov

Handwritten text, possibly a signature or name, appearing as a cluster of dark, illegible marks.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case 13-CA-241354	Date Filed 5/13/19

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Paragon Systems	b. Tel. No. (703) 263-0383
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 13900 Lincoln Park Drive Suite 300 VA Herndon 20171-_____	e. Employer Representative Laura Hagan Vice President
	g. e-Mail lhagan@parasys.com
	h. Number of workers employed 300
i. Type of Establishment (factory, mine, wholesaler, etc.) Security Systems & Services	j. Identify principal product or service Security
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) <u>5</u> _____ of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) --See additional page--	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Carrie Upshaw Title: President Committee For fair and Equal Representation (CFER UNION)	
4a. Address (Street and number, city, state, and ZIP code) 16268 Prince Drive IL South Holland 60473-_____	4b. Tel. No. (773) 562-8714
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail cferunion@gmail.com
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By <u>Carrie Upshaw</u> (signature of representative or person making charge)	Carrie Upshaw Title: President (Print/type name and title or office, if any)
16268 Prince Drive Address <u>South Holland IL 60473-_____</u>	Tel. No. (773) 562-8714
	Office, if any, Cell No.
	Fax No.
	e-Mail cferunion@gmail.com
	05/13/2019 14:43:40 (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is for processing unfair labor practice and related proceedings or litigation. The routine uses for the information are set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of the information is not required, but is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



Basis of the Charge

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by making unilateral changes in terms and conditions of employment.

List Changes	Approximate date of change
refusing to proceed with grievance to arbitration	3/29/2019

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by failing to furnish information requested by the union.

Date of request	Employer representative	List items requested	Date refused
4/3/2019	Laura Hagan	copies of emails between Paragon and Fps	5/2/2019

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PARAGON SYSTEMS

Charged Party

and

**COMMITTEE FOR FAIR AND EQUAL
REPRESENTATION (CFER UNION)**

Charging Party

Case 13-CA-241354

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on May 14, 2019, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Laura Hagan, Vice President
Paragon Systems
13900 Lincoln Park Drive Suite 300
Herndon, VA 20171

May 14, 2019

Date

Denise Gatsoudis, Designated Agent of
NLRB

Name

/s/ Denise Gatsoudis

Signature



**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

PARAGON SYSTEMS, INC.

and

Case 13-CA-241354

**COMMITTEE FOR FAIR AND EQUAL
REPRESENTATION (CFER UNION)**

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Committee for Fair and Equal Representation (CFER UNION) (Charging Party). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Paragon Systems (Respondent) has violated the Act as described below.

I.

The charge in this proceeding was filed by the Charging Party on May 13, 2019, and a copy was served on Respondent by U.S. mail on May 14, 2019.

II.

(a) At all material times, Respondent has been an Alabama corporation with an office and place of business in Chicago, Illinois, herein called Respondent's facility, and has been engaged in providing security guard services at various federal government facilities throughout the United States of America.

(b) During the past calendar year, a representative period, Respondent, in conducting its operations described above in paragraph II(a), performed services valued in excess of \$50,000 in States other than the State of Illinois.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

III.

At all material times, the Charging Party has been a labor organization within the meaning of Section 2(5) of the Act.



IV.

At all material times, Laura Hagan, held the position of Respondent's Vice President/General Counsel and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

V.

(a) The following employees of Respondent (the Unit) constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time security guards assigned by the Employer to the federal buildings in the state of Illinois pursuant to the Employer's Contract No. HSHQE5-14-D-00001 (the "DHS/FPS Contract") with the U.S. Department of Homeland Security/Federal Protective Service, and its successor(s), for the provision of security services at said facilities, but excluding all managers, supervisors, assistant supervisors, sergeants, lieutenants, captains, office and/or clerical employees, and all other employees of the Employer.

(b) At all material times, Respondent has recognized the Union as the exclusive collective-bargaining representative of the Unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective from November 16, 2017, through December 31, 2020.

(c) At all material times, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

VI.

(a) Since about April 3, 2019, the Union has requested in writing that Respondent furnish the Union with the following information:

i. Copies of all emails between Paragon and Federal Protective Services regarding Kim Washington, Jesse Allen, Julio Barrera, Latricia Thompson, Exell Owens, Bernard Laramore, Will Davis, and Viesha Young for allegedly failing covert test.

ii. Dates Kim Washington, Jesse Allen, Julio Barrera, Latricia Thompson, Ezell Owens, Bernard Laramore, Will Davis, and Viesha Young were removed from bidded post for allegedly failing covert test.

(b) The information requested by the Union, as described above in paragraph VI(a), is necessary for, and relevant to, the Union's performance of its duties as the exclusive collective-bargaining representative of the Unit.

(c) Since about April 3, 2019, Respondent has failed and refused to furnish the Union with the information requested by it as described above in paragraph VI(a).

VII.

(a) By the conduct described above in paragraph VI, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective-bargaining representative of its employees in violation of Section 8(a)(1) and (5) of the Act.

(b) The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before August 15, 2019 or postmarked on or before August 14, 2019**. Respondent should file an original and four copies of the answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer 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. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **October 29, 2019 at 10:00 a.m. at 219 South Dearborn Street, Suite 808, Chicago, Illinois 60604**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be

followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: August 1, 2019

Paul Hitterman

Paul Hitterman
Acting Regional Director
National Labor Relations Board
Region 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 13-CA-241354

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown, *and* the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in *detail*;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Laura Hagan, Vice President
Paragon Systems
13900 Lincoln Park Drive, Suite 300
Herndon, VA 20171

Carrie Upshaw, President
Committee for Fair and Equal Representation
(CFER UNION)
16268 Prince Drive
South Holland, IL 60473

Will Davis, Vice President
Committee for Fair and Equal Representation
(CFER)
450 Prairie Avenue, Suite 106
Calumet City, IL 60409-2125

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 13**

PARAGON SYSTEMS

and

Case 13-CA-241354

**COMMITTEE FOR FAIR AND EQUAL
REPRESENTATION (CFER UNION)**

AFFIDAVIT OF SERVICE OF: Complaint and Notice of Hearing (with forms NLRB-4338 and NLRB-4668 attached)

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on August 1, 2019, I served the above-entitled document(s) by **certified or regular mail**, as noted below, upon the following persons, addressed to them at the following addresses:

Laura Hagan, Vice President
Paragon Systems
13900 Lincoln Park Drive Suite 300
Herndon, VA 20171

**CERTIFIED MAIL, RETURN RECEIPT
REQUESTED**

Carrie Upshaw, President
Committee for Fair and Equal Representation
(CFER UNION)
16268 Prince Drive
South Holland, IL 60473

CERTIFIED MAIL

Will Davis, Vice President
Committee for Fair and Equal Representation
(CFER)
450 Prairie Ave
Ste 106
Calumet City, IL 60409-2125

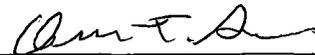
FIRST CLASS MAIL

August 1, 2019

Date

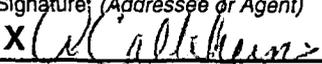
Denise Gatsoudis, Designated Agent of NLRB

Name

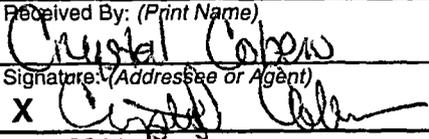


Signature



Is your RETURN ADDRESS completed on the reverse side?	SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
	3. Article Addressed to:		4a. Article Number	
	Laura Hagan, Vice President Paragon Systems 13900 Lincoln Park Drive, Suite 300 Herndon, VA 20171 13-CA-241354 CPT & NOH/Ortega		7009 2250 0002 3560 7842 4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
	5. Received By: (Print Name)		7. Date of Delivery	
6. Signature: (Addressee or Agent)		8. Addressee's Address (Only if requested and fee is paid)		
X  PS Form 3811, December 1994		Domestic Return Receipt		

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?	SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
	3. Article Addressed to:		4a. Article Number	
	Carrie Upshaw, President (CFER UNION) 16268 Prince Drive South Holland, IL 60473 13-CA-241354/Paragon Systems CPT & NOH/Ortega		7009 2250 0002 3560 7835 4b. Service Type <input type="checkbox"/> Registered <input type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
	5. Received By: (Print Name)		7. Date of Delivery	
6. Signature: (Addressee or Agent)		8. Addressee's Address (Only if requested and fee is paid)		
X  PS Form 3811, December 1994		Domestic Return Receipt		

Thank you for using Return Receipt Service.

*S/P
Notes*



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website:
www.nlr.gov
Telephone: (312)353-7570
Fax: (312)886-1341

Agent's Direct Dial: (312)886-2641

August 29, 2019

VIA CERTIFIED MAIL

Laura Hagan, Vice President
Paragon Systems, Inc.
13900 Lincoln Park Drive Suite 300
Herndon, VA 20171

Re: Paragon Systems
Case 13-CA-241354

Dear Ms. Hagan:

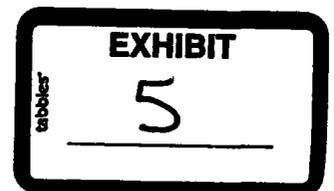
A Complaint and Notice of Hearing issued in the above-captioned case on August 1, 2019, and a copy of that Complaint has been attached hereto. Pursuant to Section 102.20 of the Board's Rules and Regulations, you were required to file an Answer to the Complaint no later than August 15, 2019. As of this date, the Regional Office has not received your Answer. Accordingly, please be advised that a Motion for Default Judgment will be filed with the Board if an Answer is not received in the Regional Office by Thursday, September 5, 2019. If you have any questions, please call me at 312-886-2641.

Very truly yours,

/s/ Vivian P. Robles

Vivian P. Robles
Field Attorney

Enclosure



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

7009 0820 0000 2470 6786

Laura Hagan
 Paragon Systems, Inc
 13-CA-241354
 no answer filed default warning
 Robles
 etc.

4b. Service Type

- Registered Certified
- Express Mail Insured
- Return Receipt for Merchandise COD

7. Date of Delivery

5. Received By: (Print Name)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)

X

Thank you for using Return Receipt Service.

PS Form 3811, December 1994

Domestic Return Receipt

