

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

Inter-con Security Systems, Inc.

And

International Union, SPFPA

Case No.: 5-RC-16244

And

United Government Security Officers of America,
International Union and its Local 43

**United Government Security Officers of America, International Union and its Local 43's
Motion for Leave to File Amended Exceptions to Region Five's Report on Objections
Instanter**

Now come the United Government Security Officers of America, International Union and its Local 43 ("UGSOA") by and through their undersigned counsel and hereby move the Board pursuant to Rule 102, Subpart I, Section 102.111 (c) and his attached affidavit (Exhibit A) for leave to file the attached Amended Exceptions to Region Five's Report on Objections instanter. (Exhibit B).

The grounds for this request are twofold: First, as noted in the attached affidavit, on the afternoon of October 21, 2008 the undersigned learned from the Board's legal department that e-filings are to be made by 5:00 p.m. (EST) and that as such the Exceptions filed by the UGSOA after that time on October 20, 2008 were late. (Aff ¶ 2-3) The affidavit also explains that due to pressing commitments in other pending cases on October 20, 2008, the undersigned filed the Exceptions late on the evening of October 20, 2008 believing that the filing could be made until midnight of the 20th, as permitted by the U.S. District Court's electronic filing system. (Aff ¶ 2) Working under this belief and relying upon the statement at the conclusion of the Report that,

“Exceptions must be received by the Board in Washington by October 20, 2008”, the undersigned filed the Exceptions late on the evening of October 20, 2008 believing the filing was timely. (Aff ¶ 2)

Secondly, the Exceptions filed on October 20, 2008 by the UGSOA did not include as an attachment the evidence originally submitted to Region 5 as part of its Objections. As noted in footnote 1 in the Exceptions filed on October 20, 2008, the undersigned had originally intended to append the evidence from the Region. However, upon rereading the applicable rule just prior to filing the undersigned concluded that the evidence had been transmitted to the Board as part of the Record from Region 5, so it was not included.¹ Having learned from the Board’s legal department on October 21, 2008 that Region 5’s record has not be transferred to the Board, the evidence has been added to the Amended Exceptions attached hereto as was originally intended.

The undersigned submits that the decision to not attach the documents to the Exceptions and the mistaken belief regarding the deadline for filing the Exceptions constitutes excusable neglect as contemplated by Rule 102, Subpart I, Section 102.111(c). There is not, nor has there been, any effort to deprive either the Board or the parties of a fair opportunity to asses the UGSOA’s position in this matter and granting this Motion will not unduly prejudice any party to these proceedings. Accordingly, good cause exists to grant the UGSOA leave to file the Amended Exceptions instanter.

Respectfully submitted,
JOHN A. TUCKER CO., L.P.A.

/s/ John A. Tucker

John A. Tucker (Ohio Reg. 0052055)
1 S. Main Street, Suite 301
Akron, Ohio 44308
(330) 253-7100 (Telephone)
(330) 253-2500 (Facsimile)

¹ The footnote was to have been deleted from the final draft, but was not.

jatucker@jatuckerlaw.com

Counsel for the UGSOA

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the UGSOA's Motion for Leave was served via overnight and/or regular mail, facsimile and/or email upon the parties noted below this 22nd day of October, 2008.

Inter-con Security Systems, Inc.
Attn: Enrique Hernandez, Jr.
210 South De Lacey Ave.
Pasadena, CA 91105

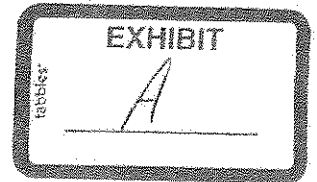
Attorney Scott Brooks
65 Cadillac Square, Suite 3727
Detroit, MI 48226

NLRB Region 5
Attn: Wayne Gold, RD
103 South Gay Street, 8th Flr.
Baltimore, MD 21202

Michael Murphy, Esq
Christopher Coxon, Esq
2400 N. Street N.W., 5th Floor
Washington, D.C. 20037

/s/ John A. Tucker

John A. Tucker



UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

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And

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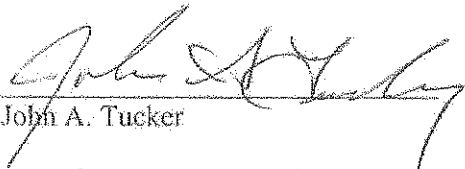
United Government Security Officers of America,
International Union and its Local 43

Affidavit of John A. Tucker

Now comes John A. Tucker, having been duly sworn, and for his affidavit states the following:

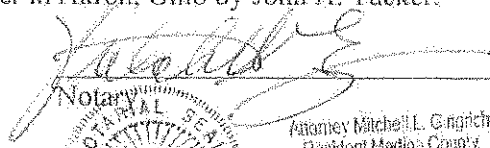
1. I am over 18 years of age and have personal knowledge of the facts stated herein.
2. I am the attorney of record for the United Government Security Officers of America, International Union and its Local 43 ("UGSOA") in the above captioned matter. In that capacity I was responsible for filing with the Board the UGSOA's Exceptions to Region 5's Report on Objections. To that end, on October 20, 2008 at approximately 11:42 p.m. (EST) I filed, via the Board's e-file system, the UGSOA's Exceptions. Believing I had until midnight of October 20, 2008 to file the Exceptions due to my belief that the Board's e-file system was the same as the U.S. District's Court's electronic filing system which permits the filing of documents up to midnight of their due date, I proceeded to fulfill pressing commitments in other cases on that date, upon the completion of which I filed the Exceptions. With this belief, and my reliance on the statement at the conclusion of the Report on Objections which noted that "Exceptions must be received by the Board in Washington by October 20, 2008", I filed the Exceptions at the time that I did believing the filing was timely.
3. In the afternoon of October 21, 2008, I was advised by a representative from the Board's legal department that filings are to be made by 5:00 p.m. (EST) when using the e-file system and that I should address the matter with the Board promptly, which I agreed to do.
4. All other filings in this case have been submitted in a timely manner and/or in accordance with any extensions granted by the Region and/or applicable Board rules.

FURTHER AFFIANT SAYETH NAUGHT


John A. Tucker

Sworn and subscribed to before me this 21st day of October in Akron, Ohio by John A. Tucker.




Attorney Mitchell L. Gungich
Resident Medina County
Notary Public, State of Ohio
My Commission Has No Expiration Date
Sec 147.63 RC



INTERNATIONAL UNION
OF SECURITY OFFICERS OF AMERICA

United Government Security Officers of America, Local 43

Herb Watchinski Jr
Business Agent/IG

August 4, 2008

Mr. Arthur Carter III
President
UGSOA Local #43
50 S. Pickett Street, Suite 223
Alexandria, VA 22304

RE: Resignation

Dear Art,

I can no longer support you or the Executive Board as a volunteer. I have for months tried to be made whole, including interaction with the International, but my efforts to date have only met with token payments. I am under extreme pressure from my Mother and other family members to take whatever action is necessary to force the payment of what is due me. This journey begins with this letter of resignation.

It is beyond my comprehension, when the Local over the past three years has been receiving more than \$4000 every two weeks, why my monthly statements have not been honored since last summer. It is equally disturbing that the law firm that represented us so well during the two year wage arbitration, has also only received token payment during the past eighteen months - \$2000 in all of 2007 and nothing during the first seven months of 2008. I am also aware that several members have made repeated requests to see check registers, bank statements, and accounting records only to be rebuffed or stone-walled. These actions taken by you and the Executive Board are very disturbing and suggest an environment in which I want no part.

As a Business Agent, and in this case also the Inspector General, my integrity and reputation are on the line each and every day, with every member of the organization. Since I cannot answer questions regarding the finances or operation of the Executive Board, I must resign to protect my character and standing with the membership.

3700 Woodrail on the Green
Columbia, MO 65203-0974
Office: 573.875.0770
Fax: 573.875.0440
herb@sirius-international.com

I am also deeply troubled by what appears to be going on from a CBA negotiations perspective. You asked me at the beginning of the year to put together a negotiation team and advisory board. You even suggested that I utilize Lou Zezoff and Duke Woolley. I put this team together and secured both Lou's and Duke's support as consultants. The next thing that I knew was an email that changed all of this and asked James Carney to be the chief negotiator. No contact was ever made with me, nor did anyone bother to understand the work that had been done up to this point. Then I find out that James Carney spent three days last week in the DC area in direct negotiations with Inter-Con.

Also during the past week I have had multiple conversations with two members that have had recent direct contact with you regarding disciplinary action. Both shared with me that you told them that you had discussed with Jerry Neville in a weekly meeting their situation and you told both of them that you had cleared all write-ups and other actions from their records. Both have since received disciplinary action in direct conflict with your story to them. In addition, arbitration for Alvin Buckhaults, which I placed directly in the hands of the International, has never been reviewed with the member. This behavior is obscene by its very nature and may also be illegal under both state and federal statutes.

It is clear to me that I have become an Albatross to you and the Executive Board. Lack of payment, direct appointment of non-members to the Executive Board, direct violations of the Local By-Laws (membership meetings and elections), and the secreting of the Local financial records require me to quickly move on to new opportunities.

While the date of this letter is August 4, 2008, I consider it effective on July 31, 2008 and I will not bill for the work that I have done over the past four days. You will be receiving a full statement from me in the near future and I expect it to be paid in full within two weeks of its receipt. Any member that contacts me from this point forward will be advised of my decision and provided a copy of this letter.

Sincerely yours,

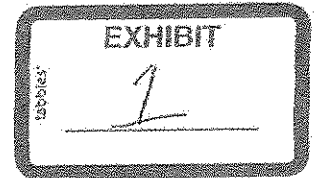
Herb Watchinski Jr

Herb Watchinski Jr



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

25510 Kelly Road, Roseville, Michigan 48066
(586) 772-7250 / FAX (586) 772-9644
www.SPFPA.org



DAVID L. HICKEY
INTERNATIONAL PRESIDENT

DENNIS T. ECK
INTERNATIONAL SECRETARY-TREASURER

DWIGHT E. DULEY
VICE PRESIDENT AT LARGE

August 7, 2008

Re: SPFPA Welcomes Herb Watchinski and Duke Woolley

Dear Future Brothers and Sisters:

It is my great pleasure to announce that Herb Watchinski and Duke Woolley have joined the SPFPA team to assist in making the positive gains and improvements you and your fellow officers working at the Department of State deserve.

Herb Watchinski, a former member of Local 43, was the negotiator/Business Agent and is well known for his personal dedication to the officers working at the State Department. Duke Woolley was the Chief Negotiator and Trustee for Local 43. He was terminated by UGSOA President (?) Carney after agreeing to negotiate Local 43's contract at the request of Arthur Carter. His commitment to your unit has not changed and he will be a true asset as we move forward in the future.

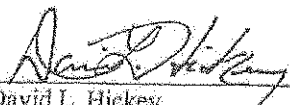
Both Herb and Duke have excellent track records in negotiating wages, benefits and working conditions in the National Capital Region, including negotiating many of the articles in your current CBA.

It is my sincere hope that you will vote YES for SPFPA and allow our team an opportunity to correct the many issues you face daily including higher wages and benefit determinations, advance notice of scheduling, an improved grievance procedure, protection against losing your annual qualification bonus and the creation of two separate collective bargaining agreements, one for rank and file security police officers and one for Sergeants/Lieutenants/Supervisors insuring a true voice for all.

In closing, I commit the full resources of the International Union, Security Police and Fire Professionals of America (SPFPA) to you and your fellow officers. Should you have any questions, contact Brothers Watchinski and Woolley at the following phone numbers, or you can speak with me personally by calling SPFPA International Headquarters at (800)228-7492.

As International President, I promise.....*I will not let you down!*

Fraternally,


David L. Hickey
International President

DHL/kb/opeiu42

Herb Watchinski (202)423-3217
Duke Woolley (202)423-3211
International Headquarters (800)228-7492

FROM THE DESK OF DUKE WOOLEY

Dear Sisters and Brothers,

As you all know by now, SPFPA was successful in getting a petition accepted by the National Labor Relation Board. In a few days you will receive a ballot in the mail. We ask that you stand up with the rest of your fellow workers and vote for SPFPA when you receive the package.

The National Labor Relations Board will be conducting this secret mail ballot election neither the company nor either union will know how you vote.

Before you vote, however, I would like to have a moment of your time to explain what is going on here for the benefit of those that we have not spoken to or had the chance to meet.

Your present international union has done very little in the way of representation for those of you that required help, and even less for those of you who need and want a good contract. Herb Watchinski and I negotiated the contract that you worked under until last year. Art Carter (President of your local) asked me, and he asked Herb to return to DC last year and negotiate the contract again. Both Herb and I accepted. This request was in an email that is available for anyone to see.

Within a month, I was fired by ugsoa and then ugsoa quit paying Herb for his services.

Next thing we know is ugsoa's "national president" James Carney decided he was the one who is now going to be the one who would attempt to negotiate your contract and expand on the many items previously negotiated by Herb and myself. You were very lucky that Herb was there (without pay) to get the one-year deal you have now or you would have had this mess for another two years.

— NOW YOU HAVE A CHANCE TO GET HERB AND I BACK TO THE TABLE.

SPFPA has already promised to send us back to negotiate your contract alongside of their negotiating professionals.

With limited time before a contract must be submitted to the federal government by the company, Carney only recently started negotiating a new contract.

Will there be money in it? You bet there will. Will there be a raise let's hope! Will the articles that Herb and I crafted be there? I doubt it. What to do if there is a raise? RATIFY (if they let, you otherwise you the company may miss the wage determination deadline. Then vote for SPFPA and you keep the money and get to go back to the table over other terms and conditions to fight for what ever you have lost.

The last thing I need to mention here is the local and it's money. You will hear a lot about dues dollars missing from your local. A lot of you have already asked to see the books and have been denied. My take is simple. The dues go from the Company to the International (or the National depending on which Carney letter you read) and then from the International to the Local. So far so good. If the local does not get its fair share it cannot run its affairs. Plain and simple. If the local cannot pay its bills I'll bet the International isn't funding it, or not funded the proper amount. I know Larry Ferris (the International treasurer) and I know Art Carter and I am here to tell you which one I think it is. Maybe that is the "strike fund" Carney is talking about. Wouldn't it be funny if he tried to get you on a picket line and then paid you \$4.00 an hour from your own money?

THE TIME HAS COME FOR A CHANGE

Kick 'em out and welcome SPFPA in. It is time that this Local had a chance to make a difference in it's members lives and Herb and I both stand ready to serve you once again to make that difference work.

— In Solidarity, Duke Woolley

PS Questions? Duke 202-423-3211 and Herb 202-432-3217
we are right here in DC and available to you.

Visit Our New Website

WWW.WE DESERVE MORE.ORG