

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 34

GLOBAL ASSOCIATES, INC.

Employer ¹

and

UNITED FEDERATION OF SECURITY
OFFICERS, INC.

Petitioner

Case No. 34-RC-1873

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board, hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act, and it will effectuate the purposes of the Act to assert jurisdiction herein.
3. The labor organization involved claims to represent certain employees of the Employer.
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
5. The Employer, a California corporation, is under contract with the United States Department of Labor to operate the Connecticut Job Corps Center in New

¹ The name of the Employer appears as amended at the hearing.

Haven, Connecticut (hereinafter also referred to as the Center), at which it provides education and training to disadvantaged and "at risk" youths. The Center employs approximately 96 individuals. Solely involved in this proceeding are the six security officers and two lead security officers in the Center's Safety and Security Department whom the Petitioner seeks to represent. Although the Employer is otherwise in accord as to the unit's scope and composition, it would exclude the two lead security officers as managers and/or supervisors within the meaning of the Act. There is no history of collective bargaining covering any of the positions involved herein.

The operation of the Center is under the overall supervision of Director Vera Ford. Prior to November 22, 2000, all of the petitioned-for employees reported directly to Safety and Security Manager Earl Thatcher. Since Thatcher's departure on November 22, 2000, the Safety and Security Department has been under the supervision of Social Development Department Director Herbert Chatman. The record reveals that the Employer intends to eliminate the Safety and Security Manager position.² While Chatman is not assuming the position of Safety and Security Manager, and while some of the latter's responsibilities have been delegated to the two disputed lead security officers (see discussion *infra*), it is clear that Chatman will continue to supervise the Safety and Security Department until instructed otherwise. In addition, the record reveals that at certain undisclosed times, three Center Duty Officers who report to Chatman, also supervise the lead security officers

The two disputed lead security officers, Cheryl Roberson and Peter Moreau, were hired as security officers at an hourly rate of \$9.15. They were promoted to their current position with an hourly rate of \$11.00 on October 4, 1999. The hourly rate currently paid to the other security officers ranges from \$8.50 to \$9.04.

The record reveals that the basic job duties of the lead security officers are the same as those of the security officers. This includes, *inter alia*, inspecting the Center's premises, testing fire and intrusion alarms, conducting dormitory searches and seizures, assisting in controlling disturbances, investigating accidents and theft, assisting in

² As of the close of the hearing, the required approval for the elimination of the position was pending before the Department of Labor.

transporting individuals in need of medical attention, providing guard station coverage, maintaining various records and performing routine maintenance checks on vehicles.

With regard to their supervisory authority, even before Thatcher's departure, the lead security officers were called upon to serve as Center Duty Officer, and to substitute for the Safety and Security Manager in the latter's absence. However, the record does not reveal the extent of the lead security officers' authority when they functioned as either Center Duty Officer or Safety and Security Manager, or the frequency or duration of such occurrences. The record does reveal that since some time prior to his promotion to Lead Security Officer, Moreau has set the work schedules for all eight petitioned-for employees and that he has assigned overtime in order to provide necessary security coverage.

As previously indicated, since the departure of Safety and Security Manager Thatcher some of his responsibilities have been assigned to the Lead Security Officers. There is some dispute as to whether these additional duties and responsibilities include reviewing incident reports, scheduling fire drills and monthly safety inspections and independently verifying time records. However, there is no dispute that the Lead Security Officers have been assigned to prepare performance appraisals, which serve as the basis for wage increases, for the other security officers; that they have been told that they are authorized to warn, reprimand and place the other security officers on probation; and they have been authorized to "screen" and recommend new applicants for employment as security officers.

Based upon the above and the record as a whole, I find that the Lead Security Officers are supervisors within the meaning of the Act, and I shall exclude them from the unit found appropriate herein. See, *Burns International Security Services, Inc.*, 278 NLRB 565, 570-571 (1986); *Greenbrier Hotel*, 216 NLRB 721, 723-724 (1975); *Inspiration Consolidated Copper Company*, 142 NLRB 53, 55 (1963); *The Midvale Company*, 114 NLRB 372, 375 (1955).³

³ Contrary to the Employer's contention, the record contains no evidence that the Lead Security Officers formulate, determine, or effectuate management policies. I find, therefore, that they are not managerial employees.

Accordingly, I find that the following employees of the Employer 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 officers employed by the Employer at its New Haven, Connecticut facility; but excluding all office clerical employees, lead security officers and professional employees and other supervisors as defined in the Act.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the notices of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those employees in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. These eligible employees shall vote whether or not they desire to be represented for collective bargaining purposes by United Federation of Security Officers, Inc.

To ensure that all eligible employees have the opportunity to be informed of the issues in the exercise of their statutory rights to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v Wyman-Gordon Company*, 394 U.S. 759 (1969). Accordingly, it is hereby directed

that within seven (7) days of the date of this Decision and Direction of Election, the Employer shall file with the undersigned, an eligibility list containing the *full* names and addresses of all the eligible voters. *North Macon Health Care Facility*, 315 NLRB 359 (1994). The undersigned shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the Regional office, 280 Trumbull Street, 21st Floor, Hartford, Connecticut 06103, on or before January 9, 2001. No extension of time to file these lists shall be granted except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

Right to Request Review

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570. This request must be received by the Board in Washington by January 16, 2001.

Dated at Hartford, Connecticut this 2nd day of January, 2001.

/s/ Peter B. Hoffman
Peter B. Hoffman, Regional Director
Region 34
National Labor Relations Board

177-8540-7300