

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ARROW SECURITY

Employer

and

Case 02-RC-342349

FEDERAL CONTRACT GUARDS OF AMERICA

Petitioner

and

LOCAL 32BJ, SERVICE EMPLOYEES

INTERNATIONAL UNION

Party in Interest

DECISION ON REVIEW AND ORDER

The issue presented in this case is whether the Board should reconsider *University of Chicago*, 272 NLRB 873 (1984). In that case, the Board held that where—as here—a petitioned-for unit consists of “guards” within the meaning of Section 9(b)(3) of the National Labor Relations Act, it will not permit a mixed guard-nonguard union (i.e., a labor organization that admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards) to intervene to appear on the ballot or otherwise take advantage of the Board’s election processes. *Id.* at 876.¹

On May 22, 2024, the Party in Interest—an admitted mixed guard-nonguard union—filed a motion to intervene in these proceedings. On May 24, 2024, the Regional Director issued an Order Denying Motion to Intervene, citing *University of Chicago*. The Regional Director subsequently approved a Stipulated Election Agreement. Thereafter, in accordance with Section 102.67 of the Board’s Rules and Regulations, the Party in Interest filed a timely request for review, contending that the Board should overrule *University of Chicago*; the Party in Interest also requested a stay of the election.

On June 12, 2024, the Board issued an order staying the election and granting the request for review, as it raised substantial issues warranting review.

¹ Sec. 9(b)(3) of the Act prohibits the Board from certifying a mixed guard-nonguard union as the representative of a bargaining unit of guards. *University of Chicago* interpreted the prohibition on certification to also prohibit intervention by a mixed guard-nonguard union.

Having carefully considered the entire record in this proceeding, including the request for review, we have decided not to reconsider *University of Chicago* at this time. We accordingly affirm the Regional Director's denial of the Party in Interest's motion to intervene.²

ORDER

The Order Denying Motion to Intervene is affirmed, and the case is remanded to the Regional Director for further action consistent with this Decision.³

DAVID M. PROUTY, MEMBER

JAMES R. MURPHY, MEMBER

SCOTT A. MAYER, MEMBER

Dated, Washington, D.C., March 26, 2026.

² For the reasons stated in his dissent in *Paragon Systems*, 374 NLRB No. 73, slip op. at 1-3 (2026), Member Prouty would overrule *University of Chicago* and return to prior precedent that allowed a mixed guard-nonguard union to intervene and participate in representation elections, with certification of the arithmetical results if that union was the employees' choice in the election. See *Bally's Park Place, Inc.*, 257 NLRB 777, 779 (1981); *William Burns Detective Agency*, 138 NLRB 449 (1962). Accordingly, in the present case, he would grant the motion to intervene.

³ The Board's June 12, 2024 stay is lifted as of today's order.