

SPFPA International President addresses Congress in Washington, D.C.

Summary statement of David L. Hickey to the House Subcommittee on Employer-Employee Relations in opposition to combining guards and other employees in bargaining units

Thank you Mr. Chairman and good morning. I am DAVID L. HICKEY, President of the International Union, Security, Police and Fire Professionals of America (SPFPA).

Let me declare at the outset that I am not a witness for either political party or any party.

Equally, I am not here to support or oppose the views of any employer or any other labor organization.

My purpose and sole duty and role is an advocate for the interest of the SPFPA and its members.

The SPFPA is the Country's largest security union devoted to the exclusive representation of security personnel - statutory "guards." By virtue of Section 9(b)(3) we are an independent unaffiliated union.



*David L. Hickey
International President*



President Hickey testifies before House Subcommittee, Washington, D.C.

The views I express have been held by our Union since its founding in 1948.

Appearing with me is Gordon A. Gregory, our long time General Counsel, who has testified before both Senate and House Subcommittees on today's subject.

We have a proud tradition of representing security officers wherever employed throughout the United States and Puerto Rico. We have been in the forefront of improving and advancing the interest of security officers and the security profession. Our accomplish-

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"David Hickey, President of the International Union, Security, Police and Fire Professionals of America - the world's largest union devoted to the representation of guards and security employees - explained the necessity of keeping guards and non-guards in separate bargaining units."

Congressman
Howard P. McKeon
Chairman, House Subcommittee on Employer-Employee Relations

International Executive Board



Dennis T. Eck
Int'l Sec.-Treasurer



David L. Hickey
International President



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*Vice President
Region 10*



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Steve Maritas
Organizing



Harold Trigg
Automotive



Assane Faye
D.C. District



Joe McCray
Organizer



E. McConville
Pres. Emeritus



Robert Cobb
Int'l Rep.



James Allen
PAC



Brian Gibbons
CAST



Rick O'Quinn
DOD/NASA



Joe Brucato
CASH



Joseph McKenna
CSO



D. Phillips
CHIP



Tony Seefeld
Co-Automotive



Penny Warner
Co-Securitas



Ron Upton
Info./Tech.

International Office Staff



Kim Berra
Exec. Secretary



Carol Koonter
Exec. Secretary



Kari Kriebel
Bookkeeper



Gloria Sanders
Asst. Bookkeeper



Joanne Vance
Secretary



Mary Mulvany
Secretary



Joyce Prego
Receptionist



Julie Marchione
Asst Bookkeeper



June Bellant
Secretary



Sylvia Galindo
West Coast Office



Mary Jo Maneri
East Coast Office



Becky Messerschmidt

In Beloved Memory



It is with great sorrow we mourn the passing of a very special leader, past International President, Brother Henry Applen. His remarkable dedication to the SPFPA and the labor movement, strengthened the foundation that continues to support and serve the livelihood of security professionals.

The memories of those who have served the SPFPA International and the Labor Movement live forever in our hearts!

James C. McGahey, International President
 Henry E. Applen, International President
 Francis E. Fitzpatrick, International Secretary Treasurer
 Gerry E. Hartlage, Vice President, Region 3
 George E. Squire, Vice President, Region 10
 Jack Russell, Vice President Region 10
 Robert F. Voie, Vice President, Region 11
 Michael L. Murray, Vice President, Region 11
 Watson E. Cook, Vice President Region 12
 Leonard L. Hickey, Honorary Member



Henry E. Applen

Special blessings and prayers to the families of those we have lost.

M i s s i o n S t a t e m e n t

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.

***A proud tradition of
excellent membership service!***

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President Hickey addresses Congress

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ments include the landmark *Burns* successor case in the U.S. Supreme Court, the McNamara-O'Hara Service Contract Act, and the raising of professional standards.

In terms of national security, our members have been, and are employed at the Kennedy Space Center, Cape Canaveral, Patrick Air Force Base, Houston Space Center; DOE facilities such as Oak Ridge, Savannah River, Idaho National Lab; nuclear power plants; entertainment venues such as Disney World, Universal Studios and the Spectrum; Federal courts; military Forts; Kings Bay Submarine Base; Federal buildings and reservations; and many more.

Since 9/11 the demands on security professionals have increased dramatically with respect to job duties, hours, training and physical fitness. There has been increasing specialization of private security by the development of rapid response teams, hostage

teams, K-9 units and others.

Our members are first responders, and must make immediate decisions regarding threat assessment and response.

It is noteworthy that the subject of this Committee's inquiry is "examining whether combining guards and other employees in bargaining units would weaken national security," without mention of Section 9(b)(3) which has for 59 years declared that guards and non-guards should not be in the same unit.

Indeed, prior to 9(b)(3), the NLRB placed guards in separate units because of their unique duties and responsibilities.

The divided loyalty rationale for separate guard units continues, and is more paramount because of increased levels of security.

While there is a lack of studies due to the long history of guard only units, it is clear

Hickey stated he did not question the patriotism of any guards, but that there is "a substantial and significant difference between those who respect national security and those who enforce it. The ability of those who enforce should not be diminished by changing over 60 years of established labor law."



President David L. Hickey fights for SPFPA members and their families.

that a mixed unit is incompatible with national security or any form of security.

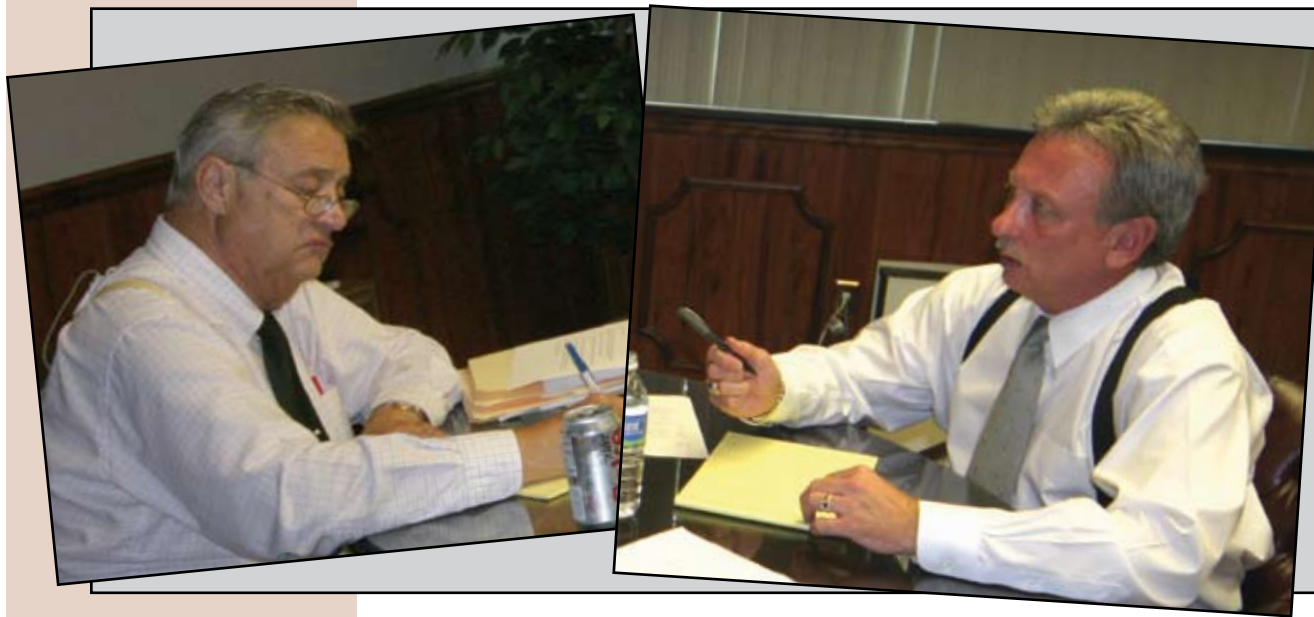
Effective security depends upon focus and dedication which should not be impaired by the added stressor or enforcing rules and regulations against union Brothers and Sisters.

My opposition to combined units of guards and non-guards is not based upon consideration of loyalty or patriotism. American workers are concerned with national security and through their unions enhance such security.

But there is a substantial and significant difference between those who respect national security and those who enforce it. The ability of those who enforce should not be diminished by changing over 60 years of established labor law.

I respectfully suggest that this Committee's inquiry conclude with a finding that there are no compelling reasons to amend Section 9(b)(3) or Board precedent.

Thank you for the opportunity to appear and state the position of the International Union, SPFPA.



David L. Hickey, SPFPA International President and Gordon A. Gregory, SPFPA General Counsel prepare testimony to appear before the Congressional House Committee on Employer-Employee Relations in Washington, D.C.

"America's Union for Security Professionals!"



House Committee on Education & the Workforce

Howard P. "Buck" McKeon, Chairman • 2181 Rayburn House Office Building

Phone: (202) 225-4527

News Update

<http://edworkforce.house.gov>

FOR IMMEDIATE RELEASE
September 28, 2006

CONTACT: Steve Forde
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Witnesses Express Concerns About Labor Union Push to Combine Security Guards and Other Employees in Bargaining Units

Employers Warn Workforce Panel of Potential for Serious National Security Consequences

WASHINGTON, D.C. – Witnesses before the U.S. House Subcommittee on Employer-Employee Relations today expressed concerns about an increasing push by organized labor to pressure companies that employ security guards to agree to recognize unions as representatives of their guards' bargaining units, even if the union also represents non-guard employees. This issue has been brought into sharper focus of late because of many of these efforts have focused on companies providing guard services on federal sites critical to national and homeland security, including Department of Energy and Department of Defense facilities.

"The law has long recognized a simple fact that most of us would agree is common sense: that in a crisis, an employer needs to know that those employees who he or she pays to protect facilities, property, and other employees, have an undivided loyalty to maintaining safety and security," said Subcommittee Chairman Sam Johnson (R-TX). "And when we are talking about guards who are providing security and protective services for employers and sites that are vital to homeland security, the issue is all the more critical."

The National Labor Relations Act generally disfavors including employees who provide security services to an employer in a union that includes other, non-guard employees. As interpreted by the National Labor Relations Board, however, the law does not absolutely prohibit the "mixing" of guards and non-guards in a single union.

Through a 1947 compromise as part of the Taft-Hartley act, Congress prohibited the involuntary employer recognition of "mixed units" out of concern for potential divided

employee loyalties between the employer and the union. However, the compromise does allow employers to voluntarily recognize a mixed unit on the theory that an employer is best able to determine whether the "divided loyalty" question presents a genuine issue for them. Concerns have been raised, however, that organized labor may be increasing pressure on companies to recognize mixed units.

David Hickey, president of the International Union, Security, Police and Fire Professionals of America – **the world's largest union devoted to the representation of guards and security employees** – explained the necessity of keeping guards and non-guards in separate bargaining units.

"The maintenance of guards in separate bargaining units and unions has avoided conflicts of interest between the enforcement of plant rules and the obligation of union membership," Hickey explained. "Equally, conflicts of interest have been avoided in strikes and other labor disputes while preserving the rights of the respective parties. Since industrial crime and terrorism is on the increase, the continued need for a separate identity of guard employees is even more apparent."

Brigadier General David W. Foley (Ret.), president of Wackenhut Services, Inc. – a firm that provides security services at many federal facilities – built on Hickey's comments about the national security implications of combining guard and non-guard units.

"If general employees at a plant or warehouse or some other form of business were to strike and the employees guarding that business were affiliated with the striking employees, thereby supporting their fellow

brothers by also striking, the business would be left unprotected," said Foley. "This realization is particularly stark when one considers that the very same situation could happen at a nuclear weapons facility, military complex, or other highly strategic asset within the United States. The national security of this country could be jeopardized by something as small as a dispute over fringe benefits."

Schurgin, a partner with the law firm Seyfarth Shaw LLP, echoed Foley's national and homeland security concerns, while underscoring the potential for sabotage – and a guard's role in protecting against it.

"We must also be mindful, in this post-9/11 world, of the increasing role guards play in many safety-sensitive industries," noted Schurgin. "Private guards protect nuclear power plants, chemical factories, and defense contractor operations. While guards protect these critical facilities from outside threats, unfortunately it is also true that they must protect them from possible sabotage by employees. With such important security roles resting on the shoulders of guards, we cannot place guards in a situation in which they are forced to choose between supporting a fellow union member and reporting suspicious activity to their employer."

Noting the possibility of addressing this matter further through either legislation or a closer committee examination, Johnson reiterated the underlying national security ramifications of organized labor's push to combine guards and non-guards, concluding, "In the post 9/11 world, we cannot risk the potential for a lapse in security that could have dangerous consequences."



Dennis T. Eck
International Secretary-Treasurer

International Secretary-Treasurer Report

Bits and Pieces!

First, I want to wish you and your family a "Blessed and Merry Christmas" and wish everyone you meet the same; pray for our troops safety and the dove of peace to cover our land, the USA!

The year is just about over. Wow, did it go fast! Seems the older one gets the faster time passes. I admit that time flies, but not to my getting old. Forget I brought it up at all.

On the financial front burner we have several major issues being developed. We have created a health and welfare plan in which members can participate through negotiated contracts. Then, there is also our 401k savings plan for members having such language negotiated into their contracts. These plans involve a lot of professional assistance and governmental review.

Our Union is continuing to grow in membership in all parts of the United States and Puerto Rico.

Several updates and modifications have been completed with regard to the computer software programs and hardware, which enhances our ability to meet the needs of today's fast changing information environment.

We have continued to see an upward trend in growth in membership and income, which results in improved representation and offsets the rising costs incurred through inflation to service our members.

The election of local union officers will soon begin for some of our Locals. Nominations should begin in December so that the timeline, January to February 15th can be completed. Refer to the Constitution and By-Laws, and if you have any questions call my office. Upon completion of the elections, notice of the officers in place with addresses and telephone numbers must be submitted to my office so we can update our records. It's hard to do business with local officers that do not provide us with their address and telephone number, but there are several. If you move, notify us of the change. We pay extra for the post office to return mail that they could not deliver because the member moved and left no forwarding address.

Union dues are always an issue that need attention. Local Presidents and Financial Secretaries should continually monitor their dues lists, membership and service fee lists, terminations, new hires, etc. Union funds allow all of us to effectively service the needs of the membership. Dues are to be used to represent the member's labor relations matters. A list of the "do's" and "don'ts" of using union funds are found in the Financial Secretary's handbook and follow Department of Labor (DOL) guidelines. Any concerns for what is or is not a good use of union funds should be addressed to my office.

Once again, from David and me, a Merry Christmas to you and yours! Is it spring, yet?

Some examples of necessary and appropriate Local Union expenditures are:

1. Lost time for the conduct of union business, contract negotiation, investigation and processing of grievances, and/or attendance at arbitration hearings.
2. Travel expense while on authorized Union business.
3. Purchase of supplies and equipment.
4. Postage, literature and mailings to the membership.
5. Bookkeeping and tax assistance.
6. Hall and/or office rental.
7. Local Union election expense.
8. Arbitration fees and costs.
9. Meal expense for officers and committees when on authorized Union business.
10. Educational purposes such as attendance at labor relations meetings and seminars.
11. **Reasonable** expenses of Union: social affairs/charitable functions.
12. Miscellaneous expenses normally and customarily associated with union business and operation of the Local Union.



"Union dues are always an issue that need attention. Local Presidents and Financial Secretaries should continually monitor their dues lists, membership and service fee lists, terminations, new hires, etc."

International Vice President-at-Large

Negotiating Contracts



Dwight E. Duley
International Vice President-at-Large

I would like to wish all of you happy holidays as we transition into a new year. During the past year our Regional Vice Presidents, Directors, Contract Negotiators, Local Presidents and Negotiation Teams have been busy successfully negotiating scores of contracts for bargaining unit members.

Since there are many members who don't know how negotiations work, I will give you a brief overview. For the most part, contract negotiation teams are comprised of a chief negotiator and a negotiation team. They are tasked with the awesome responsibility of bringing back to the membership the "best" deal possible.

At negotiations, each side has a list of negotiation demands, comprised of economic and non-economic issues. For the union, it is usually increased entitlements and for management, takeaways.

Management generally comes to the

table with a predetermined economic pie. Their negotiators are tasked with the responsibility of not exceeding that budget. The National Labor Relations Act dictates that the parties must negotiate in "good faith". Good faith bargaining does not obligate management or the union to agree on anything, only that they make a "good faith" effort to forgo an agreement.

The vast majority of contract negotiations end with a tentative contract which is taken back to the dues paying membership. On the other hand, some contract talks end with management issuing a Last, Best and Final offer, which usually occurs when an impasse is reached. When that happens, the Union must take it back to the members for a vote.

Negotiating teams are generally conscientious and take their charge of bringing back the best deal possible to the membership, seriously. Even if they reach impasse, you

can believe that they engaged in tremendous battles with management in an attempt to reach a tentative contract.

Being a member of a contract team is often thankless because the membership has, by and large, no idea of the pressure they go through or the hardships, trials and tribulations that they experience in their fight to obtain a fair contract.

Ironically, in some isolated cases, the negotiating team becomes the scapegoat by the membership for management's intractability. Our negotiation teams are among the best in the country. We all need to be pragmatic and give them the support, encouragement and respect that they deserve for taking on the enormous responsibility of fighting for the membership, at the negotiation table, for the best deal possible.

Standing the line for worker's rights

by Jerry Heyman, President, Local #127 - SPFPA

After twelve days of nonproductive negotiations with the Company, Space Gateway Support (SGS), four days of Mediation (FMCS) resulting in impasse, and numerous sidebar meetings with negative results, it became obvious that Local #127 would need to call in the big guns if we were going to make any progress.

A quick call to our International Headquarters describing our situation, and President Hickey, with Legal Counsel Gordon Gregory, were headed our way.

Sitting across the table from the Company, it didn't take President Hickey long to realize that our situation was not one that could be settled without Interest Arbitration. And, with Attorney Gregory's assistance, Local #127 will soon be arbitrating a large portion of its Collective Bargaining Agreement.



In the meantime, Local #127 has staged, and will continue to stage, "Informational Picketing" to let our fellow workers at Kennedy Space Center - Cape Canaveral Air Force Station, and the public at large, know of our plight.



78 members of Local #127 – SPFPA standing the line and showing what it means to be united and UNION!!!

Helping SPFPA families. for a most worthwhile cause



Brother Michael Gill is an active member of Local 723 at Lockheed-Martin Aeronautical facility in Fort Worth, Texas, a proud husband and father of two children. In October 2006, Michael was diagnosed

with Stage 3 brain cancer and had to undergo extensive and risky surgery to remove the tumor, and now long sessions of chemotherapy and physical rehabilitation.

Unfortunately for Michael and his family, this tragic misfortune has cost the family precious income.

Brothers and Sisters, we share this with you in hopes that you not only pray for Michael and his family, but with the holiday season rapidly approaching, we ask that you join the International Union and provide a donation to help them out.

Coley is the son of Brother Rodney Thigpen, a long standing member of Local 330. Coley is only 4 years old and has Cerebral Palsy. The Thigpen family has been informed that Coley is an excellent candidate for a surgery that could enable him to walk on his own by Christmas. The funds being raised will help cover the expenses of Coley's trip from South Carolina to St. Louis and a twelve day stay while he has his appointments, surgery and recovery. Please join the International in helping this family by sending a donation.



Please send donations to: International Union, SPFPA (Attn: Helping Families)
25510 Kelly Road, Roseville, MI 48066

All donations collected will be used to help these two families.

SPFPA reaches out to the community in an "All American Tribute"

SPFPA International was proud to participate in the very special "All American Tribute" honoring police, fire, active military personnel, both past and present, who are serving our great Country.

Over 1,500 guests participated in this special day as SPFPA, once again, reaches out to the community.

SPFPA International President, David L. Hickey, met with political and municipal leaders concerning SPFPA's role as the nation's largest union specializing in the service of security professionals and homeland security.



President David L. Hickey and Dwight Duley give a "thumbs up" to a wonderful event.



President David L. Hickey takes time to meet with VFW leaders and guests honoring our nation's police, fire and military and recognizing this very special tribute..



Organizing Director & Webmaster

SPFPA goes Cyberspace with "New" Local Union Websites

Over a year ago SPFPA President David L. Hickey assigned me to develop a new SPFPA website to better communicate with both our existing and potential members. Since that time, our website has far exceeded my expectations as we continue to develop more and more online programs to help better service our members. If you visit our website you will now find information on many subjects such as shop steward training, grievance handling, your rights under the law, legal issues, employer information, wage determinations, current news, union-busting, organizing and much more.

As the Director of Organizing for the International Union, SPFPA, and the Webmaster for our International websites, I know first hand how important it is to have an SPFPA website. Not only can our current members educate themselves on the many benefits we have to offer, but our website has contributed to our organizing success as potential new members explore the many benefits of belonging to the SPFPA, the largest, oldest and fastest growing 9(b)(3) union in the United States today.

This new line of communication combined with a strategic marketing approach



Steve Maritas
Organizing Director & Webmaster

of aggressive organizing, name recognition, strong leadership and contracts, continued financial stability, and always trying to better service our members, has and continues to be, our success under the leadership of David L. Hickey.

This new low-cost, pre-designed website looks identical to our SPFPA International site and has hundreds of links to resources and programs including our International website. Each SPFPA local union website comes equipped with its own local union page to post information pertaining to local union issues such as executive board information, shop steward information, meeting notices and any other information which our members need to know. These new SPFPA local union websites also identify your own local union name and number on the pages, as well as your own personal domain name.

For more information on your own SPFPA local union website, please contact me at (800)228-7492 or my cell at (646)567-6454.

Organizing Nationwide



Steve Maritas, Organizing Director joins Washington D.C. District Director, Assane Faye (left) and Organizer Joe McCray (right) in a continuing effort to organize security professionals across the country!



For more information on your own SPFPA local union website, please contact me at (800)228-7492 or my cell at (646)567-6454.

Steve Maritas
Organizing Director & Webmaster

SPFPA ☒ YES



*Dwayne B. Phillips
Director, CHIP Division*



Casino Hotel Industry Police (CHIP)

Hello to all my Union Brothers and Sisters. My name is Dwayne Phillips and I reside in the Metro Detroit area. I have recently been appointed Director of the Casino Hotel Industry Police Division. As a working casino security professional, I have seen first hand the difference a collective bargaining agreement negotiated by the International can make in the workplace. Some of these include above

average wages, better working conditions and the opportunity to have a say in our future.

I believe the International is moving in the right direction, and it is my hope that every member of the SPFPA will become a vocal organizer to the point they speak proudly of their membership. It is my further hope that with my casino security experience, I am able to assist the International's continuing growth.



*Harold Trigg
Automotive Director*

National Automotive Director

I would like to thank all Securitas Negotiation team members and all officers who helped with the passage of the new Securitas National Agreement. This was a very trying contract negotiation with the times being what they are within the automobile industry. The negotiation team had one goal and it was met, to keep as much money as possible in the officers paychecks as possible. This goal was met with the leadership of President Hickey and Brother Crawford. I was proud to be among this leadership. The SPFPA is always striving for better things for our officers and this continues 24/7. The local Presidents will be receiving a master draft of the new contract shortly and the small contract books will be passed out as soon as they are printed. We have no time date on this yet.

On January 1, 2007, the officers at the G.M. Saturn Plant in Spring Hill, Tennessee will change from Wackenhut to Securitas and will become part of the Securitas National Agreement. This group has been assigned to me as the SPFPA Automotive Director. I recently visited Local 403 and was warmly received by these officers. I will work very hard to represent these officers to the fullest of my ability and to work with them during this changeover time. A labor management meeting is planned there soon.

I am working hard to bring all grievances for Securitas and Wackenhut up to date as soon as possible

I would like to wish all officers and their families a very Merry Christmas and a Happy New Year.

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Local leaders from across the country join SPFPA International Officers to discuss issues and share ideas concerning the SPFPA automotive industry division.

New contract now "best paid"

by Richard Carlesco, President, Local 112

We are a security force working for Asset Protection & Security Services, Inc., contracted to the Internal Revenue Service in Covington, Kentucky. Many thanks to Mark Crawford, Vice President Region 4, along with our members Ed Eschmann, Gene Simpson and Ralph Thomas for the long hours and days that were put in writing and negotiating the contract.

Chief Steward Dave Locke and President Richard Carlesco were advisors to the committee.

"The new contract made our members the best paid with the most benefits in the tri-state area."

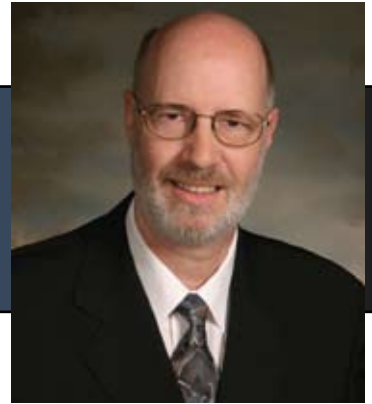
The new contract made our members the best paid with the most benefits in the tri-state area.

The best thing we ever did was form our own local. Our officer elections are coming up in January 2007 and our officers have served from the start up in November 2005. Our stewards are doing a great job, handling any pay problems and grievances that arise to the satisfaction of our members. 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 special events to keep our members involved.



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

Region 4 News



Mark A. Crawford
Vice President, Region 4

In the automotive sector it has and continues to be a very difficult time. Unfortunately there have been several effects bargaining contracts due to plant closings. The one positive thing to note is that the International has been successful in achieving several severance and buy out packages for those affected members. I want to wish the best of luck to our long time members from Ford Connorsville Plant in Indiana, Thyssen/Krupp in Detroit, Michigan, and T.I. Automotive in Warren, Michigan. The International along with Local leadership successfully negotiated and ratified a new two year agreement with Securitas for the General Motors and Delphi plants. I would like to thank Brother Harold Trigg, International President, David Hickey, and all the negotiating committee for their help in a very difficult negotiation.

In the non-automotive sector, the local negotiating committees and I have successfully negotiated new contracts for the following locations: Asset Protection & Security Services, Inc. in Kentucky, BAA Indianapolis Police and Public Safety Officers in Indiana, Guardian/Bonded Security in Michigan,

Dairyland Nuclear Facility in Wisconsin, Loomis Fargo in Wisconsin, General Electric in Kentucky, Akal Four State FPS contract, and Akal Court Security Officers in Michigan. Thanks to all the negotiating committees for their assistance. Ongoing contract negotiations include Allied Barton in Indiana, IPC Northwoods Mall in Illinois, Kettering University in Michigan, Paragon in Kentucky and Day & Zimmerman in Illinois.

Furthering our commitment to our members for service and education, the International Union with the assistance of the F.M.C.S., held education and training seminars for both our union members and management at the Motor City Casino in Detroit. I also held an education and training seminar in Louisville, Kentucky and have established joint labor/management committees at MGM Grand Casino in Michigan, Greektown Casino in Michigan, Wackenhut National Agreement, and Deco Security in Ohio.

On a personal note, I would like to wish all our members the best of luck during the upcoming Christmas season and a joyful and prosperous New Year.



Local leaders from our SPFPA Automotive Division join Region 4 Vice President Mark Crawford and Benefits Representative Gary Hasenbank in discussions concerning the new SPFPA Medical and 401k Plans. Kick off date for our plans to be offered nationally is January 1, 2007. Great job everyone!



*Bobby R. Jenkins
Vice President, Region 10*

Region 10 News



*Local 258 and Lone Star Steel Negotiating Committee stand tall with
Region 10 Vice President, Bobby Jenkins*

There are many good Locals in Region 10. There are always some that rise above the call of duty or do things that make people notice what they are doing. Local 258 at Lone Star Steel in Longview, Texas certainly fits this category. In the past few years we have lost some steel mills because of shutdowns, bankruptcies and as most of you know, the steel mills have suffered for sometime now. Five of the last eight years our officers have not received raises. Through these lean years the Company had asked our people to work with them and help them get through some tough times. Our people understood the companies fight for survival and the need to protect their jobs. The recently completed negotiations in September was certainly a testament of what can happen when the company and union work together. We received a very good contract, a nice wage increase each year with some good benefits added. I have never worked with a more first-class group of individuals on both sides of the table. A special thanks to Eddie Jones, Manager of Labor Relations, Roger Brown, Vice-President Human Resources, who makes things happen. Leon Cummings, President, Local 258 is one smooth operator. Leon always has a positive attitude through the good and bad times. Leon

has always had the respect of his membership as well as the company. Good job to everyone, keep up the good work.

From the Jenkins family, we hope everyone has Great Holidays and a Happy New Year.

Chief Steward's strategy to "WIN" grievances

Chief Steward Bob Grove in Fort Lee won 15 out of 16 grievances within the first month of his stewardship! His success rate is worth mentioning and his strategy worth sharing! *Great job Brother Grove!*

by Bob Grove, Chief Steward, Fort Lee Army Depot

My name is Bob Grove, and I am the Chief Steward for a newly organized SPFPA Local union. I have been asked how is it that our Local has been so successful in winning grievances? Well, I believe one good reason is: we have been lucky in organizing one very good staff of Shop Stewards. They are attentive and eager to learn. Is there a recipe for winning grievances? You bet there is! Let's take a look at what it takes to win.

1. You have to do your homework. For me, since I had no experience or background for union representation, I had to burn the late night candle and do a lot of internet search. I needed to understand what my rights were and what rights I do not have. In other words, be prepared and arm yourself with knowledge.

2. Know, read, and read again your Collective Bargaining Agreement (CBA). Know what is in the agreement. Most importantly, know how to use what is in the CBA. Sometimes you have

to read in between the lines. You don't have a grievance if you can't find a violation of the CBA. So look for "just cause". It's in there somewhere.

3. You, the union representative, owe your fellow officers the best representation possible, even if he/she is wrong. I will tell any officer covered by the CBA when they are wrong, but I am still liable under the "Duty of Fair Representation" rule. My duty is to see that the officer is treated justly and fairly. My duty is to see that the write-up or administered counseling fits the alleged violation. My duty includes winning the grievance if management makes mistakes, leaves unanswered questions and/or does a sloppy investigation of the matter. A supervisor has the responsibility to do their homework.

Remember this, it is easy to win when you are prepared and knowledgeable of the facts.

Remembering a true friend

by Bobby R. Jenkins, Vice President, Region 10

October 18, 2006, was truly a sad day for this International Union. Not only did I lose a personal friend and mentor in Jack Russell, we lost a man who truly loved this Union. President Hickey and I attended the funeral service in Groesbeck, Texas. There are many Jack Russell stories to be told, and I still get asked about Jack from some of the old timers and hear some of the Jack Russell tales. Some of my most memorable times with Jack were listening to him and Jim McGahey tell war stories over lunch at the old Elbow room or at the convention in Los Angeles in 1985. Throughout the years, Jack was very instrumental in helping set up the Convention sites. He will be greatly missed by all who know him. To his lovely wife, Margaret, son Michael, daughter Riki, grandchildren Juliann and Amy, great-grandchildren Megan and Matthey, I say thanks for sharing this great man with us for over thirty-five years.



Jack Russell

Jack always closed his Region 10 Conferences by reading the following. I plan on reading it one more time.

ON THIS DAY

Mend a quarrel, search out a forgotten friend, dismiss suspicion and replace it with trust, write a love letter, share some treasure, give a soft answer, encourage youth, manifest your loyalty in word or deed, keep a promise and your word, find the time, forgo a grudge, forgive an enemy, listen, apologize if wrong, try to understand, flout envy, examine your demands on others, think first of someone else, appreciate, be kind, be gentle, laugh a little more, deserve confidence, take up arms against malice, decry complacency, express your gratitude, worship your God, gladden a heart of a child, take pleasure in the beauty and wonder of the earth, speak your love, speak it again, speak it still again, speak it once again.

God bless Texas.



Joseph McKenna

Director, CSO Division

Court Security Officers (CSO)

Hello, I'm Joe McKenna. In August, 2006, the SPFPA Executive Board approved my appointment as Director for the CSO Division. I have served in Local elected positions over the past five years, as Vice President and President of the Greenbelt, MD, collective bargaining unit.

Some of the important issues facing CSO's are:

- **Fitness-for-duty standards.**
- **New medical forms are in place and are being used at all sites.**

I look forward to working with the CSO's and staff.

"As International President, I want to welcome Joe to his responsibilities as CSO Director. He has many ideas for improving our CSO Division and is a positive addition to our team. Welcome aboard, Joe!"

David L. Hickey
International President

SPFPA Wins NLRB Ruling in Case with National Significance

by Mark Heinen, Attorney for SPFPA

In a decision recognized by the press as having national significance, the National Labor Relations Board (the full five-member Board sitting rather than the usual three-member panel, with only Member Kirsanow dissenting) found that employees of a private company, providing passenger and luggage screening for the Traffic Security Administration (TSA), have collective bargaining rights under the National Labor Relations Act. **Firstline Transportation Security**, 347 NLRB No. 40 (2006). The decision is posted on the Board's website at www.nlr.gov.

The decision found that the Board is not barred from asserting jurisdiction over Firstline by TSA's earlier determination that federally-employed airport screeners are not entitled to engage in collective bargaining. Further, in accordance with a long history of Board precedent, the Board would not exercise its discretion to

decline to assert jurisdiction. In this regard, the Board agreed with the SPFPA that the assertion of its jurisdiction is entirely compatible with the interests of national security.

In 2003, the TSA's Admiral Loy issued a memorandum denying collective bargaining rights and the right to union representation to security screeners employed by the TSA, relying upon authority granted by the Aviation and Transportation Security Act (ATSA). The first issue confronting the Board was whether this memo applied to employees of private contractors. On this issue, the Board was forwarded a specific inquiry to security screeners employed by the TSA and not to privately-employed security screeners. The Board stated sensibly:

Since the TSA is the agency charged with administering the ATSA, we defer to the TSA's interpretation of that statute. Indeed, its

interpretation is our primary reason for rejecting the Employer's and amici curiae's argument that Admiral Loy's Memorandum applies to privately employed screeners.

Further, after reviewing over 60 years of Board precedent cited by the SPFPA, and union-side "friend of the court" ("amici curiae") briefs, the Board's majority rejected highly politicized calls that the Board declined to assert jurisdiction in the interests of national security. The majority found that "[a]bsent both a clear statement of Congressional intent and a clear statement from the TSA that would support our refusal to exercise jurisdiction, we will not create a non-statutory, policy-based exemption for private screeners," who are otherwise entitled to the protections of the NLRB.

Continued on page 14

Improper Drug Testing Overturns Discharge

by James M. Moore, SPFPA Attorney

A recent arbitration decision ordered a member reinstated with full back pay and benefits after he, along with several fellow security officers, were compelled to submit to drug testing even though the Employer did not have the "reasonable suspicion" required to support the demand for the test. When the grievant's test results came back positive he was fired.

There were serious flaws in the Employer's drug testing procedure and the Employer's positive test result was probably an error. In fact, upon learning of the positive result, the grievant promptly made arrangements to have additional tests performed by a reputable testing firm and those results were all negative. But the grievance challenging the decision to discharge, in addition to asserting that the Company's test results was wrong, raised the fundamental issue of whether the Employer should have forced the grievant and his co-workers to submit to the testing in the first place. The arbitrator found merit to that argument.

In this case, drug paraphernalia was found near a guard post. Although this was a location that was in a secured area, it was accessible to hundreds of persons, most of whom were not members of the security force. Nevertheless, the Employer chose only to order the drug testing of a limited number of employees. None of the employees, including the grievant, exhibited any behavior that might support a claim that they were using illegal drugs. In sum, the Employer decided to engage in drug testing solely because persons worked in the proximity of the contraband (not because they displayed any aberrant behavior)

and then arbitrarily and substantially limited the number of persons to be tested (probably because of the cost of testing all the people who had been in the area).

The arbitrator found that the Employer did not have "reasonable suspicion" to order the grievant and others to submit to drug testing. Thus, he concluded, the Employer violated its own rules and procedures that required "reasonable suspicion." He also rejected the Employer's claim that the testing was "voluntary," because it was undisputed that although the employees were free to decline to submit to the testing, if they refused they would be fired.

The arbitrator emphasized that drug testing is a highly intrusive invasion of privacy which places a cloud of suspicion over all those tested. He noted, for example, the complaint of many of the employees that their

personnel records now contained an entry that they had been tested for drugs based on "reasonable suspicion." Some of the employees had other jobs in law enforcement and were understandably concerned that their credibility as witnesses might be compromised by such a provocative and erroneous personnel file entry. And while the arbitrator certainly recognized the Employer's interest in a drug free work force, that laudable goal did not give the Employer the unfettered right to randomly test for drugs when its own rules and procedure managed some individualized reasonable suspicion before intruding on those employee privacy rights. No such reasonable suspicion existed in this case.

This arbitration victory is instructive in several respects. While the SPFPA is second to none in its support of a drug free work force, that is not a blank check for employers to trample on the legitimate privacy rights of our members. In this case, where the Employer arbitrarily and without any legitimate basis demanded that selected employees submit to drug testing under threat of discharge, the time-honored maxim, OBEY AND GRIEVE once again proved its worth. All our members obeyed the order to submit to the testing (under protest) and the grievant promptly grieved when a positive test result of dubious authenticity came back. Ultimately, the arbitrator never even had to examine the Employer's inaccurate test result since he ruled that the testing never should have occurred in the first place. Once again the SPFPA's determined and uncompromising use of the grievance arbitration procedure vindicated a member's rights.

SPFPA attorney honored "Michigan Super Lawyer"

Great News!



James M. Moore, SPFPA Attorney

In a state-wide survey, James M. Moore has been named as a "Michigan Super Lawyer." Only 100 attorneys were so named, and Jim is listed in the specialty of employment and labor law.

Congratulations Jim!
Great job!

SPFPA Wins NLRB Ruling

Continued from page 13

Through its decision, the Board upheld a representation petition filed by the SPFPA seeking to represent approximately 500 screeners and lead screeners at the Kansas City International Airport. The Board election there conducted on June 23, 2005, had its ballots impounded until this decision. When the impounded ballots were finally opened and counted over one year later, it turned out that the Union was a few votes short of a victory. The Union now is pursuing the issue of Service Contract Act coverage for the screeners and lead

screeners at KCI airport. At this point, the issue is being considered by the Washington, DC headquarters office of the Department of Labor's Wage and Hour Division, where it has been forwarded by DOL's Chicago regional office. The SPFPA has provided DOL with a detailed position statement supporting Service Contract Act coverage for the KCI screeners and lead screeners, and is committed to follow-up on that issue.

2006

Scholarship Award Winners

CONGRATULATIONS!



Ome J. Etue
SPFPA Local 5
Seattle, Washington

I accept this award with great pleasure. This not only boosts my zeal in attaining my goal but also signifies that SPFPA supports and encourages the education of its members. When I informed my manager of this scholarship award that was awarded to me, he was pleased that one of our officers from our local made one of the top five recipients. **Thanks for your support and please keep up the good work!**



Sandra Leach
SPFPA Local 116
Pontiac, Michigan

First of all, I want to thank you for the \$1,000 Scholarship. It will be used to continue my education at Baker College of Auburn Hills. I walked across the stage in June 2006 for my Associate in Corrections. Now, I am going back in the fall to achieve my Bachelor in Human Services. Once again, thank you!



Katrina McCormick
SPFPA Local 127
Cocoa, Florida

Thank you so very much for your support. I appreciate your help tremendously as I begin furthering my education at the University of Central Florida. I have, in fact, received your aid and once again, I thank you tenfold. Your assistance has helped to make my transition into college life one step lighter.



Justin Hendricks
SPFPA Local 251
Kansas City, Kansas

I have received the check you sent for the \$1,000 Scholarship for college. I want to thank you for this money. It will help pay for my tuition. I deeply appreciate this



Michelle R. Moscone
SPFPA Local 549
Millinocket, Maine

I would like to thank you for the scholarship check for the amount of \$1,000. It will assist in paying for my college education at the Husson College in Bangor, Maine, and I am very grateful for the International Union's generosity.

SPFPA SCHOLARSHIP PROGRAM

SPFPA members and their families are eligible to receive

Education is important to SPFPA International and it's members!

\$1,000.00
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Membership benefits that count!

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

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

Seasons Greetings!

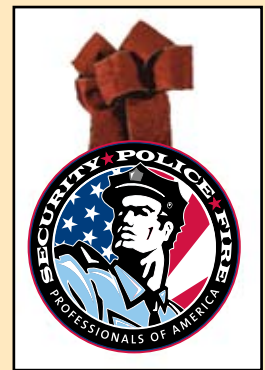


*We would like to extend our warmest wishes
to you and your family
throughout this Holiday Season!*

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