

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

ACO-123

NATIONAL LABOR RELATIONS BOARD	:	
	:	
Petitioner	:	No. 20-2795
v.	:	
	:	
UNITED GOVERNMENT SECURITY OFFICERS OF	:	
AMERICA, LOCAL 171 AND UNITED GOVERNMENT	:	Board Case Nos.
SECURITY OFFICERS OF AMERICA	:	22-CB-212804
INTERNATIONAL UNION	:	22-CB-227442
	:	22-CB-239422
Respondents	:	

JUDGMENT

Before: McKee, Shwartz and Phipps, Circuit Judges

THIS CAUSE was submitted upon the application of the National Labor Relations Board for the enforcement of a certain order on consent issued by it against Respondents, United Government Security Officers of America, Local 171 and United Government Security Officers of America International Union, their officers, agents, and representatives, on August 20, 2020, in Board Case Nos. 22-CB-212804, 22-CB-227442 and 22-CB-239422; and upon the record in that proceeding, certified and filed in this Court enforcing the order.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by the United States Court of Appeals for the Third Circuit that the order of the National Labor Relations Board be, and the same is hereby enforced; and that the Respondents, United Government Security Officers of America, Local 171 and United Government Security Officers of America International Union, their officers, agents, and representatives, abide by and perform the directions of the Board set forth in its order. (See Attached Order and Appendix)

Mandate shall issue forthwith.

BY THE COURT

s/ Theodore A. McKee
Circuit Judge

DATED: October 7, 2020

CJG/cc: David Habenstreit, Esq.
James M. Mets, Esq.

NATIONAL LABOR RELATIONS BOARD

v.

UNITED GOVERNMENT SECURITY OFFICERS OF AMERICA, LOCAL 171
AND UNITED GOVERNMENT SECURITY OFFICERS OF
AMERICA INTERNATIONAL UNION

ORDER

The United Government Security Officers of America, Local 171 and United Government Security Officers of America International Union, their officers, agents, and representatives, shall:

1. Cease and desist from
 - (a) Threatening to cause the Employer to discharge bargaining unit employees for failure to pay dues and/or service fees as a condition of employment at a time when no valid union-security agreement is in effect.
 - (b) Threatening to enforce the Respondents' by-laws and constitution against non-members by threatening to institute civil proceedings to collect dues and/or service fees.
 - (c) Attempting to enforce the Respondents' by-laws and constitution against non-members through civil proceedings.
 - (d) In any other manner, interfering with, restraining, or coercing employees in the exercise of their rights under Section 7 of the National Labor Relations Act, as amended.
2. Take the following affirmative action necessary to effectuate the policies of the Act.
 - (a) Promptly withdraw the civil lawsuit referred to in paragraphs 6(d) and 6(e) of the Re-Issued First Amended Consolidated Complaint, filed against Andrei Bobev.
 - (b) Promptly purge from the Respondents' internal union files and records any reference to the civil lawsuit, referred to in paragraphs 6(d) and 6(e) of the Re-Issued First Amended Consolidated Complaint, filed against Andrei Bobev.

- (c) Promptly notify Andrei Bobev that the civil proceedings initiated against him have been withdrawn, and that the Respondents' internal union files and records have been purged of any references to such proceedings.
- (d) Promptly make whole employees William Sona, Steven Tobias, Deborah Arrington, Michael Ciavola, Robin LaRosa, Rafael Morales Sr., and Tyrone Reynolds for dues and fees collected from them when no valid union-security agreement was in effect, by payment to each of them in the amount opposite each name in Tables 1 and 2 below.

TABLE 1

Name	Local 171 Dues and Fees	Interest	Total
William Sona	\$382.00	\$32.00	\$414.00
Steven Tobias	\$382.00	\$32.00	\$414.00
Deborah Arrington	\$382.00	\$32.00	\$414.00
Michael Ciavola	\$382.00	\$32.00	\$414.00
Robin LaRosa	\$382.00	\$32.00	\$414.00
Rafael Morales Sr.	\$382.00	\$32.00	\$414.00
Tyrone Reynolds	\$382.00	\$32.00	\$414.00

TABLE 2

Name	International Union Dues and Fees	Interest	Total
William Sona	\$92.00	\$8.00	\$100.00
Steven Tobias	\$258.00	\$20.00	\$278.00
Deborah Arrington	\$276.00	\$22.00	\$298.00
Michael Ciavola	\$55.00	\$6.00	\$61.00
Robin LaRosa	\$276.00	\$22.00	\$298.00
Rafael Morales Sr.	\$258.00	\$20.00	\$278.00
Tyrone Reynolds	\$258.00	\$20.00	\$278.00

- (e) Promptly purge from the Respondents' internal union files and records any reference to Andrei Bobev and William Sona, and any other non-member employees of the Employer, being delinquent or failing to submit dues and fees at a time when no valid union-security agreement was in effect.
- (f) Promptly rescind any requests that the Employer enforce a union-security agreement against William Sona and any other non-member

employees for failure to pay dues and fees during a time when no valid union-security agreement was in effect.

- (g) Promptly purge from the Respondents' internal union files and records any reference to requests that the Employer enforce a union-security agreement for failure to pay dues and fees during a time when no valid union-security agreement was in effect.
3. Take the following additional affirmative action necessary to effectuate the policies of the Act.
- (a) Within 14 days of service by the Region:
 - (i) Post on the Union bulletin board at the Employer's 50 Walnut Street, Newark, New Jersey location and on the Union bulletin board at the Employer's 2 Federal Square, 4th Floor, Newark, New Jersey location (collectively "Newark locations"), copies of the attached notice marked as Appendix A.
 - (ii) Copies of the notice, on forms provided by the Regional Director for Region 22, after being signed by the Respondents' authorized representatives, shall be posted by the Respondents and maintained for 60 consecutive days in conspicuous places on the Union bulletin boards at the Employer's Newark locations, including all places where notices to bargaining unit employees are customarily posted.
 - (iii) The Respondents will also copy and mail, at their own expense, a copy of the notice to all current and former bargaining unit employees who were employed by the Employer at any time since December 1, 2017.
 - (iv) Sign and return to the Regional Director sufficient copies of the notice for posting by the Employer (Paragon Systems, Inc.), if willing, at the Employer's facilities located at 50 Walnut Street, Newark, New Jersey and 2 Federal Square, 4th Floor, Newark, New Jersey, including all places where notices to bargaining unit employees are customarily posted.
 - (v) The Respondents will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material.
 - (b) Within 21 days after service by the Region, file with the Regional Director sworn certifications of responsible officials on a form provided by the Region attesting to the steps the Respondents have taken to comply. The Regional Director shall be supplied a copy of the

documents signed by officers, agents, or representatives of the Respondents attesting to the dates that the notices were posted at the Employer's 50 Walnut Street, Newark, New Jersey and 2 Federal Square, 4th Floor, Newark, New Jersey locations, and the locations where the notices were posted.

APPENDIX A

NOTICE TO EMPLOYEES

POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES COURT OF APPEALS ENFORCING AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER
AND A CONSENT JUDGMENT OF ANY APPROPRIATE
UNITED STATES COURT OF APPEALS**

FEDERAL LAW GIVES YOU THE RIGHT TO:

To form, join, or assist a union

Choose a representative to bargain with us on your behalf;

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT restrain or coerce you in the exercise of the above rights.

WE WILL NOT threaten to cause your employer to discharge you for failure to pay dues and/or service fees as a condition of employment at a time when no valid union-security agreement is in effect.

WE WILL NOT threaten to enforce our by-laws and constitution against non-members by threatening to institute civil proceedings to collect dues and/or service fees.

WE WILL NOT attempt to enforce our by-laws and constitution against non-members through civil proceedings.

WE WILL NOT in any other manner interfere with, restrain, or coerce you in the exercise of your rights under Section 7 of the Act.

WE WILL promptly purge from our internal files and records any reference to the civil proceedings that the United Government Security Officers of America, Local 171 filed on October 12, 2018 against Andrei Bobev, a non-member, to collect dues and/or service fees.

WE WILL promptly notify Andrei Bobev that our internal union files and records have been purged of any reference of such proceedings.

WE WILL promptly make whole William Sona and any other non-member who submitted dues and fees to the Unions at a time when no valid union-security agreement was in effect.

WE WILL promptly purge from our internal files and records any reference to Andrei Bobev and William Sona, and any other non-member employees, being delinquent or failing to submit dues and fees at a time when no valid union-security agreement was in effect.

WE WILL promptly rescind any requests that the Employer (Paragon Systems, Inc.) enforce a union-security agreement for failure to pay dues and fees during a time when no valid union-security agreement was in effect.

WE WILL promptly purge from our internal files and records any reference to requests that the Employer (Paragon Systems, Inc.) enforce a union-security agreement for failure to pay dues and fees during a time when no valid union-security agreement was in effect.

**UNITED GOVERNMENT SECURITY OFFICERS
OF AMERICA, LOCAL 171**

Dated: _____ By: _____
(Representative) (Title)

**UNITED GOVERNMENT SECURITY OFFICERS
OF AMERICA INTERNATIONAL UNION**

Dated: _____ By: _____
(Representative) (Title)

The Board's decision can be found at www.nlrb.gov/case/22-CB-212804 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half St., S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

