



Volume V

July 2006

# Changing to Grow!

## Merger talks continue to make strides!

International President David L. Hickey meets with the New England Coalition of Public Safety (NECOPS) in an effort to join forces and add to the list of successful mergers for the SPFPA. The vision to unite the security industry to protect all security unions and gain "One Union, One Strong Voice" for our members Internationally, has proven to be successful and a positive move for the Security Industry. Now more than ever, Security officers need a strong union that will protect their best interest meeting the stringent requirements being placed on the men and women who protect and serve. This will be the tenth merger since President Hickey took office.



*President Hickey and President McHannon, NECOPS, shake hands in solidarity of the future merger.*



*(L-R) Jerry Flynn, Bryan McHannon, Dwight Duley, Dennis Eck, David Hickey, (back row) Mark Crawford, Howard Johannssen, Steve Maritas*

**One Union,  
One Strong Voice!**

## SPFPA INTERNATIONAL HEADQUARTERS EXPANDS TO GROW!



The SPFPA International Headquarters was erected on June 15, 1973 by the membership of the International Union, and dedicated to the enrichment of the human, social and economic lives of all who labor.

Later, office space was enlarged and renovated to accommodate the increased number of full time staff. In addition, stage, lighting and audiovisual aids were added to the SPFPA training conference center. Also, an improved automated tracking system has been put into place.

**SERVICE! TRAINING! ORGANIZING!**

### International Executive Board



### Department Directors



### International Office Staff



# Building Bridges

by Dwayne Phillips, President, SPFPA Local 1227

International Union, Security, Police and Fire Professionals of America (SPFPA) Local 1227, Greektown Casino; Local 1111, MGM Grand Casino; and Local 1212, Motor City Casino, make up the Casino Hotel Industry Police (CHIP) division of Detroit, Michigan, and have good news to share! We have taken positive steps to join together.

The Local Presidents of Local 1212, Brother John H. Carter, III, and Local 1227, Brother Dwayne B. Phillips, met recently and agreed to co-rent a meeting hall which will also serve as the Detroit-based CHIP office. This bridge of unity, along with the ever present service of the International, will be a great benefit to the Detroit Casino Security Professionals.



(L-R) Dwayne Phillips, Greektown Casino, and John Carter, Motor City Casino, are moving forward for CHIP Security Professionals.

# UPCOMING EVENTS



International President David L. Hickey encourages SPFPA locals and members to attend the education and training sessions hosted annually at International Headquarters.

## Steward Training/Organizing

Wednesday, August 9th

@ International Headquarters

## Fifth Annual National Security Summit

Thursday, August 10th

@ Barrister Gardens

## 16th Annual Charity Golf Outing

Friday, August 11th

@ Oak Ridge Golf Club

## Mark your calendar! Plan to attend!

For more information, contact International Headquarters at (800)228-7492

# M i s s i o n

## Vision

To be recognized by our members, companies, and other unions as the leading labor organization specializing in the representation of security, police, and fire professionals in the world.

## Goal

To provide improved, consistent service to our members and locals by dedicating ourselves to the steps necessary to move our Union forward and maintain a level of excellence.

## Mission

To better serve our Locals through improved communication, while maintaining a strong financial base and staying committed to the overall needs of our members and their families.

## Values

Uncompromising honesty, unyielding integrity, dedication, trust and respect.

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David L. Hickey, International President

## Message from the International President

*Vision of strength and unity!*

In May 2005, an aggressive, strategic plan was established by the International Executive Board to improve the level of service to our members, to better educate our local leaders and to focus on the organizing and growth of our entire organization. Communication lines have been both established and strengthened with many other legitimate labor organizations building bridges of information and support for issues affecting our members, and the entire labor move-

ment. We have been successful in completing the mergers of nine other 9(b)(3) unions with our own, and are finalizing the tenth merger to be completed by August.

For the first time in the history of our great Union, the SPFPA has established both a 401k and SPFPA medical benefit programs which can be presented in negotiations to our locals and employers burdened by the increased cost of benefits. Many of our locals have already taken advantage of the

new programs, and any locals interested in comparing their current plans and programs should direct that interest to their Regional Vice President prior to negotiations.

The Union has spared no expense to ensure maximum possibilities in achieving the positive gains our members truly deserve, and I commend the entire Executive Board for their vision in these difficult changing times.

Congratulations to all our newly elected Local Officers, and a special welcome to our over 1,600 newly organized members. We have achieved record breaking organizing success, and my sincere thanks to all who assisted in this great achievement.

Upcoming events that I strongly encourage locals to attend are the Steward Training/Organizing Seminar, the Fifth Annual National Security Summit and Charity Golf Outing that is scheduled to be held August 9th, 10th and 11th. Information has been mailed out to all SPFPA locals. Due to the overwhelming response that we had at last year's events, it is necessary for you to send back the registration forms if you are planning on attending. An exciting agenda is being prepared, and I hope that everyone is able to attend and join us again for this year's events.

In closing, I would like to thank everyone for their continued support. Your hard work and involvement is the reason for our success. As always, I commit myself to your service, and I promise. . . . . *I will not let you down!*

### Organizing strategies to win!

Campaigns to assist Security Officers in Colorado and the Western United States are in place. Security Professionals need a strong union that will protect their rights and their best interest!



Organizers Steve Maritas and Joe McCray report to Executive Officers on their recent trip and organizing leads in assisting security professionals in Colorado and across the western United States.

*“America's Union for Security Professionals”*

**SPFPA  YES**

# Hurricane relief donations help SPFPA members

When Hurricane Katrina devastated New Orleans, many SPFPA members were hit hard. Several SPFPA families lost everything when their homes were leveled to the ground. Many members from certain locals left and are not coming back. When FEMA went in to help, our members were told that only company people would have available housing. Our people were forced to move out of the company trailers. One particular SPFPA family was forced to separate, moving in with various relatives. Once a week, this family met to have dinner together, and then had to go their separate ways. This is but one, sad, heartbreaking story. There are no words to describe the anguish that SPFPA members, and others, have endured.

The International immediately took action to help, and many SPFPA locals stepped up to offer assistance even before they were ever asked. The SPFPA is truly a family who cares for one another. We should all be very proud of the differences we were able to make in restoring the livelihood and spirits of our Brothers and Sisters.



*"Let me take this time to acknowledge my sincerest gratitude and appreciation for your best wishes, prayers and contributions. As a Christian and brother member of this great International, I sincerely ask that you continue to pray for myself, my family and all those affected by this tragedy. Thank you all and God bless all of you!"*

*Charles Waker, Sr.*

*"Thank you, these funds were kindly appreciated!!"*

*Darrin Johnson*

*"I am so grateful for the help. Thank's so much. God Bless!!"*

*Elizabeth Gaubert*

*"To all the local unions who contributed, we appreciate everything you all are doing for us."*

*Wayne Boudoin*

*"Thanks to all of you and may God bless you all!"*

*Max Overstreet*

*"I appreciate your kindness and support."*

*Jay Oliver*

*"I honestly am speechless. Once again humanity has surprised me with the innate generosity within us all. My family and I thank you from the bottom of our hearts!"*

*Francisco Rodriguez, Jr.*

*"My sincere thanks and gratitude goes out to each and every one of you. Local 710 greatly appreciates your generosity and prayers."*

*Gerald Green*



*(Continued on page 16)*

***SPFPA members care for one another!***



Dennis T. Eck  
International Secretary-Treasurer

# International Secretary-Treasurer Report

## Making it Count!

I am pleased to report the many positive strides taking place in the Finance Department. A new automated tracking program has been installed and implemented, and work continues on developing reports to meet our current needs.

We have increased the staff in the Finance Department to meet the demands of our growth in membership. New procedures were developed regarding tracking members beginning with organizing through the receipt of dues. The Dues Authorization Card was redesigned to assist in streamlining data entry and mailing.

A direct deposit system has been instituted for payroll, which benefits SPFPA employees who are required to travel frequently to meet the needs of service.

I am proud to announce our income grew over \$1,000,000 in 2005. As you can see, we are growing in membership, but along with growth come increased ex-

penses as we increase staff, the price of gas, lodging, airline tickets, etc.

The list of delinquent locals has dropped and time lines are being met.

Our investments have been performing well. The growth is the direct outcome of good money managers employed by the International Union. UBS Paine Webber and Munder Capital have served us well for several years.

Many locals have taken advantage of the SPFPA benefit and/or 401k plan. President Hickey and I attended a benefits seminar in Las Vegas in February with regard to obtaining information about 401k and health plans, as well as LM-10 and LM-30 reporting. The information was valuable and we will continue to move forward on issues that will better service our members.

There has been a multitude of questions regarding elections, mainly due to the

number of new members that have joined the SPFPA family. The International Union's Constitution and By-Laws covers elections in great detail and should be referred to on issues when they arise. Each and every member was sent the International Constitution and By-Laws following the International Convention last year. DOL election booklets are also available upon request.

My thanks to all our hard working local Secretary Treasurers. Your support makes all the difference.

*The improvements we are making will better serve our membership for many years to come!*



June Bellant



Becky Messerschmidt

SPFPA International welcomes two new full-time staff members into the Finance Department at International Headquarters.

**Welcome to our full-time Staff!**



SPFPA Finance Department completes training on improved automated tracking system with Bill Opatich (SPFPA Computer Consultant) and Chris Exley, Unionware.

# Improving audit procedure to accommodate increased membership counts

by SPFPA International Trustees



**Bernard Hudley**  
Trustee



**Joseph Durbin**  
Trustee



**Louis Washington**  
Trustee

As the duly elected International Union Trustees of the International Union, Security, Police and Fire Professionals of America (SPFPA), we have recently reviewed the International Union's financial records.

Because of the addition of many new units and members, the International Union has updated its computer office systems and programs to keep up with the influx of the new membership at a reasonable cost to the International Union.

Secretary Treasurer Dennis Eck and all the office staff have done an excellent job of keeping the financial records of the International Union in good standing and have complied with all of our suggestions and recommendations to refine the International Union's financial record keeping.

***"The International Union has updated its computer office systems and programs to keep up with the influx of new membership".***



*Gloria Sanders, Assistant Bookkeeper, works with Bill Opatich (computer consultant) to make sure the newly installed dues module is accurately reporting dues income.*



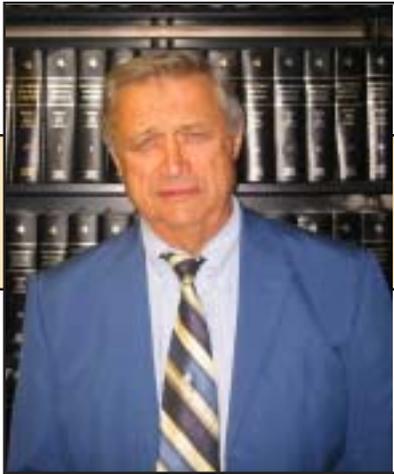
*Dennis Eck, International Secretary Treasurer (standing) works closely with International Trustees, Bernard Hudley, Louis Washington and Joseph Durbin.*

***Working together to achieve a common goal!***

**Local LM Reports are due after the Fiscal Period (March 31) each year.  
Local Quarterly Trustee Compilations must be submitted timely.**

**Please contact the International Finance Department if you have any questions regarding filing LM Reports and Quarterly Trustee Compilations.**

**Office: (586)772-7250 or Toll Free: (800)228-7492**



*Gordon A. Gregory, General Counsel*

## Hearsay

### Protecting your rights on physical fitness standards!

I was pleased to work with Local 574 at the King's Bay Submarine Base in securing a significant and precedent setting arbitration award.

The Local had negotiated a contract provision stating that "Failure to successfully complete the PT program shall not be grounds for discipline or discharge." New physical fitness standards were developed by the U.S. Navy, and the security contractor, Securiguard, Inc., was directed to implement them. Several security officers who were otherwise qualified and experienced in their duties were unable to meet the new standards. As a consequence they were terminated.

The new standards were not validated and not job related. Predictably, however, Securiguard argued that the new standards superseded the bargaining agreement.

At the hearing, the Union established the following:

- The employer made no effort to contact the Navy to obtain a possible exception or waiver of the new physical fitness requirements.
- The Navy maintains other worksites where the new requirements are not present, suggesting that an exemption or waiver would have been possible at the King's Bay site.
- The new test does not indicate an officer's ability to perform the duties of a security officer, and has not been job validated.
- During the last collective bargaining agreement negotiations between the Employer and the Union, the Employer made no effort to change Article 6, and did not attempt to negotiate a provision that would have allowed the contract between the Employer and the Navy to supersede any conflicting portion of the contract between the Employer and the Union.

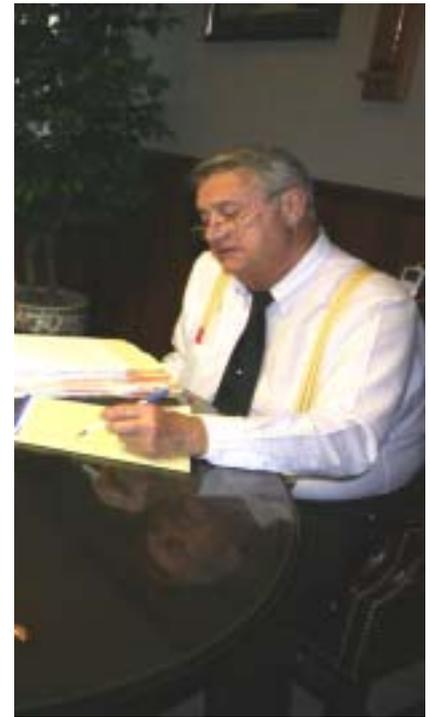
The Arbitrator, Jerome H. Ross, agreed with the Union's arguments that the Navy's revised physical fitness requirements did not justify the Employer's repudiation of the contract. The Navy was not a party to the contract and there was no express provision that third party regulations would supersede the contract.

While the Arbitrator had no authority to overrule or amend the Navy regulations, he did find that the contract protected employees who were unable to pass. Thus the Employer was responsible to assist the employee in passing the test, providing other work or providing severance pay. The case was remanded to the parties to develop a remedy and Local 574 is in the process of doing so. If agreement cannot be reached, the case goes back to the Arbitrator.

This case adds to arbitral precedent developed by our law firm to the effect that governmental and/or client rules, regulations and policies will not supersede lawful contract provisions minus a specific contract provision to that effect. It is too easy, as we have experienced, for an employer to request a client or an agency to change rules to relieve the employer of a contract obligation.

Most bargaining agreements have a "savings clause" which provides that the agreement is subject to law and changing law. There is no problem with such a provision, but there is a problem with a broad provision that the contract is deferrable to changes in rules, regulations or policies of the client or the government agency. This latter provision should be avoided in contract negotiations.

Our Union has not opposed physical fitness and other standards if they are validated, job related, reasonable, non-discriminatory and professional. The implementation of such standards must take into ac-



*Gordon A. Gregory prepares a strong case for SPFPA members when new physical fitness standards are developed that threaten their current employment and livelihood.*

count the age and sex of the employee, and provision must be made for adequate training, re-testing, exemptions and waivers, alternative employment and ultimately, severance pay.

It's an old problem but ever recurring, and still seeking a solution. This continues to be one of the grave challenges facing our Union.

As the global economy has forced employers to become "lean and mean" and to concentrate on "core business," new challenges include protecting retiree health care, preserving established health care for active employees, and maintaining defined benefit pension plans. By working together we can meet those challenges, and protect and advance gains made on behalf of professional security officers.

# SPFPA at Forefront of Battle Against NLRB's Threatened Diminishment of Employee Organizing Rights

By Mark L. Heinen  
Attorney for SPFPA

Following September 11, 2001, this nation and its citizens have reacted as a nation threatened. In times like these, fundamental principles such as the rights of persons to organize themselves to achieve common goals, can be considered by some as threatening to national security.

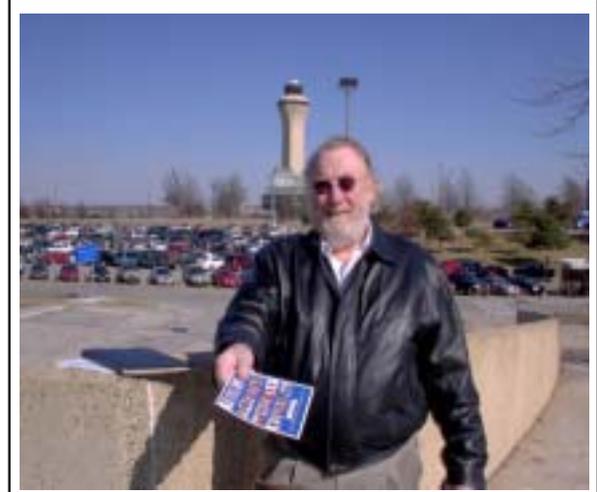
So it is with the right of employees to organize under the National Labor Relations Act. Not so long ago, the right of employees to organize into unions was considered the linchpin of our national labor policy. Today, the rights of workers to organize for better wages, health care and working conditions

rights, in *Firstline Transportation Security*, 344 NLRB No. 124 (2005). This case involves the SPFPA's petition for an election in a bargaining unit of privately employed security screeners at the Kansas City International Airport. In this case, as well as a couple of other recent decisions, the Board is tending to erode national labor policy and rights to organize in the name of some vague notions of security concerns.

In *Firstline*, the Board takes on a self-appointed role of "turning the American workplace into a new front in the war on terror." The Board opens up the possibility of a national security exception to the Board's jurisdiction. The Board granted review in this case of whether it has jurisdiction over privately employed airport security screeners, and whether it should exercise that jurisdiction.

The dissent in *Firstline*, by Board Member Wilma Liebman, correctly noted that, by granting the order for review, the Board was acting contrary to decades of established precedent, which favor private sector collective bargaining, especially in national security settings. It was "deeply troubling" to Member Liebman that the agency charged with protecting the institution of collective bargaining now is questioning whether it had jurisdiction over private employees, absent direction from Congress or the courts. Member Liebman reminded the reader that the Supreme Court stated over 50 years ago, in *Jones & Laughlin*, "in this nation, the statutory rights of citizens are not to be readily cut down on pleas of military necessity."

The majority's actions in *Firstline* have opened up the unprecedented possibility of a national security exception to



Howard Johannssen, Sr. Advisor to the President, hands out Union Authorization Cards to security officers at the Kansas City Airport.



Steve Maritas, Organizing Director, and Joe McCray, SPFPA Organizer, continue to protect security professionals and their right to become organized!

are in jeopardy from the erstwhile protector of such rights, the National Labor Relations Board. The SPFPA is at the forefront of a battle against the Board's threatened diminishment of employee organizing rights.

In several recent cases, the Board has used national security as a justification for sacrificing fundamental rights upon which our nation's labor relations policy was founded. The SPFPA is fighting the good fight, in defense of employee organizing

the Board's jurisdiction. If the Board finds that there is indeed a national security exception to its jurisdiction, there is no reason to believe that this exception should only be used for privately employed security screeners and nothing more. Why not extend the exception to other privately employed security personnel, for example at DOD sites, DOE sites, NASA sites and NRC sites? From there, why not extend the exception to privately employed employees, in any occupation, employed at water supply facilities, chemical plants, docks and harbors?

The *Firstline* security screeners voted in a Board-conducted representation election in mid-2005. Then, very quickly, the Board granted review, and the uncounted ballots were impounded, pending disposition of that review. The briefs in the case were submitted in the fall of 2005. The SPFPA requested oral argument before the Board, a seldom-granted procedure. At press time, the Board has not yet responded with any scheduling of oral argument or any decision on review. In the meantime, the ballots remained uncounted. The *Firstline* briefs are available for review at [www.nlr.gov](http://www.nlr.gov) (under "NLRB Documents" heading, click "Hot Docs"). \*\*\*

**SPFPA takes ACTION for Organizing YOUR Rights!  
Protection Security Professionals Deserve!**

# Security Professionals Nationwide Vote "Yes" for SPFPA!

**Over 1,000 Security Professionals working at 10 different Army/Air Force bases vote in favor of representation by the SPFPA**



Facilities include:

- West Point, New York
- Redstone Arsenal, Alabama
- Fort Monroe, Virginia
- Lake City Army Ammo Plant, Missouri
- Fort Leavenworth, Kansas
- Fort Sam Houston, Texas
- Fort Belvoir, Virginia
- Naval Undersea Warfare Center, Rhode Island
- Fort Carson, Colorado
- Patrick Air Force Base, Florida

90 Security police professionals working for Wackenhut at the Department of Homeland Security in Washington, D.C., have joined the SPFPA after the employer had agreed to recognize the union after a card check.

**SPFPA**  
**☑ YES**

Companies include Wackenhut, Alutiiq, Akal, and Chenega.

## Recent Organizing "Wins"

45 BAA Indianapolis Airport Public Safety Officers voted for the SPFPA. Last year, 50 BAA Indianapolis Airport security police professionals voted for the SPFPA. Presently, the SPFPA has several campaign drives at various airports around the country.



*Steve Maritas, Organizing Director, discusses the benefits of organizing with SPFPA.*

125 Detention Officers working for the GEO Group in Texas voted to join SPFPA representation.

20 Security professionals working for MVM at GSA buildings in Puerto Rico have voted for SPFPA.

45 Security police professionals working for Ares group in Maryland have joined the SPFPA after the employer agreed to recognize the union after a card check.



**Join SPFPA International Officers at the Organizing Training Program scheduled to be held at International Headquarters on Wednesday, August 9th.**

**SPFPA Organizing Department has over 15 scheduled elections to represent over 1,000 new security professionals nationwide over the next few months.**

# Organizing Director



Steve Maritas  
Organizing Director

## Organizing “WIN” Rate Highest in the Country!

The Organizing Department has been very busy and I am proud to report that the SPFPA organizing win rate is the highest in the country.

A recent report by an independent firm clearly recognizes SPFPA as having the highest winning organizing percentage rate in the country compared to the ten most active organizing unions.

SPFPA organizing win rate since 2004 is an astonishing 82% with 77 wins, compared with the 10 most active unions in the country:

- Steelworkers
- Teamsters
- Auto Workers
- Communication Workers
- Food & Commercial
- Machinists
- Operating Engineers
- Electrical Workers
- Painters
- Service Employees

SPFPA also holds the record for having the highest winning voter percentage during this period with a 70% voter rate in favor of SPFPA. Over the last five years, SPFPA has won over 154 elections with total eligible voters amounting to 15,574 and a winning organizing rate of 74%, topping again the most 10 active unions in the country.

The above average rate does not include recognition agreements obtained over the last five years and the mergers of other security unions who saw the benefits of merging with the largest union of security professionals in the country, SPFPA!



**SPFPA 82% Organizing Win Rate is highest in the country**

*“America’s Union for Security Professionals”*

**RECORD-BREAKING ORGANIZING WINS  
GAIN A STRONG VOICE FOR SECURITY  
PROFESSIONALS NATIONWIDE!**

**SPFPA  YES**

**For more information on Organizing,  
contact Steve Maritas, SPFPA Organizing Director  
Office: (586)772-7250 or Cell: (646)567-6454**

Visit our website [www.SPFPA.org](http://www.SPFPA.org)

# Scholarship Award Winners

## CONGRATULATIONS!



Andrea Mracko  
Local 502



Ashley Umberger  
Local 557



Daniel Willis  
Local 330



Monica Kelly  
Local 690



Bridget Kelly  
Local 690



Jennifer M. Jendreski  
Local 502



Jill Freeman  
Local 542



Joseph Sadewasser  
Local 218



Edward Paul Keiller  
Local 238



Colin Mix  
Local 238

## SPFPA SCHOLARSHIP PROGRAM

SPFPA members and their families are eligible to receive

**\$1,000.00**

for education!

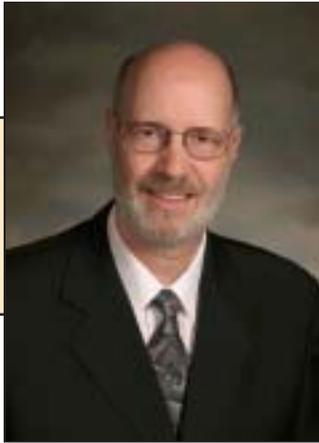
For more information  
contact International Headquarters  
(586) 772-7250



Stacey R. Zurman  
Local 502

Sophonra Wright (not pictured)  
Local 330

The International Union, SPFPA, is proud to support the SPFPA Scholarship Program.  
Education is a benefit that our members and their families deserve!



Mark A. Crawford  
Vice President, Region 4

## Region 4 News

### Many Changes in Region 4

Region 4 is growing at a fast pace with the state of Illinois being incorporated into this Region and several new units being added. I would like to welcome our newest members which include MGM Grand Detroit Casino Security Officers; BAA/Indianapolis Airport Police and the BAA/Indianapolis Airport Public Safety Officers; Day & Zimmerman Security Officers in Joliet, Illinois; Allied/Barton Security Officers in Mishawaka, Indiana; and Akal Court Security Officers in Western Michigan.

In order to keep our promise for service, some changes have been made in order to better represent our members. Brother Harold Trigg has been given additional duties and is now the International's Automotive Director. Thank you, Brother Trigg for all of your help.

Some other changes in Region 4 include the merging of several locals. This has improved service and communication and we will continue to look at ways to better service our membership.

Numerous contracts have been negotiated this past year, and I want to thank the local officers and negotiating committees that participated in those negotiations. Those include MGM Grand Detroit Casino, Akal Court Security Officers Eastern District; Wackenhut DaimlerChrysler National Agreement; Securitas at the Guide Corporation; North Oakland Medical Centers; United Auto Workers (U.A.W.); Mueller Brass; Mason & Hanger; Securitas at E.M.D.; International Truck & Engine; and Wackenhut at Braidwood Nuclear. Currently, I am negotiating six different contracts and have several more to negoti-

ate before the end of this year not including any new units. It is a busy time for Region 4.

On a sad note, I would like to acknowledge Brother Michael Moore, one of our fellow Brothers from BAA Airport Police Department, who was shot in the line of duty. Brother Moore will recover from his injuries, but he has truly shown what it means to serve and protect. Our best wishes to you, Brother Moore, on a speedy recovery.



Mike Moore, SPFPA Local 21,  
BAA Indianapolis Airport,

**Officer Mike Moore was wounded while responding to a domestic disturbance call. Brother Moore is doing well and in good spirits, and has been nominated to receive the Purple Heart and Medal of Bravery.**

**Great job Brother Moore and best wishes for a speedy recovery!**

## National Automotive Director



Harold Trigg  
Automotive Director

The election of executive officers and stewards within all Securitas and Wackenhut locals should now be complete and I would like to congratulate all who are new at their positions. If I can help you in any way, please feel free to call me.

If you notice, I included Wackenhut locals in my first statement. In October 2005, President Hickey expanded my position to SPFPA Automotive Director which includes Wackenhut working at DaimlerChrysler locations throughout the country. I am proud to accept this responsibility and the faith that President Hickey has in me to move forward with this endeavor. This expanded duty will not prevent me from

giving each account and officer the service expected by them.

This is a trying time for our security officers with the situation at General Motors and Delphi. Believe me, we are doing all we can to protect our officers. I encourage all officers to read your contract over and over to be sure of your rights. If I can be of any assistance, please call me.

I encourage all SPFPA locals and members to attend the National Security Summit being held at the International Headquarters in August. At this event, you will be able to learn and receive information to take back to your members. Thank you and have a great summer.

# Proper Processing of a Deferred Charge

by Rachel N. Helton  
Attorney for SPFPA

Many of you have probably either been involved with, or heard of, a “deferred” unfair labor practice charge. This article is intended to remove any confusion as to what this phrase means, and what a local union’s obligations are with respect to processing the deferred charge.

The phrase arose out of the holding of a significant NLRB case, entitled *Collyer Insulated Wire*, 192 NLRB 837 (1971). Under this case, the Board has the authority to “defer” a charge to arbitration if the following factors are present: the conduct in question is recognizable under the grievance procedure; the grievance procedure culminates in final and binding arbitration; and the charged party waives all timeliness defenses to the grievance.

In other words, if an arbitrator is able to issue a final and binding decision which resolves the matter according to his or her interpretation of the collective bargaining agreement, the charge can be deferred.

Sometimes, the arbitrator will be unable to resolve the issue according to his or her interpretation of the CBA. The following are some examples of cases that are not appropriate for deferral: when the charge involves determination of any representation issues; when the charge involves a refusal by the employer to provide information pursuant to a valid request; or when the employer refuses to waive any arguments it has concerning the timeliness of a grievance.

Unions frequently file charges because of this last issue: they have failed to process a grievance in accordance with the contractual grievance procedures. A deferred charge is one way to “save” a late grievance, since an employer is forced to either waive time limits or risk a trial on the underlying charge before the NLRB. Deferral can therefore be used as a tool.

But it is important to remember that in order to use it, you must have a grievance that also involves an arguable unfair labor practice. This excludes cases in which the parties have a simple dispute over the interpretation of a CBA provision, or where an employee is disciplined for reasons that cannot be said to constitute illegal conduct under the Act.

On the other hand, if, for example, the Employer unilaterally changes an existing term or condition of employment that has been codified in the CBA, this act may form the basis for both a grievance and a charge. Similarly, if an employee is fired, and there is evidence that the termination was a result of his or her union activity, the union could file both a grievance and a charge protesting the termination. Both of these examples would be appropriate for deferral under *Collyer*.

*Collyer* does have its limitations. One is that a charge must comply with the NLRB’s six month statute of limitations. That means that the charge must be filed within six months of the date on which the events that gave rise to the charge occurred.

Once the Board defers a charge, it ba-

sically stops processing it. Therefore, it is up to the union to ensure that the matter is proceeding to arbitration via the grievance procedure contained in the CBA. Some locals make the mistake of taking no action on a grievance once the charge has been deferred, because they believe that the NLRB will arrange the arbitration details. The Board has no involvement in the arbitration.

Frequently a charge is deferred and the employer fails to respond to the union’s request to schedule the arbitration. If this happens, the union should contact the Board after waiting a reasonable time for the employer to comply with its requests. The union can also request that the Board revoke its deferral and proceed with the charge on its own. Sometimes, a Board’s threat to revoke deferral is enough to spur the employer into action.

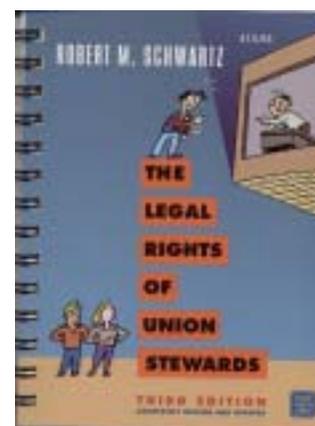
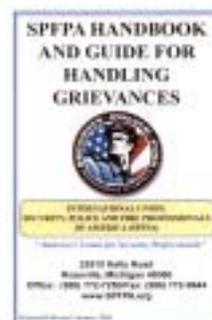
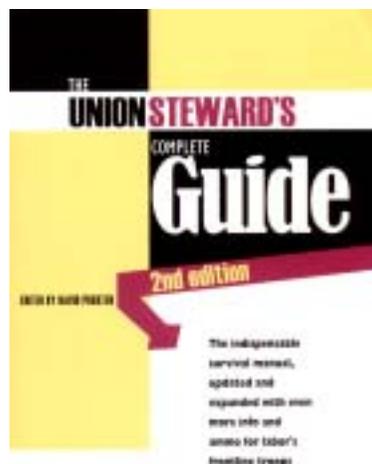
One other downside to *Collyer* is that the union is stuck with the arbitrator’s decision on both the grievance and unfair labor practice issue, whether or not it agrees with it. If the union loses at an arbitration involving a deferred charge, the union can ask the Board to reconsider the arbitrator’s decision on the unfair labor practice issue. Theoretically, the Board could proceed to hearing on the charge and issue an award that overrides the arbitrator’s decision. In practice, however, this almost never happens.

Despite its limitations, *Collyer* can be a valuable tool for unions, as long as they understand what their responsibilities are once the charge has been deferred.

## Training guides and handbooks for Union Stewards

**Having the right tools makes all the difference!**

Local Presidents are encouraged to take advantage of the training materials available through the International Headquarters. Knowledge is your best tool to being successful in representing your fellow officers. Order forms can be obtained by contacting the International Headquarters at (586)772-7250 or can be downloaded from the SPFPA website at [www.SPFPA.org](http://www.SPFPA.org).



## International Vice President-at-Large



Dwight E. Duley  
International Vice President-at-Large

### *Protect your time limits!*

The past year has been extremely busy and challenging for me pursuant to my duties as Vice President-at-Large. I have had the pleasure of speaking to numerous local union officials concerning questions, complaints and advice. In order to maintain proper protocol,

In order for grievances to be processed in an effective and efficient manner, the following procedure should be followed:

- In order to have all of the information that you need to evaluate and process grievances, don't hesitate to send management a "Request for Information" letter outlining all pertinent and relevant documentation that you will need to submit your grievance.

- If management does not answer the grievance in the time allotted in the contract, move the grievance in writing to the next level.

- If the local president determines the grievance lacks arbitration merit, he will have the grievance withdrawn without precedent or prejudice and give notice to all interested parties.

- If the local president believes that the grievance merits arbitration, he/she will promptly submit the complete file, and state the reasons why it should be approved, to the Regional Vice President for further

evaluation. Grievances should not be submitted directly to the International.

- If the Regional Vice President determines that the case merits arbitration, he/she will submit the case to International Headquarters for consideration along with the reasons why.

- The International Screening committee will make the final determination on the merits for arbitration.

Since May, 2005, close to 100 grievances have been evaluated by the International Union, involving a multiplicity of issues. Many of the case files, however, have lacked essential information necessary for proper review. When that occurs, I am forced to waste precious time tracking down information and documentation. Let's all do our part to improve the process.

It takes team work and the involvement of all levels of union leadership in order to adequately process grievances. **Lets team up and make the union the best it can be!**



*President Hickey gets involved in resolving issues that arise in the grievance and arbitration process. Protecting the rights of SPFPA members continues to be a priority at the International level.*



*Dwight Duley, International Vice President keeps in close contact with SPFPA local officers to make sure case files are completed for a positive outcome for our members! Cases are screened, contracts reviewed, and time limits protected. Dwight and Joanne Vance, Secretary, are a dynamic team for grievance/arbitration processing.*



however, union officials should go through the hierarchy of the local and their respective Regional Vice President before contacting the International.

One of the major functions of my office is to review grievance requests for arbitration. Grievances are reviewed by me and/or the law firm and rejected or approved by the Arbitration Committee.

- It is imperative that each local follow the grievance process as stated in their respective Collective Bargaining Agreement and follow the International Union's procedure in processing grievances.

- Grievances must be filed timely and each step of the grievance procedure must be followed in order to protect the status of the grievance.



Bobby R. Jenkins  
Vice President, Region 10

## Region 10 News

I want to take this opportunity to thank every Local throughout the International who contributed to the Katrina relief fund for victims in locals, 704, 709, 710 in New Orleans and Local 711 in Bay St. Louis, MS. Also thanks to the International for their contribution to this fund. International President, Dave Hickey and I hand delivered checks to each officer in the above mentioned locals who lost their home to this terrible destruction. Each and every officer who received checks were very grateful. It was a very humbling experience when we toured some of the sites hit by the storm.

Some of our members are still separated from their families and are staying with family members in different parts of the city they live in, different cities and even different states. To each and everyone and your families affected by Katrina, you will continue to be in our thoughts and prayers.

On a much less personal note for me, Katrina played havoc with my schedule, negotiations cancelled, two were moved to another state, hotels and rental cars were hard to get because of damage or government employees taking them. It will most likely be some time before everything returns to normal in these states.

I would like to welcome new locals on board, 266 and President, Walter McCullum; 261; President Lemone Reece, Local 261; President Yvette Burnett, Local 264; and President Gerhard Marburger Jr., Local 108. A special thanks to all of you for your hard work and the professional way you conducted business.

A special thanks to Gordon Gregory for the big arbitration win for Local 574 at King's Bay, Georgia, a few months ago. This case was about three officers failing their P.T. Fitness Test.



A special "thank you" to our many locals brothers and sisters who contributed to the SPFPA Hurricane Katrina Fund.

## Hurricane Relief

(Continued from page 5)

"I thank the union for everything they have done to help!"

Gregory Gaubert

"Thank you so much for the generous gift from our fellow Brothers and Sisters. It is very much appreciated!"

Chet Hirstius

"Thank you for the check. May God bless every one of you."

Jonathan Ragan

"Thanks for the check. My family can use the help."

Salvador Marchese

"Heartfelt thanks!"

Don Kinsey

"Thanks for your support. God bless.."

Ronald Adams, Jr.

"Thank you very much. God bless all of you"

Jason Pohlmann

"I'd like to thank everyone who supported us."

Glenn Carpenter

"In appreciation of the local 710 SPFPA."

Edward Woods

"I love to thank all the members of SPFPA for their assistance."

Allen Gusma

"On behalf of myself and my family I thank all for their consideration and may God bless you all."

William Baldwin, Jr.

"Thank you on behalf of my family and I. God bless each and everyone of you."

Patricia Green

"Thank you very much. God bless you as you have blessed me."

Raquel Dede

"Thank you very much."

Dionne Mudd

"Thank you very much, I greatly appreciate your generosity."

Michelle Young

"I really thank the local unions for their grateful concern of our loss. May God bless you."

Mark Stickman

"Thank you for everything. It means a lot."

Donald Leon

# Union Organizing Win a Rare Victory at the NLRB

by James M. Moore  
Attorney for SPFPA

In a unanimous three member ruling, the National Labor Relations Board (NLRB) recently concluded that an employer violated the Act when it prohibited an off duty employee from engaging in union solicitation and distribution in an employee parking lot. Even though the manager who directed the off-duty employee to leave the parking lot claimed to be unaware that the employee was engaged in union activity, the manager's conduct interfered with the employee's right to exercise protected concerted activity under Section 7 of the Act. The Board also rejected the employer's defense that it had written a letter repudiating the manager's conduct since the employer continued its unlawful prohibition against solicitation and distribution in its retail parking lots. This ban was in a "non-work area" — the only "work" done there was retrieving shopping carts, which was not an integral to the employer's business - and, therefore, unlawful. *Meijer Inc., 344 NLRB no. 115 (2005)*

What makes this ruling remarkable was its unanimity - with two Republican members joining in the decision. More typical of the current pro-employer Board are decisions like *North Hills Office Service Inc. 345 NLRB No. 107 (2005)*. There the Board, in a two to one decision with Democratic Member Wilma Liebman dissenting, held that the employer did not violate the Act when it told an off duty employee not to speak to a non-employee union organizer on its job site. In her dissent, Member Liebman pointed out that while the employer purported to simply ask the employee to move the conversation off site, in reality the employer's action was part of a concerted effort to restrain the

## Region 11 News



Terry J. Fowler  
Vice President, Region 11

### Changes in Security which affect our employment

Recently we have seen changes in the security field which will forever effect our employment. After 911, security did increase in almost all areas of our membership. However, the biggest changes were the ones implemented very quietly. The U.S. Department of Energy changed physical fitness standards which will affect up to 4,000 security police officers in the next year by increasing requirements. The Department of Defense also increased their physical standards, eliminating some members from the work force and at another location eliminated bargaining unit jobs. These jobs were replaced by full time military personnel who cost more when considering the overall expense to the government. The Department of Homeland Security is allowing their contracting officers to pick and choose which officers to remove from the work place without following the procedure set forth by Congress. A rational person would ask why? The answer is pure and simple: vindictiveness. It is their way of getting even with

someone they don't like. In the private sector, we have employers using hiring agencies and standards where 1 out of 10 applicants will be hired and 4 of the 9 not hired are active duty police officers or former military.

The picture I paint appears to be bleak, but it isn't. The International Union and all our Regions face these problems each and every day. This union has the manpower, expertise and experience to fight the onslaught of these changes. We have a legal staff that assists us in our defense of your rights. There are groups which emerge from time to time, claiming to do a better job, most of which are not in existence today and the remaining groups have not provided according to their promises. However, we are successful at defending your rights and representing you because of your assistance to and your love for this International Union. This is your Union. When we all work together, with one purpose in mind, we will succeed.

union's organizing campaign.

Unfortunately for working men and women and Unions, in the majority of cases, the current composition of the NLRB continues its dismal record of support for employers and other anti-union forces in the workplace. But organizing remains the lifeblood of Unions like the SPFPA in our continuing effort to improve wages and conditions of employment for workers. The roadblocks thrown up by the NLRB will not deter us from that all vital mission.

**“Organizing remains the lifeblood of Unions like the SPFPA in our continuing effort to improve wages and conditions of employment for workers.”**

## SPFPA Benefit Plan/401k Programs



Gary Hassenbank  
Benefits Representative



Kristopher Johannssen  
Benefits Representative

**Union sponsored benefit programs are well received by SPFPA Locals.**  
*A choice you and your family deserve!*



**Vist us at our  
Website  
[www.SPFPA.org](http://www.SPFPA.org)**

### Notice to Employees Subject to Union Security Clauses

Union representation means that the union, on your behalf and with your full and active participation, negotiates and administers a legally binding contract known as a collective bargaining agreement that sets forth your wages, benefits and working conditions. Because all employees negotiate together through the union, union members receive higher wages and better benefits than non-union workers in similar jobs, and job security. Strength in numbers makes this possible. You and your co-workers are the "Union."

If you work in a "non-right to work state," the collective bargaining agreement which provides you with benefits and job security may have a "union security" provision which requires you either to join the union, or pay an amount equivalent to the portion of union dues used for representational purposes. Your right to be a non-member service fee payer is discussed further below.

The vast majority of our co-workers throughout the country eligible for membership in this Union become members of the Union and enjoy the benefits available to members. These benefits include:

- Members of the Union may attend union meetings, vote in elections for union officials and run for office. Non-members may not.
- Members of the Union may attend union meetings during which the course of negotiations for the next collective bargaining agreement is discussed and decided upon. Non-members may not.
- Members of the Union vote on whether to ratify collective bargaining agreements. Non-members may not.
- Members of the Union may participate in the SPFPA Affinity program, which provides various benefits to members and their families. These benefits presently include discounts on a variety of goods and services as well as a subscription to the SPFPA newspaper. In addition, each year college scholarships are awarded to the deserving children of SPFPA members. Non-members do not participate in this program.

If you are subject to a union security clause and choose not to be a member of the SPFPA, you must still pay to the Union a service fee equal to the amount of union dues spent as bargaining agent representing employees in bargaining units. If you chose not to remain a member, you are entitled to a reduction from the full union dues in an amount equal to the amount the Union spends in a limited number of areas considered non-representational. (Non-representational expenditures include but are not limited to funds spent on political purposes, general community service, non-worker related legislative activities and organizing.)

Our Certified Public Accountants have calculated that the percentage of union dues received by the International Union spent on expenses chargeable to non-member service fee payers is 86.82%. This is the percentage that is used to determine the service fee for our fiscal year April 2004 through March 2005. (It is presumed that the percentage of expenses chargeable to non-member service fee payers made by your local union, which receives part of your dues, is the same percentage as the International's, i.e., 86.82%). Thus, if under your contract your monthly dues are \$20.00, a non-member service fee payer is obligated to pay \$17.36, and does not enjoy the benefits of membership, including those listed above.

You have a right not to be a member of the union, and to pay the service fee only, and further to challenge the Union's calculation of the percentage of chargeable funds that is used to determine the service fee you must pay. In order to pay the service fee only, you must notify the Union in writing that you choose to be a Service Fee Payer. The notice must contain your name, address, social security number, employer and Local Union number. The notice must be filed with the International Secretary-Treasurer, SPFPA, 25510 Kelly Road, Roseville, MI 48066, and a copy should be provided to your Local Union's Financial Secretary. Upon receipt of the notice that you wish to be a Service Fee Payer, the International Secretary-Treasurer will send to you information summarizing how the percentage chargeable was calculated, as well as a copy of the Union's challenge procedure. In lieu of dues, you will be required to pay the Union the non-member service fee (currently set at 86.82% of dues) only. You may serve your notice that you wish to be a service fee payer at any time but must renew your notice each year.

## Duane Arnold Energy Center Security and Ree's Contracting Service

by Nicklaus Ulrich, President, Local 214

Local 214 at Duane Arnold Energy Center had four local union members retire last year. They were Ron Larsen with 26 years of service, Andy Motto with 22 years of service, William "Bill" Casey with 21 years of service and Eric Ash with 20 years of service.

We would also like to welcome Ree's Contract Service who joined the local last year. Local 214 of Iowa has over 90 members and has been unionized for 12 years with SPFPA and proprietary security with IES, IE, Alliant, NMC and presently FPL Energy for over 30 years.

## News from Local 112 Covington, Kentucky

by Richard Carlesco, President Local 112

We are a new SPFPA Local as of November 2005. As of January 2006, we had our election and received our new charter. We are a security force working for Asset Protection & Security Services, Inc., Corpus Christi, Texas who contracted to the Internal Revenue Service in Covington, Kentucky. We are happy to have our own local handling our own problems in house. Our stewards have already handled many pay problems and several grievances to the satisfaction of our members. We are in the middle of working on a new contract that becomes effective October 1, 2006. Our ability to work with management as a problem arises on the day it happens has put a stop to many grievances. The staff is working on many special events to get and keep our members involved.

Local 112 is proud to be part of SPFPA and look forward to being involved in all future programs.

## SPFPA Member Speaks Out on Union Busting

The National Right to Work Legal Defense Foundation is for the rights of the oppressed little guy against big bad "forced unionism". That's what "big money" companies and certain other foundations want you to believe. But the truth of the matter is, what it really stands for, is a sugar coating for "Union Busting".

These special interest foundations never speak for the worker that tries to organize his coworkers and is fired for union activity which is supposedly granted under the National Labor Relations Act. They never speak out for fair wages, better benefits, or safety issues. Their sole interest is in pressing down your right to organize and join a UNION as granted by Article 7 of the National Labor Relations Act (NLRA).

Misinformation on their web site refers to wages and the standard of living as being higher in right-to-work states. This simply is not true. The U.S. Bureau of Labor Statistics clearly state that union members enjoy higher wages, better benefits and improved working conditions. Union members also enjoy more vacation and holidays and are more likely to have health insurance than non-union employees.

The wages in "right-to-work states" are usually lower, thus the term right to work for less is heard loud and clear. Use of the term "non-right-to-work states" is part of an agenda to take away your right for the majority of your coworkers to choose and not have your vote disenfranchised.

In right to work states, workers can not be required to join or support the union elected by the majority of the workers to represent them, yet they are entitled to the same wages, benefits and services that union workers pay to support their union. Again, the hidden agenda is to press down the worker from joining forces with his coworkers to improve his standard of living.

The fact that there are many individuals that take a "free ride" rubs me the wrong way! The free loaders still drain financial support from the union member's dues while enjoying improvements they did not earn or support. These foundations speak of the unions taking away the merit system employees receive for being "good" workers. Again, the truth is that a merit system

is very seldom ever fair, but favored to certain individuals.

Over and over, I hear the term "forced unionism" as used by the foundation attorneys. Where is the forced unionism when the National Labor Relations Board (NLRB) conducts fair elections of all the employees as to whether they want a union or not. Everyone has the opportunity to vote in secret and the majority rules. I was brought up to believe that was the American way. But these foundations would have you believe that this is oppressive and an individual should be allowed to disregard the majority vote and set his own rule.

So, who funds these foundation's efforts to bust unions? Well, according to their web sites they receive contributions from Chambers of Commerce, Walmart, The Walton Family Foundation, John M. Olin, Inc. Foundation, Castle Rock (Coors Beer) Foundation, Ford Foundation, and many other major companies, too numerous to list. These corporations and their foundations do not want unions to represent their workers and viciously fight union organizing among their employees. They oppose the American worker's democratic right to form a union.

In conclusion, their agenda is really just a front from employers of the worst kind, who do not want you to have a voice at work. Vacations, health insurance, forty hour work weeks, and more are not benefits employers provide their employees from the warmth of their heart because they like you so much. No, these and many other benefits are the result of workers unionizing a long time ago to fight oppressive employers. Many times the price was very high, even to be killed for trying to obtain these benefits for their fellow union workers.

Support your union and encourage your coworkers that are free loading to join. The more members, the louder and stronger the voice, and management will notice!

# International Union, Security, Police and Fire Professionals of America (SPFPA)

25510 Kelly Road, Roseville, MI 48066

Office: (586)772-7250 Toll Free: (800)228-7492



David L. Hickey  
International President

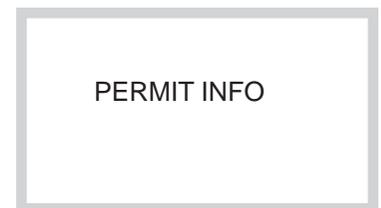
I am proud of the SPFPA and our many hard working members and their families. As we continue to advance in these difficult changing times, I want to personally thank every one for their contributions and support. Together we will succeed, and I promise . . . *I will not let you down!*



***"America's Union for Security Professionals!"***

**International Union,  
Security, Police and Fire  
Professionals of America (SPFPA)**  
25510 Kelly Road  
Roseville, MI 48066

*Address Service Requested*



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