

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

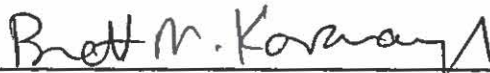
NATIONAL LABOR RELATIONS BOARD :
 :
 : **15-1348**
 Petitioner : No.
 v. :
 :
 :
 NATIONAL ASSOCIATION OF SPECIAL POLICE : Board Case No.:
 AND SECURITY OFFICERS OF AMERICA (NASPSO) : 05-CB-138335
 :
 :
 Respondent :

JUDGMENT ENFORCING AN ORDER OF THE
NATIONAL LABOR RELATIONS BOARD


Before: Kavanaugh, Pillard, and Wilkins, 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 Respondent, National Association of Special Police and Security Officers of America (NASPSO), their officers, agents, successors, and assigns, on September 28, 2015, in Board Case No. 05-CB-138335; and upon the record in that proceeding, certified and filed in this Court enforcing the order.

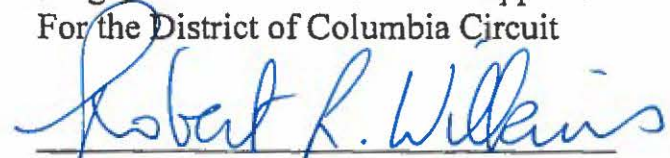
ON CONSIDERATION WHEREOF, it is ORDERED and ADJUDGED by the Court that the National Association of Special Police and Security Officers of America (NASPSO), its officers, agents, successors, and assigns, shall abide by said order (See Attached Order and Appendix).



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

NATIONAL LABOR RELATIONS BOARD

v.

NATIONAL ASSOCIATION OF SPECIAL POLICE AND SECURITY
OFFICERS OF AMERICA (NASPSO)

ORDER

National Association of Special Police and Security Officers of America (NASPSO), Washington, D.C., its officers, agents, and representatives, shall:

1. Cease and desist from:
 - (a) Failing to inform employees whom it seeks to obligate to pay dues and fees under a union-security clause of their rights under *NLRB v. General Motors Corp.*, 373 U.S. 734 (1963), to be and remain nonmembers, and of the right of nonmembers under *Communications Workers of America v. Beck*, 487 U.S. 735 (1988), to object to paying for union activities not germane to the Respondent's duties as bargaining agent and to obtain a reduction in dues and fees for such activities.
 - (b) Obligating the Charging Party and other bargaining unit employees to pay dues for months they were not provided notice of their *Beck* rights.
 - (c) Requiring bargaining unit employees to agree to payroll deductions as the sole means of satisfying their financial obligations to the Respondent.
 - (d) Receiving, accepting, or retaining monies withheld from wages as membership dues notwithstanding the absence of employee authorization for the deductions and remittance of said dues.
 - (e) Receiving assistance and support from the Employer by accepting dues deducted from the pay of the Charging Party, and other similarly situated employees, notwithstanding the absence of employee authorizations for the deductions and remittance of said dues.

- (f) In any like or related manner restraining or coercing employees of Securiguard, Inc. in the exercise of the rights guaranteed in 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) Notify in writing all bargaining unit employees about their right (1) to be, or to remain, a nonmember, and (2) of the rights of nonmembers to object to paying for union activities not germane to the Respondent's duties as bargaining agent and to obtain a reduction in fees for such activities. This notice must include sufficient information to enable employees intelligently to decide whether to object, as well as a description of any internal union procedures for filing objections.
- (b) With respect to any employees who, with reasonable promptness after receiving the notice prescribed in paragraph 2(a), elect nonmember status and file *Beck* objections, process their objections.
- (c) Reimburse with interest, any nonmember unit employees who file *Beck* objections with the Respondent for any dues and fees exacted from them for nonrepresentational activities.
- (d) Jointly and severally with Securiguard, Inc., make whole with interest the Charging Party and other similarly situated employees for all monies deducted from their wages as membership dues in the absence of employee authorization for the deductions and remittance of said dues, as listed in below:

| <u>Employee</u> | <u>Backpay</u> | <u>Interest</u> |
|------------------------|----------------|-----------------|
| Daniel Louis Booker | \$ 781.11 | \$ 15.00 |
| Emery Clayton Bryants | \$ 966.09 | \$ 19.00 |
| Hasan Jahi Carroll | \$ 781.11 | \$ 15.00 |
| Brian Edward Clark | \$ 400.95 | \$ 8.00 |
| Marful Ghansah | \$ 1,289.55 | \$ 25.00 |
| Maurice Allen Hobson | \$ 52.42 | \$ 1.00 |
| Ashley Maurice Johnson | \$ 626.85 | \$ 12.00 |
| Eric Ross | \$ 781.11 | \$ 15.00 |

| | | |
|---------------------------|-------------|----------|
| Brenda R. Smith | \$ 411.36 | \$ 8.00 |
| Darren Christopher Stroud | \$ 1,286.55 | \$ 25.00 |
| Kenneth F. Vandi | \$ 1,289.55 | \$ 25.00 |
| Kevin Lamont Whited | \$ 592.68 | \$ 12.00 |
| Charlie Andrew Williams | \$ 596.25 | \$ 11.00 |

- (e) Compensate the Charging Party and other similarly situated employees for the adverse tax consequences, if any, of receiving one or more lump-sum backpay awards, as listed above in paragraph 2(d).
- (f) Within 14 days of service by the Region, the Respondent shall mail copies of the attached notice marked Appendix A to all members and employees who work at the Kennedy Center for the Performing Arts facility in Washington, D.C. Copies of the notice, on forms provided by Region 5, shall be mailed after being signed by the Respondent's authorized representative.
- (g) Within 21 days after service by the Region, file with the Regional Director for Region 5 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.

APPENDIX A

15-1348

NOTICE TO EMPLOYEES

MAILED 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:

Form, join, or assist a union;

Choose representatives to bargain with your employer 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 fail to inform employees whom we seek to obligate 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 nonmembers, and of the right of nonmembers under *Communication 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 obligate Marful Ghansah and other bargaining unit employees to pay dues for months they were not provided notice of their *Beck* rights.

WE WILL NOT require bargaining unit employees to agree to payroll deductions as the sole means of satisfying their financial obligations to us.

WE WILL NOT receive, accept or retain monies withheld from wages as membership dues from employees who have not authorized the deduction and remittance of said dues.

WE WILL NOT receive assistance and support from Securiguard, Inc. by accepting dues deducted from the pay of Marful Ghansah and other similarly situated employees who have not authorized the deduction and remittance of said dues.

WE WILL notify in writing all bargaining unit employees of their right to be and remain nonmembers, and of the rights of nonmembers 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. This notice will include sufficient information to enable employees intelligently to decide whether to object, as well as a description of any internal union procedures for filing objections.

WE WILL jointly and severally with Securiguard, Inc., reimburse with interest Marful Ghansah and other similarly situated employees for all monies deducted from their wages as membership dues from employees who have not authorized the deduction and remittance of said dues.

WE WILL reimburse with interest any nonmember unit employee who files *Beck* objections with us for any dues and fees exacted from them for nonrepresentational activities.

WE WILL compensate Marful Ghansah, other similarly situated employees, and any objecting employees for the adverse tax consequences, if any, of receiving one or more lump-sum backpay awards.

WE WILL NOT in any like or related manner restrain or coerce you in the exercise of your rights under Section 7 of the Act.

**NATIONAL ASSOCIATION OF
SPECIAL POLICE AND SECURITY
OFFICERS OF AMERICA**

The Board's decision can be found at www.nlr.gov/case/05-CB-138335 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 Street, S.E., Washington, D.C., 20570, or by calling (202) 273-1940.

