Crenulated Company, Ltd. *and* Local 971, International Brotherhood of Security Guards, Petitioner. Case 12–RC–7522 (formerly Case 2–RC–21140)

September 30, 1992

DECISION ON REVIEW AND ORDER REMANDING

BY MEMBERS DEVANEY, OVIATT, AND RAUDABAUGH

The Board has delegated its authority in this proceeding to a three-member panel, which has considered the Petitioner's request for review of the Regional Director's Decision and Order. The request for review is granted as it raises a substantial issue with respect to the Regional Director's finding that the Employer's shift security supervisors are supervisors within the meaning of the National Labor Relations Act (the Act) despite the fact they supervise employees of another employer. Having carefully considered the matter at issue, we find, contrary to the Regional Director, that the shift security supervisors are not statutory supervisors, as they do not supervise employees of their employer, and therefore the petitioned-for unit of two shift security supervisors is an appropriate unit for collective bargaining.

The undisputed facts as set forth in the Regional Director's decision show that the Employer owns and leases 14 residential apartment buildings in the Bronx, New York, which are known as New Settlement Apartments. CHP Security Service Company has a contract with the Employer to provide unarmed security service for the Employer's apartment buildings. The Employer employs two individuals classified as shift security supervisors to oversee these security guards. The Petitioner does not dispute the Regional Director's finding that the shift security supervisors exercise supervisory authority, but contends only that this authority does not render them supervisors within the meaning of Section 2(11) of the Act because the employees that they are supervising are employees of another employer.

Petitioner is correct. It is well established that an individual must exercise supervisory authority over employees of the employer at issue, and not employees of another employer, in order to qualify as a supervisor under Section 2(11) of the Act. See, e.g., *Eureka Newspapers*, 154 NLRB 1181, 1185 (1965); *Fleet Transport Co*., 196 NLRB 436, 438 fn. 6 (1972). In the instant case, it is uncontroverted that the petitioned-for shift security guards, found to be supervisors, are employed by a different employer from the security guards over whom they possess supervisory authority. Accordingly, we reverse the Regional Director's decision, reinstate the petition, and remand the case to the Regional Director for further appropriate action.

ORDER

It is ordered that the Regional Director's dismissal of the representation petition is reversed, the petition is reinstated, and the proceeding is remanded to the Regional Director for further appropriate action.