

UNITED STATES OF AMERICA
BEFORE THE
**NATIONAL LABOR RELATIONS
BOARD**

Excalibur Security Associates and
Excalibur Associates, Inc.

Board's Exhibit 1(a)-1(k)

27-RC-298711
Case: 27-RC-298866

Excalibur Security Associates and Excalibur Associates, Inc.

27-RC-298711

27-RC-298866

Board Exhibit No. 1

**Index
and
Description of Formal Documents**

- Exhibit 1(a) Original Petition (27-RC-298711) filed, 7/5/2022
- Exhibit 1(b) Notice of Representation Hearing (27-RC-298711), dated 7/5/2022
- Exhibit 1(c) Affidavit of Service of 1(a) and 1 (b) (27-RC-298711), dated 7/5/2021
- Exhibit 1(d) Original Petition (27-RC-298866) filed, 7/6/2022
- Exhibit 1(e) Notice of Representation Hearing (27-RC-298866), dated 7/7/2022
- Exhibit 1(f) Affidavit of Service of 1(d) and 1(e) (27-RC-298866), dated 7/7/2022
- Exhibit 1(g) Order Consolidating Cases and Scheduling Representation Hearing, dated 7/13/2022
- Exhibit 1(h) Affidavit of Service of 1(g), dated 7/13/2022
- Exhibit 1(i) Order Referring Motion in Limine and Response to Motion in Limine with attachments, dated 7/26/2022
- Exhibit 1(j) Affidavit of Service of 1(i), dated 7/26/2022
- Exhibit 1(k) Index and Description of Formal Documents

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 27**

EXCALIBUR SECURITY ASSOCIATES

Employer

and

Case 27-RC-298711

**INTERNATIONAL UNION, SECURITY, POLICE
AND FIRE PROFESSIONALS OF AMERICA
(SPFPA)**

Petitioner

EXCALIBUR ASSOCIATES, INC.

Employer

and

Case 27-RC-298866

**SECURITY OFFICERS ASSOCIATION OF
AMERICA**

Petitioner

**AFFIDAVIT OF SERVICE OF: ORDER REFERRING MOTION IN LIMINE AND
RESPONSE TO MOTION IN LIMINE, dated July 26, 2022**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on July 26, 2022, I served the above-entitled document(s) by **electronic mail** upon the following persons, addressed to them at the following addresses:

Carrie S. McCoy, VP Human Resources
Edward McDonald, President
Excalibur Security Associates
96 Craig Street, Suite 112-319
Ellijay, GA 30540
cmccoy@excaliburassociates.com
emcdonald@excaliburassociates.com

Jonathan Axelrod, Esq.
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1717 K Street, N.W.
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Dwayne Phillips, National
Organizing Director
International Union, Security, Police and Fire
Professionals of America (SPFPA)
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Christopher Pratt, Project Manager
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325 Broadway
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Scott A. Brooks, Esq.
Rachel N. Helton, Esq.
Gregory, Moore, Brooks & Clark, PC
28 W Adams Ave Ste 300
Detroit, MI 48226-1613
scott@unionlaw.net
rachel@unionlaw.net

William R. Reinken, Attorney
Rosenblatt & Gosch, PLLC
8085 E Prentice Ave
Greenwood Village, CO 80111
will@rosenblattgosch.com

July 26, 2022

Date

Donna L. Brown
Designated Agent of NLRB

Name

/s/ *Donna L. Brown*

Signature

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 27**

EXCALIBUR SECURITY ASSOCIATES

Employer

and

**INTERNATIONAL UNION, SECURITY, POLICE
AND FIRE PROFESSIONALS OF AMERICA
(SPFPA)**

**Cases 27-RC-298711
27-RC-298866**

Petitioner

EXCALIBUR ASSOCIATES, INC.

Employer

and

**SECURITY OFFICERS ASSOCIATION OF
AMERICA**

Petitioner

**ORDER REFERRING MOTION IN LIMINE AND
RESPONSE TO MOTION IN LIMINE**

On July 26, 2022, the Petitioner in Case 27-RC-298711, International Union, Security, Police and Fire Professionals of America (SPFPA), filed the attached Motion In Limine and to exclude certain evidence that may be presented at hearing in this matter by Law Enforcement Officers Security Unions (LEOSU) affiliated with United Federation LEOS-PBA. On July 26, 2022, LEOSU filed the attached Response to Motion In Limine.

IT IS ORDERED that SPFPA's Motion In Limine and LEOSU's Response to Motion In Limine are referred to the Hearing Officer designated to conduct the hearing in this matter.

Dated: July 26, 2022

/s/ Paula S. Sawyer

PAULA S. SAWYER
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 27
Byron Rogers Federal Office Building
1961 Stout Street, Suite 13-103
Denver, CO 80294

BOARD'S EXHIBIT 1(i)

**United States Government
National Labor Relations Board
Region 27**

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

Petitioner

and

Case No. 27-RC-298711

Excalibur Associates, Inc.,

Employer

_____ /

Petitioner SPFPA's Motion in Limine

Petitioner International Union, Security, Police and Fire Professionals of America (SPFPA) moves the Regional Director to bar and exclude from the record parol and other extrinsic evidence with respect to Intervenor LEOSU's and the Employer's claim that there is a contract bar to the Petition.

On July 14, 2022, Intervenor LEOSU filed an Amended Statement of Position maintaining that a November 17, 2021 Assumption Agreement between the LEOSU and the Employer constitutes a contract bar. In its Amended Statement of Position, the LEOSU included 15 paragraphs of parol or extrinsic evidence explaining multiple errors in the Assumption Agreement and other agreements that it entered into with the Employer that it claims must be ignored and replaced with entirely different terms the existence of which it wants to establish through witness testimony and extant documents. Earlier today, the LEOSU submitted to the parties 25 proposed exhibits consistent primarily of parol or other extrinsic evidence it claims establish the plain meaning of the written Assumption Agreement to be different from the words written therein.

The Assumption Agreement that the LEOSU and the Employer maintain creates a contract bar for the Boulder, Colorado unit provides therein that those parties are assuming a collective bargaining agreement for the Gaithersburg, Maryland NIST location and only for the period December 1, 2021 to October 1, 2022.¹

It is well established that in order for a contract to bar an election petition, it must contain all necessary terms within the four corners of the written agreement document itself.

Appalachian Shale Products Co., 121 NLRB 1160 (1958). An employee must be able to review the contract and the contract determine when a petition may be filed timely. “Thus, in determining whether a contract serves as a bar to an election, we are permitted only to examine the terms of the contract as they appear within the four corners of the instrument itself. *Jet-Pak Corporation*, 231 N.L.R.B. 552, 553 (1977).” The Board has long and many times ruled that when examining a contract alleged to bar a petition, parol or other extrinsic evidence is not permitted to be considered. See *e.g.*, *Appalachian Shale*; *Cooper Tire & Rubber Co.*, 181 NLRB 509 (1970); *South Mountain Healthcare and Rehabilitation Center*, 344 NLRB 375 (2005); *Gate City Optical Co.*, 175 NLRB 1059 (1969); *Seattle Bakers’ Bureau, Inc.*, 101 N.L.R.B. 1344 (1952).²

LEOSU’s proposed Exhibit 17 is the Assumption Agreement that is claimed to create the contract bar. That is a relevant exhibit for purposes of this hearing. The other 24 proposed LEOSU Exhibits (Exhibits 1-16 and 18-25) consist of parol or other extrinsic evidence

¹ In its Statement of Position, the Employer alleges the underlying agreement to be assumed was cited in error and the duration of the Assumption Agreement was also in error. In its Amended Statement of Position, LEOSU alleges only the underlying agreement to be assumed was cited in error. Accordingly, as it failed to raise the duration claim alleged by the Employer, LEOSU is precluded from presenting evidence or argument concerning it at the hearing. See 102.66(d).

² An exception exists with respect to the production of evidence that an agreement that is required to be ratified as a condition precedent was in fact ratified. That issue has not been presented in the instant case. See *Merico, Inc.*, 207 NLRB 101 (1973)

apparently being offered to explain Exhibit 17. As such, they are not permitted to be considered as part of the record to be established in this case. Similarly, most of the content of LEOSU's Amended Statement of Position consists of parol or extrinsic allegations with respect to the meaning of the Assumption Agreement that is offered as the contract bar. Witnesses should not be permitted to testify to these allegations at the hearing.

Petitioner SPFPA respectfully requests the Regional Director grant this Motion in Limine and preclude the LEOSU and/or the Employer from offering parol or other extrinsic evidence as described above.

Respectfully submitted,

s/Scott A. Brooks
Scott A. Brooks
Gregory, Moore, Brooks and Clark
Attorneys for Petitioner SPFPA

Dated: July 26, 2022

Certificate of Service

I certify that today, July 26, 2022, I served a copy of Petitioner SPFPA's Motion in Limine upon the Employer and counsel for Intervenor LEOSU, as well a courtesy copy upon counsel for SOSA (27-RC-298866), as follows:

Ed McDonald: emcdonald@excaliburassociates.com

Jon Axelrod: jaxelrod@beinsaxelrod.com

Will Reinkin: will@rosenblattgosch.com

s/Scott A. Brooks

**UNITED STATES OF AMERICA
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
REGION 29**

**Excalibur Associates, Inc.,
Employer,**

and

Case 27-RC-298711

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

and

**Law Enforcement Officers Security Unions
(LEOSU) affiliated with United Federation
LEOS-PBA,
Intervenor.**

RESPONSE TO MOTION IN LIMINE

Intervenor Law Enforcement Officers Security Unions (LEOSU) affiliated with United Federation LEOS-PBA (“LEOSU”), by its undersigned counsel, submits this response to the Motion in Limine filed by Petitioner International Union, Security, Police and Fire Professionals of America (“SPFPA”).

SPFPA’s Motion is based on the mistaken view that LEOSU asserts a contract bar based solely upon an assumption agreement that can be proven and corrected only by parole evidence. SPFPA erroneously argues that the assertions in LEOSU’s Amended Statement of Position constitute parole evidence to support the flawed assumption agreement.

The NLRB has long held that an employer can adopt a collective bargaining agreement either by an express adoption agreement or by conduct. Here, the record will establish that Excalibur announced that it would assume Whitestone’s obligations under their joint contract with NIST, that

Excalibur would retain every Whitestone employee who wanted to become an Excalibur employee, and that nothing would change from the employees' viewpoint. Excalibur representatives met with LEOSU Executive Director Steve Maritas to discuss the transition. Excalibur orally agreed to assume the LEOSU-Whitestone agreement. Excalibur President Ed McDonald then instructed his staff to send an adoption agreement to Mr. Maritas for signature. Unfortunately, the written agreement submitted by Excalibur and signed by both Mr. Maritas and Excalibur was flawed. Both parties signed the agreement without proofreading it. SPFPA and SOAA correctly contend that the errors in the adoption agreement [LEOSU Exhibit 17] cannot be corrected by parole evidence. NLRB precedent supports this position. *Indiana Michigan Power Company*, 371 NLRB No. 114 (2022).

Assuming, *arguendo*, that the assumption agreement is not dispositive, the NLRB has long applied an "adoption by conduct" principle. It is well settled that adoption of a collective-bargaining agreement "is not dependent on the reduction to writing of the intention to be bound," but instead, "what is required is conduct manifesting an intention to abide by the terms of the agreement." *E.S.P. Concrete Pumping, Inc.*, 327 NLRB 711, 712 (1999), quoting *NLRB v. Haberman Construction Co.*, 641 F.2d 351, 355-356 (5th Cir. 1981) (en banc) (footnotes and citations omitted), *enfg.* 236 NLRB 79 (1978); *Palm Beach Pops*, 343 NLRB 176 (2004); *CAB Associates*, 340 NLRB 1391 (2003). We believe that the evidence submitted by LEOSU will present clear and convincing evidence that Excalibur adopted the Whitestone agreement by its conduct. *E G & G Florida, Inc.*, 279 NLRB 444, 453 (1986).

It is also worth noting that the Board has found adoption by conduct where a successor employer orally promised to adopt a predecessor employer's contract, and then reneged on that

promise. *World Evangelism, Inc.*, 248 NLRB 909, 917-918 (1980), enf'd. 656 F.2d 1349 (9th Cir. 1981). The Board found that by reneging the employer had violated Section 8(a)(5) of the Act. Therefore, the conversations between LEOSU and Excalibur are relevant evidence in themselves, wholly independent upon whether they support the flawed assumption agreement.

In sum, LEOSU does not contend that the assumption agreement by itself, or even supported by LEOSU's other Exhibits, constitutes a contract bar. To the contrary, LEOSU contends that there is, or will be, clear and convincing evidence of adoption by conduct. SPFPA's Motion must be denied.

Respectfully submitted,

/s/ Jonathan Axelrod
Jonathan G. Axelrod
Beins, Axelrod & Keating, P.C.
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Cell: 202-365-1610
Jaxelrod@beinsaxelrod.com

Counsel for Intervenor Law Enforcement Officers
Security Unions (LEOSU) affiliated with United
Federation LEOS-PBA

July 26, 2022

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 27**

EXCALIBUR SECURITY ASSOCIATES

Employer

and

Case 27-RC-298711

**INTERNATIONAL UNION, SECURITY, POLICE
AND FIRE PROFESSIONALS OF AMERICA
(SPFPA)**

Petitioner

EXCALIBUR ASSOCIATES, INC.

Employer

and

SECURITY OFFICERS ASSOCIATION OF AMERICA

Petitioner

**AFFIDAVIT OF SERVICE OF: ORDER CONSOLIDATING CASES AND
SCHEDULING REPRESENTATION HEARING, dated July 13, 2022.**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on July 13, 2022, I served the above-entitled document(s) by **electronic mail** upon the following persons, addressed to them at the following addresses:

Carrie S. McCoy, VP Human Resources
Edward McDonald, President
Excalibur Security Associates
96 Craig Street, Suite 112-319
Ellijay, GA 30540
cmccoy@excaliburassociates.com
emcdonald@excaliburassociates.com

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Dwayne Phillips, National
Organizing Director
International Union, Security, Police and Fire
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Security Officers Association of America
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Elbert, CO 80106

Scott A. Brooks, Esq., Counsel
Rachel N. Helton , Esq.
Gregory, Moore, Brooks & Clark, PC
28 W Adams Ave Ste 300
Detroit, MI 48226-1613
scott@unionlaw.net
rachel@unionlaw.net

July 13, 2022

Date

Ariel York
Designated Agent of NLRB

Name

/s/ Ariel York

Signature

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 27**

EXCALIBUR SECURITY ASSOCIATES

Employer

and

Cases 27-RC-298711

**INTERNATIONAL UNION, SECURITY, POLICE
AND FIRE PROFESSIONALS OF AMERICA
(SPFPA)**

Petitioner

EXCALIBUR ASSOCIATES, INC.

Employer

and

27-RC-298866

**SECURITY OFFICERS ASSOCIATION OF
AMERICA**

Petitioner

**ORDER CONSOLIDATING CASES AND
SCHEDULING REPRESENTATION HEARING**

The Petitioners, International Union, Security, Police and Fire Professionals of America (SPFPA) and Security Officers Association of America, filed petitions pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the units described in the petitions want to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act. In order to effectuate the purposes of the Act, and to avoid unnecessary costs or delay,

IT IS HEREBY ORDERED, pursuant to Section 102.72 of the National Labor Relations Board Rules and Regulations, Series 8, as amended, that Cases 27-RC-298711 and 27-RC-298866 are consolidated.

IT IS FURTHER ORDERED, inasmuch as the hearings previously scheduled in these cases were on different dates, that the hearing in these consolidated cases is scheduled for **Wednesday, July 27, 2022** at 9:00 a.m., and on consecutive days thereafter until concluded, and will be conducted by videoconference before a hearing officer of the National Labor Relations Board. At the hearing, the parties will have the right to appear and give testimony.

In accordance with this consolidation, the Statements of Position as previously set forth in the Notices of Representation Hearing in Cases 27-RC-298711 and 27-RC-298866 must be filed with the Regional Director and served on the parties listed on the petitions by **no later than noon Mountain time on Tuesday, July 19 2022**. The Responsive Statements of Position as previously set forth in the Notices of Representation Hearing in Cases 27-RC-298711 and 27-

RC-298866 must be filed with the Regional Director and served on the parties listed on the petition by **no later than noon Mountain time on Friday, July 22 2022.**

The Statements of Position may be e-Filed but, unlike other e-Filed documents, must be filed by noon Mountain time on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statements of Position, the Statements of Position are not required to be filed.

Dated: July 13, 2022

/s/ Paula S. Sawyer

PAULA S. SAWYER
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 27
Byron Rogers Federal Office Building
1961 Stout Street, Suite 13-103
Denver, CO 80294

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

Excalibur Associates, Inc. Employer and Security Officers Association of America Petitioner	Case 27-RC-298866
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AFFIDAVIT OF SERVICE OF: Petition dated July 6, 2022, Notice of Representation Hearing dated July 7, 2022, Description of Procedures in Certification and Decertification Cases (Form NLRB-4812), Notice of Petition for Election, and Statement of Position Form (Form NLRB-505).

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on July 7, 2022, I served the above documents by electronic mail upon the following persons, addressed to them at the following addresses:

Christopher Pratt, Project Manager
Excalibur Associates, Inc.
325 Broadway
Boulder, CO 80305
cpratt@excaliburassociates.com

William R. Reinken, Attorney
Rosenblatt & Gosch, PLLC
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will@rosenblattgosch.com

LEOS-PBA
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Los Angeles, CA 90017
organizing@leospba.org

Security Officers Association of America
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Carrie S. McCoy, VP Human Resources
Excalibur Security Associates
96 Craig Street
Suite 112-319
Ellijay, GA 30540
cmccoy@excaliburassociates.com

July 7, 2022

Date

ARIEL YORK, Designated Agent of NLRB

Name

/s/ ARIEL YORK

Signature



**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 27**



<p>Excalibur Associates, Inc.</p> <p style="text-align: center;">Employer</p> <p style="text-align: center;">and</p> <p>Security Officers Association of America</p> <p style="text-align: center;">Petitioner</p>	<p>Case 27-RC-298866</p>
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NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, at 9:00 a.m. on **Wednesday, July 27, 2022**, and on consecutive days thereafter until concluded, a hearing will be conducted before a hearing officer of the National Labor Relations Board by videoconference. At the hearing, the parties will have the right to appear in person or otherwise and give testimony.

YOU ARE FURTHER NOTIFIED that, pursuant to Section 102.63(b) of the Board’s Rules and Regulations, Excalibur Associates, Inc. must complete the Statement of Position and file it and all attachments with the Regional Director and serve it on the parties listed on the petition such that is received by them by no later than **noon** Mountain time on **Tuesday, July 19, 2022**. Following timely filing and service of a Statement of Position by Excalibur Associates, Inc., the Petitioner must complete its Responsive Statement of Position(s) responding to the issues raised in the Employer’s and/or Union’s Statement of Position and file them and all attachments with the Regional Director and serve them on the parties named in the petition such that they are received by them no later than **noon** Mountain on **Friday, July 22, 2022**.

Pursuant to Section 102.5 of the Board’s Rules and Regulations, all documents filed in cases before the Agency must be filed by electronically submitting (E-Filing) through the Agency’s website (www.nlrb.gov), unless the party filing the document does not have access to the means for filing electronically or filing electronically would impose an undue burden. Documents filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Detailed instructions for using the NLRB’s E-Filing system can be found in the [E-Filing System User Guide](#)

The Statement of Position and Responsive Statement of Position must be E-Filed but, unlike other E-Filed documents, must be filed by **noon** Mountain on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position, the Statement of Position and Responsive Statement of Position are not required to be filed. If an election agreement is signed by all parties and returned to the Regional office after the due date of the Statement of Position but before the due date of the Responsive Statement of Position, the Responsive Statement of Position is not required to be filed.

Dated: July 7, 2022

/s/ Paula S. Sawyer

PAULA S. SAWYER
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 27
Byron Rogers Federal Office Building
1961 Stout Street, Suite 13-103
Denver, CO 80294

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
RC PETITION

DO NOT WRITE IN THIS SPACE	
Case No. 27-RC-298866	Date Filed 7/6/2022

INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlr.gov, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. **The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.**

2a. Name of Employer Excalibur Associates, Inc.	2b. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code) 325 Broadway Boulder, Colorado 80305
---	--

3a. Employer Representative – Name and Title Christopher Pratt, Project Manager	3b. Address (If same as 2b – state same) Same
---	---

3c. Tel. No. 303-497-6099	3d. Cell No.	3e. Fax No.	3f. E-Mail Address cpratt@excaliburassociates.com
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4a. Type of Establishment (Factory, mine, wholesaler, etc.) Security Contractor	4b. Principal product or service Security Services	5a. City and State where unit is located: Boulder, Colorado
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5b. Description of Unit Involved Included: All full-time and part-time armed and unarmed protective service officers at the Boulder, CO NIST Facility. Excluded: All other employees.	6a. No. of Employees in Unit: 21	6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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Check One: 7a. Request for recognition as Bargaining Representative was made on (Date) 7/06/2022 and Employer declined recognition on or about N/A (Date) (If no reply received, so state). **No reply**
 7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8a. Name of Recognized or Certified Bargaining Agent (If none, so state). LEOSU	8b. Address ARCO Tower 1055 West 7th Street, 33rd Floor (Penthouse) Los Angeles, CA 90017
---	---

8c. Tel No. 202-595-3510	8d Cell No.	8e. Fax No.	8f. E-Mail Address organizing @leospa.org
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8g. Affiliation, if any LEOS-PBA	8h. Date of Recognition or Certification 3/23/2020	8i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year) 10/01/2022
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9. Is there now a strike or picketing at the Employer's establishment(s) involved? No If so, approximately how many employees are participating? N/A
(Name of labor organization) N/A, has picketed the Employer since (Month, Day, Year) N/A.

10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state)
None

10a. Name N/A	10b. Address N/A	10c. Tel. No. N/A	10d. Cell No. N/A
		10e. Fax No. N/A	10f. E-Mail Address N/A

11. **Election Details:** If the NLRB conducts an election in this matter, state your position with respect to any such election.

11a. Election Type: <input checked="" type="checkbox"/> Manual <input type="checkbox"/> Mail <input type="checkbox"/> Mixed Manual/Mail
--

11b. Election Date(s): July 25, 2022	11c. Election Time(s): 9AM - 5PM	11d. Election Location(s): NIST Facility
--	--	--

12a. Full Name of Petitioner (including local name and number) Security Officers Association of America	12b. Address (street and number, city, state, and ZIP code) 24777 County Road 41, Elbert, CO 80106
---	--

12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state)
Security Officers Association of America

12d. Tel No. (303) 888-9932	12e. Cell No.	12f. Fax No.	12g. E-Mail Address President@soaa.uniontalk.us
---------------------------------------	----------------------	---------------------	---

13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.

13a. Name and Title Will Reinken, Attorney	13b. Address (street and number, city, state, and ZIP code) 8085 E Prentice Ave, Greenwood Village, CO 80111
--	--

13c. Tel No. (303) 721-7399	13d. Cell No.	13e. Fax No.	13f. E-Mail Address will@rosenblattgosch.com
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I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print) William R. Reinken	Signature /s William R. Reinken	Title Attorney for SOAA	Date 7/06/2022
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WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

Excalibur Security Associates Employer and International Union, Security, Police and Fire Professionals of America (SPFPA) Petitioner	Case 27-RC-298711
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AFFIDAVIT OF SERVICE OF: Petition dated July 5, 2022, Notice of Representation Hearing dated July 5, 2022, Description of Procedures in Certification and Decertification Cases (Form NLRB-4812), Notice of Petition for Election, and Statement of Position Form (Form NLRB-505).

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on July 5, 2022, I served the above documents by electronic mail and regular mail upon the following persons, addressed to them at the following addresses:

Carrie S. McCoy, VP Human Resources
Excalibur Security Associates
96 Craig Street, Suite 112-319
Ellijay, GA 30540
cmccoy@excaliburassociates.com

Excalibur Security Associates
325 Broadway
Boulder, CO 80305

LEOS-PBA
1717 Pennsylvania Avenue, NW 10th Floor
Washington, DC 20006
leosudc@gmail.com

Scott A. Brooks, Esq., Counsel
Gregory, Moore, Brooks and Clark, P.C.
28 West Adams Ave
Suite 300
Detroit, MI 48226
scott@unionlaw.net

Dwayne Phillips
International Union, Security, Police and Fire
Professionals of America (SPFPA)
25510 Kelly Road
Roseville, MI 48066-4932
organize@spfpa.org

July 5, 2022

Date

ARIEL YORK, Designated Agent of NLRB

Name

/s/ ARIEL YORK

Signature



**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 27**



<p style="text-align: center;">Excalibur Security Associates Employer</p> <p style="text-align: center;">and</p> <p style="text-align: center;">International Union, Security, Police and Fire Professionals of America (SPFPA) Petitioner</p>	<p style="text-align: center;">Case 27-RC-298711</p>
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NOTICE OF REPRESENTATION HEARING

The Petitioner filed the attached petition pursuant to Section 9(c) of the National Labor Relations Act. It appears that a question affecting commerce exists as to whether the employees in the unit described in the petition wish to be represented by a collective-bargaining representative as defined in Section 9(a) of the Act.

YOU ARE HEREBY NOTIFIED that, pursuant to Sections 3(b) and 9(c) of the Act, at 9:00 a.m. on **Monday, July 25, 2022**, and on consecutive days thereafter until concluded, a hearing will be conducted before a hearing officer of the National Labor Relations Board by videoconference. At the hearing, the parties will have the right to appear in person or otherwise and give testimony.

YOU ARE FURTHER NOTIFIED that, pursuant to Section 102.63(b) of the Board’s Rules and Regulations, Excalibur Security Associates must complete the Statement of Position and file it and all attachments with the Regional Director and serve it on the parties listed on the petition such that is received by them by no later than **noon** Mountain time on **Friday, July 15, 2022**. Following timely filing and service of a Statement of Position by Excalibur Security Associates, the Petitioner must complete its Responsive Statement of Position(s) responding to the issues raised in the Employer’s and/or Union’s Statement of Position and file them and all attachments with the Regional Director and serve them on the parties named in the petition such that they are received by them no later than **noon** Mountain on **Wednesday, July 20, 2022**.

Pursuant to Section 102.5 of the Board’s Rules and Regulations, all documents filed in cases before the Agency must be filed by electronically submitting (E-Filing) through the Agency’s website (www.nlrb.gov), unless the party filing the document does not have access to the means for filing electronically or filing electronically would impose an undue burden. Documents filed by means other than E-Filing must be accompanied by a statement explaining why the filing party does not have access to the means for filing electronically or filing electronically would impose an undue burden. Detailed instructions for using the NLRB’s E-Filing system can be found in the [E-Filing System User Guide](#)

The Statement of Position and Responsive Statement of Position must be E-Filed but, unlike other E-Filed documents, must be filed by **noon** Mountain on the due date in order to be timely. If an election agreement is signed by all parties and returned to the Regional Office before the due date of the Statement of Position, the Statement of Position and Responsive Statement of Position are not required to be filed. If an election agreement is signed by all parties and returned to the Regional office after the due date of the Statement of Position but before the due date of the Responsive Statement of Position, the Responsive Statement of Position is not required to be filed.

Dated: July 5, 2022

/s/ Paula S. Sawyer

PAULA S. SAWYER
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 27
Byron Rogers Federal Office Building
1961 Stout Street, Suite 13-103
Denver, CO 80294

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
RC PETITION

DO NOT WRITE IN THIS SPACE	
Case No. 27-RC-298711	Date Filed 7/5/2022

INSTRUCTIONS: Unless e-Filed using the Agency's website, www.nlr.gov, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located. The petition must be accompanied by both a showing of interest (see 6b below) and a certificate of service showing service on the employer and all other parties named in the petition of: (1) the petition; (2) Statement of Position form (Form NLRB-505); and (3) Description of Representation Case Procedures (Form NLRB 4812). The showing of interest should only be filed with the NLRB and should not be served on the employer or any other party.

1. PURPOSE OF THIS PETITION: RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees. **The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.**

2a. Name of Employer
Excalibur Security Associates

2b. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code)
325 Broadway, Boulder, CO 80305

3a. Employer Representative - Name and Title
Carrie McCoy, VP Human Resources

3b. Address (If same as 2b - state same)
96 Craig St, Ste 112-319, Elijay, GA 30540

3c. Tel. No. 706-972-0241

3d. Cell No.

3e. Fax No.

3f. E-Mail Address
cmccoy@excaliburassociates.com

4a. Type of Establishment (Factory, mine, wholesaler, etc.)
Security

4b. Principal product or service
Security

5a. City and State where unit is located:
Boulder, CO

5b. Description of Unit Involved

Included:
ALL FULL-TIME AND PART-TIME ARMED CONTRACT SECURITY OFFICERS (ACSO), SERGEANTS, DISPATCHERS AND SHIFT SUPERVISOR/DISPATCH SUPERVISOR PERFORMING GUARD DUTIES AS DEFINED IN SECTION 9(b)(3) OF THE NATIONAL LABOR RELATIONS ACT, EMPLOYED BY EXCALIBUR @ 325 BROADWAY, BOULDER, CO 80305

Excluded: ALL OFFICE CLERICAL EMPLOYEES, MANAGERIAL EMPLOYEES, PROJECT MANAGER (PM) AS DEFINED BY THE ACT.

6a. No. of Employees in Unit:
21

6b. Do a substantial number (30% or more) of the employees in the unit wish to be represented by the Petitioner? Yes No

Check One: 7a. Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about _____ (Date) (If no reply received, so state).

7b. Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.

8a. Name of Recognized or Certified Bargaining Agent (If none, so state).
leos-pba

8b. Address
1717 Pennsylvania Ave NW, 10th Floor, Washington, DC 20006

8c. Tel No. 202-595-3510

8d. Cell No. 202-486-8558

8e. Fax No.

8f. E-Mail Address
leosudc@gmail.com

8g. Affiliation, if any

8h. Date of Recognition or Certification
10/01/22

9. Is there now a strike or picketing at the Employer's establishment(s) involved? no If so, approximately how many employees are participating? _____ (Name of labor organization) _____, has picketed the Employer since (Month, Day, Year) _____.

10. Organizations or individuals other than Petitioner and those named in items 8 and 9, which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in the unit described in item 5b above. (If none, so state)
none

10a. Name	10b. Address	10c. Tel. No.	10d. Cell No.
		10e. Fax No.	10f. E-Mail Address

11. Election Details: If the NLRB conducts an election in this matter, state your position with respect to any such election.

11a. Election Type: Manual Mail Mixed Manual/Mail

11b. Election Date(s):
tbd

11c. Election Time(s):
N/A

11d. Election Location(s):
N/A

12a. Full Name of Petitioner (including local name and number)
International Union, Security, Police and Fire Professionals of America (SPFPA)

12b. Address (street and number, city, state, and ZIP code)
25510 Kelly Road, Roseville, MI 48066

12c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state)
International Union, Security, Police and Fire Professionals of America (SPFPA)

12d. Tel No. 586-772-7250 X111

12e. Cell No. 586-872-5634

12f. Fax No. 586-772-9644

12g. E-Mail Address
organize@spfpa.org

13. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.

13a. Name and Title **Scott A. Brooks, Counsel**

13b. Address (street and number, city, state, and ZIP code)
28 W Adams Ave, Suite 300, Detroit, MI 48226


13c. Tel No. 313-964-5600

13d. Cell No.

13e. Fax No. 313-964-2125

13f. E-Mail Address
Scott@UnionLaw.net

I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.

Name (Print) Dwayne Phillips	Signature 	Title National Organizing Director	Date 7/5/22
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WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.