

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

CENTERRA GROUP, LLC
Employer

and

Case 05-RC-313970

FEDERAL CONTRACT GUARDS OF
AMERICA (FCGOA)
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.¹

¹ In denying review of the Regional Director's conclusion that the Employer's sergeants and lieutenants do not exercise independent judgment in assigning security police officers, we do not rely on his citations to *Springfield Terrace Ltd.*, 355 NLRB 937, 942 (2010); *Capital Transit Co.*, 98 NLRB 141, 144 (1952); and *Berkeley Marina Restaurant Corp.*, 274 NLRB 1167, 1167 n.1 (1985), as those cases concern authority to apply an existing assignment method rather than authority to choose an assignment method, which is the relevant question here. However, because none of the assignment methods the sergeants and lieutenants use requires an exercise of independent judgment, we find that choosing among those methods also involves no independent judgment. Moreover, the record evidence clearly establishes that all security police officers are equally qualified to staff all posts, so assigning them to a given post does not require independent judgment, as there is "no objectively 'wrong' choice." See *Northeast Center for Rehabilitation and Brain Injury*, 372 NLRB No. 35, slip op. at 10 (2022). Finally, the Regional Director correctly found that sergeants' and lieutenants' duties with respect to breaks and shift swaps do not involve independent judgment; we note, however, that these actions concern "appointing an employee to a time" and are thus properly analyzed as assignment and not responsible direction. See *Oakwood Healthcare, Inc.*, 348 NLRB 686, 689 (2006).

On responsible direction, we agree with the Regional Director that the Employer failed to establish that sergeants and lieutenants are held accountable for subordinate officers' performance. The one instance in which a lieutenant was given a corrective action worksheet for failing to review a security police officer's email does not establish whether the lieutenant was disciplined for his own deficient performance or for that of the officer. See *G4S Government Solutions, Inc.*, 363 NLRB 977, 977 (2016). Similarly, the limited testimony that two lieutenants were demoted for unspecified failures concerning how they had managed their shifts is too vague to be afforded any weight. See *id.* at 978. We do not, however, rely on the Regional Director's citation to *Station Casinos, Inc.*, 358 NLRB 637, 637 fn. 3 (2012), a recess-Board case. See *NLRB v. Noel Canning*, 573 U.S. 513 (2014).

With respect to the sergeants' and lieutenants' purported disciplinary authority to issue verbal and written warnings, we disregard the Regional Director's statement that the Employer

DAVID M. PROUTY,	MEMBER
JAMES A. MURPHY,	MEMBER
SCOTT A. MAYER,	MEMBER

Dated, Washington, D.C., February 25, 2026.

“has a progressive discipline policy,” as the Regional Director did not hold the Employer to its evidentiary burden. See *Veolia Transp. Servs., Inc.*, 363 NLRB 902, 909 (2016). Specifically, the Employer did not introduce the written policy into the record, nor did it establish that it applies the policy consistently such that the warnings sergeants and lieutenants can issue will regularly lead to greater discipline for future infractions. Rather, what evidence is in the record belies such conclusions, as the disciplinary forms the Employer produced contradict one another and the various testimony attesting to the policy’s enforcement (*e.g.*, skipping or failing to document previous discipline, showing inconsistent enforcement, and including steps or forms inconsistent with how the disciplinary matrix was described). Under these circumstances, there is no basis to conclude that the Employer actually maintains and consistently applies a progressive discipline policy, a necessary predicate to finding that the oral and written warnings the sergeants and lieutenants issue constitute job-affecting discipline. Accordingly, we find no significance in the sergeants’ and lieutenants’ alleged discretion to provide informal coaching rather than the formal discipline of a documented warning because that discretion has not been shown to implicate job-affecting discipline. See *Veolia*, 363 NLRB at 909 fn. 30.

Last, in denying review of the Regional Director’s holding that sergeants’ and lieutenants’ participation in interview panels does not establish their alleged hiring authority, we emphasize the Regional Director’s finding that “the evidence [does not] indicate that lieutenants and sergeants have the authority to interview and hire candidates absent involvement of a superior officer.” Any recommendation made by a hiring panel is reviewed by higher management (the facility commander), but there is no evidence of what that review entails, so there is no evidence of what effect, if any, a participating sergeant’s recommendation has on the ultimate hiring decision. See *Pacific Coast M.S. Industries*, 355 NLRB 1422, 1425–26 (2010). Moreover, the record shows an admitted supervisor participates in the interview panels, and, again, the facility commander reviews all panel recommendations. See *Ryder Truck Rental, Inc.*, 326 NLRB 1386, 1387 fn. 9 (1998). We therefore find it unnecessary to rely on the Regional Director’s statement that the Employer had to show that two sergeants can override the vote of a superior officer on a hiring panel in order to prove the sergeants’ hiring authority.