

United States Government

**NATIONAL LABOR RELATIONS
BOARD**

Region 11

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May 30, 2008

Re: Securitas Security Services USA, Inc.
Case 11-RD-698

Mr. Bruce Carmain
1536 Graystone Road
Fayetteville, NC 28311

Dear Mr. Carmain:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered.

As a result of the investigation, it appears that further proceedings on the petition are not warranted at this time. On August 3, 2006, International Union, Security, Police and Fire Professionals of America (SPFPA) was certified as the collective bargaining representative for all full-time and regular part-time security officers, guards and security police officers employed by the Employer at the Harris Nuclear Plant located in New Hill, North Carolina. On August 31, 2006, International Union, Security, Police and Fire Professionals of America (SPFPA), filed the charge in Case 11-CA-21302 and on February 20, 2007, it filed the charge in Case 11-CA-21464, alleging, *inter alia*, that the Employer had bargained in bad faith with no intention of reaching an agreement. An Order Consolidating Cases, Consolidated Complaint and Notice of Hearing issued in those cases on December 11, 2007, alleging that the Employer violated Section 8(a)(1),(3) and (5) of the Act by changing the work schedule of its security guards on or about June 27, 2006, without notice to or bargaining with the Union; by ceasing its annual practice of granting employees performance raises in or around April 2007, without notice to or bargaining with the Union; and, commencing on or about August 25, 2006, by refusing to bargain collectively with the Union and by negotiating with the Union in bad faith with no intention of entering into any collective-bargaining agreement.

The instant petition was filed on August 13, 2007.

Thereafter, on February 7, 2008, I approved a Settlement Agreement in the unfair labor practice cases which provided for, in addition to the posting of a Notice to Employees, the payment of interest due on the delayed performance wage increase to all employees who had received the wage increase retroactively. Additionally, the Employer agreed to bargain in good-faith with the Union, and if an agreement is reached, to put that agreement in a signed contract. Finally, the Employer agreed that the certification year for bargaining would be extended for 12 months beginning with the date the Employer commenced bargaining in good-faith.

Based on the above, I find that the instant petition should be dismissed under the Board's certification year bar rule, *Centr-O-Cast Engineering Co.*, 100 NLRB 1507, 1508 (1957). The

Employer's agreement to extend the certification year for 12 months acknowledges that the Union had no opportunity to bargain for a contract during the certification year. The effect of that agreement is that the certification year has not yet come to an end. As the Board will not entertain a petition that is filed during the certification year, I am dismissing the petition in this matter.

Pursuant to the National Labor Relations Board Rules and Regulations, Series 8, as amended, you may obtain a review of this action by filing a request therefore with the National Labor Relations Board, addressed to the Executive Secretary, National Labor Relations Board, Washington, D.C., 20570. A copy of such request for review must be served on the Regional Director and each of the other parties to the proceeding. This request for review must contain a complete statement setting forth the facts and reasons upon which it is based. The request for review (*eight copies*) must be received by the Executive Secretary of the Board in Washington, D.C., by the close of business at 5:00 p.m. EST (EDT) on **June 13, 2008**. Upon good cause shown, however, the Board may grant special permission for a longer period within which to file. The request for extension of time should be submitted to the Executive Secretary of the Board in Washington, D.C., and a copy of any such request for extension of time should be submitted to the Regional Director, and to each of the other parties to this proceeding.

The request for review and any request for extension of time for filing must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding, and the copy must be served in the same or faster manner as that utilized in filing the request with the Board. When filing with the Board is accomplished by personal service, however, the other parties shall be promptly notified of such action by telephone, followed by service of a copy by mail or telegraph.

Very truly yours,

/s/ Willie L. Clark, Jr.

Willie L. Clark, Jr.
Regional Director

RCM/yr

cc: Mr. Chris Newton
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