

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT
JUN 16 2006
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FOR DISTRICT OF COLUMBIA CIRCUIT
FILED JUN 16 2006
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UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NATIONAL LABOR RELATIONS BOARD

06-1207

Petitioner

No.

v.

Board Case No.:

NATIONAL ASSOCIATION OF SPECIAL
POLICE AND SECURITY OFFICERS

5-CB-9219

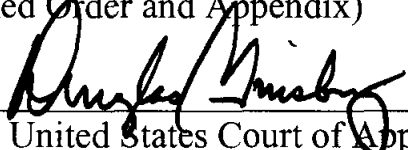
Respondent

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT
FILED SEP 13 2006
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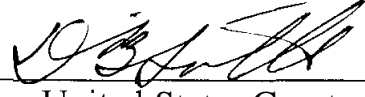
JUDGMENT

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 Respondent, the National Association of Special Police and Security Officers, its officers, agents, successors, and assigns, on June 6, 2006, in Board Case No. 5-CB-9219; and upon the record in that proceeding, certified and filed in this Court enforcing the order.

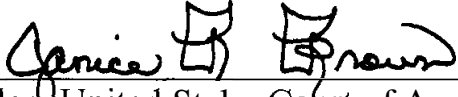
ON CONSIDERATION WHEREOF, it is ordered and adjudged by the United States Court of Appeals for the District of Columbia Circuit that the order of the National Labor Relations Board be, and the same is hereby enforced; and that the Respondent, the National Association of Special Police and Security Officers, its officers, agents, successors, and assigns, abide by and perform the directions of the Board set forth in its order. (See attached Order and Appendix)



Judge, United States Court of Appeals
For the District of Columbia Circuit



Judge, United States Court of Appeals
For the District of Columbia Circuit



Judge, United States Court of Appeals
For the District of Columbia Circuit

ORDER

The Respondent, National Association of Special Police and Security Officers, its officers, agents, and representatives shall:

1. Cease and desist from:

Restraining or coercing Unit employees, as set forth above, in the exercise of the rights guaranteed in Section 7 of the National Labor Relations Act, as amended by:

- (a) Failing to notify unit employees, when it first seeks to obligate them to pay dues and fees under a union-security clause, of their right under *NLRB v. General Motors Corp.*, 373 U.S. 734 (1963), to be and remain non-members, and of the rights of non-members under *Communications Workers v. Beck*, 487 U.S. 735 (1988), to object to paying for union activities not germane to its duties as bargaining agent and to obtain a reduction in dues and fees for such activities;
- (b) Failing to provide the Charging Party and other unit employees who resign their union membership and file *Beck* objections with information about the percentage reduction in dues and fees charged *Beck* objectors, the basis for that calculation, and the right to challenge those figures;
- (c) Charging non-member bargaining unit employees, including the Charging Party, for non-representation activities after they file *Beck* objections;
- (d) Telling unit employees that objections by non-members to paying for non-representational activities must be made by January 30, an arbitrary date not consistent with its *Beck* obligations;
- (e) In any other manner restraining or coercing Unit employees in the exercise of rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action which the National Labor Relations Board finds will effectuate the policies of the National Labor Relations Act:

- (a) Notify all bargaining unit employees in writing of their right under *General Motors* to be and remain non-members and of the rights of non-members under *Beck* to object to paying for union activities not germane to its duties as bargaining agent and to obtain a reduction in dues and fees for such activities. In addition, the notice will include sufficient information to enable the employees to intelligently decide whether to object, as well as a description of any internal union procedures for filing objections.
- (b) For each accounting period since December 21,2000, provide the Charging Party with information setting forth its major categories of expenditures for the previous accounting year and distinguishing between representation and non-representational functions.
- (c) Charge the Charging Party, so long as he is a non-member objector, only the portion of dues and fees representing his share of its expenditures for representational functions.
- (d) Honor the rights of the Charging Party to object to paying for non-representational activities regardless of whether he executes a dues check-off form.
- (e) Notify in writing those employees who it initially sought to obligate to pay dues or fees under the union-security clause in the collective-bargaining agreement on or after December 21,2000, of their right to elect non-member status and to make *Beck* objections with respect to one or more of the accounting periods covered by the Complaint.
- (f) Process the *Beck* objections of any employees whom it initially sought to obligate to pay dues or fees under the union-security clause on or after December 21,2000 who elect non-member status and file objections with reasonable promptness after receiving notice of their right to so object.
- (g) Reimburse, with interest, the Charging Party and any other non-member bargaining unit employees who file *Beck* objections with the Respondent, for any dues and fees exacted from them for non-representation activities, for each accounting period since December 21,2000.

- (h) Upon approval of this Settlement Stipulation, within 14 days of service by the Region post at the Respondent's office copies of the attached Notice to Employees and Members. Copies of the Notice, on forms provided by the Regional Director for Region 5, after being signed by the Respondent's representative, shall be posted immediately upon receipt and be maintained for 60 consecutive days in conspicuous places, including all places where notices to employees and members are customarily posted. The Respondent also shall post on bulletin boards maintained by the Respondent at the Employer's facility, where the unfair labor practices occurred, copies of the attached Notice. Reasonable steps shall be taken by the Respondent to ensure that such Notices are not altered, defaced, or covered by any other material.
- (i) In the event that, during the pendency of these proceedings, Systems Training and Resource Technologies, Inc. is no longer the Employer of the Unit employees at Federal Office Building Six in Washington, D.C., and there is no successor Employer whose Unit employees are represented by the Respondent at this location, the Respondent shall duplicate and mail, at its own expense, a copy of the Notice to all current employees and former employees employed in the Unit at any time since December 21, 2000.
- (j) Mail to the Regional Director for Region 5 signed copies of the Notice for posting, if Systems Training and Resource Technologies, Inc. is willing, in the Employer's facility at Federal Office Building Six in Washington, D.C., in the places where notices to employees are customarily posted. Copies of the Notice, on forms provided by the Regional Director for Region 5, after having been signed by the Respondent's representative, shall be forthwith returned to the Regional Director for such posting by the Employer.
- (k) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

NOTICE TO EMPLOYEES AND MEMBERS

Posted by Order of the
National Labor Relations Board
An Agency of the United States Government

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 organize,

Form, join or assist a union

Choose representatives to bargain on your behalf with your employer

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities

In recognition of your rights:

WE WILL NOT fail to notify unit employees, when we first seek to obligate them to pay dues and fees under a union-security clause, of their right under *NLRB v. General Motors Corp.*, 373 U.S. 734 (1963), to be and remain non-members, and of the rights of non-members under *Communications Workers v. Beck*, 487 U.S. 735 (1988), to object to paying for union activities not germane to our duties as bargaining agent and to obtain a reduction in dues and fees for such activities.

WE WILL NOT fail to provide GEORGE L. ROCK and other unit employees who resign their union membership and file *Beck* objections with information about the percentage reduction in dues and fees charged *Beck* objectors, the basis for that calculation, and the right to challenge those figures.

WE WILL NOT charge non-member bargaining unit employees, including GEORGE L. ROCK, for non-representation activities after they file *Beck* objections.

WE WILL NOT tell unit employees that objections by non-members to paying for non-representational activities must be made by January 30, an arbitrary date not consistent with our *Beck* obligations.

WE WILL NOT in any manner restrain or coerce you in the exercise of rights guaranteed you by Section 7 of the Act.

WE WILL notify all bargaining unit employees in writing of their right under *General Motors* to be and remain non-members and of the rights of non-members under *Beck* to object to paying for union activities not germane to our duties as bargaining agent and to obtain a reduction in dues and fees for such activities. In addition, the notice will include sufficient information to enable the employees to intelligently decide whether to object, as well as a description of any internal union procedures for filing objections.

WE WILL, for each accounting period since December 21, 2000, provide GEORGE L. ROCK with information setting forth our major categories of expenditures for the previous accounting year and distinguishing between representation and non-representational functions.

WE WILL, so long as GEORGE L. ROCK is a non-member objector, charge him only the portion of dues and fees representing his share of our expenditures for representational activities.

WE WILL honor the rights of GEORGE L. ROCK to object to paying for non-representational activities regardless of whether he executes a dues check-off form.

WE WILL notify in writing those employees whom we initially sought to obligate to pay dues or fees under the union-security clause in the collective-bargaining agreement on or after December 21, 2000, of their right to elect non-member status and to make *Beck* objections with respect to one or more of the accounting periods covered by the Complaint.

WE WILL process the *Beck* objections of any employees whom we initially sought to obligate to pay dues or fees under the union-security clause on or after December 21, 2000 who elect non-member status and file objections with reasonable promptness after receiving notice of their right to so object.

WE WILL reimburse, with interest, GEORGE L. ROCK and any other non-member bargaining unit employees who file *Beck* objections with us, for any dues and fees exacted from them for non-representation activities, for each accounting period since December 21, 2000.

The unit is: All full time and regular part time security guards employed by Systems Training and Resource

Technologies, Incorporated at Federal Office Building Six in Washington, D.C.; but excluding all non-guard employees, officers and directors of the Employer, project manager, supervisors and managerial employees.

NATIONAL ASSOCIATION OF SPECIAL POLICE AND SECURITY OFFICERS

(Respondent)

DATE: _____ BY: _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal Agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to an agent at the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlr.gov.

Region 5
103 South Gay Street, 8th
Baltimore, MD 21202

Telephone: (410) 962-2822
Floor Hours of Operation:
8:15 a.m. to 4:45 p.m.

Washington Resident Office
1099 14th Street, NW
Washington, DC 20570

Telephone: (202) 208-3000
Hours of Operation:
8:15 a.m. to 4:45 p.m.