

**BEFORE THE NATIONAL LABOR RELATIONS BOARD  
TWENTY-SEVENTH REGION  
ADMINISTRATIVE LAW JUDGE JOHN T. GIANNOPOULOS**

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INTERNATIONAL ALLIANCE OF THEATRICAL  
STAGE EMPLOYEES, MOVING PICTURES  
TECHNICIANS, ARTIST, AND ALLIED CRAFTS  
OF THE UNITED STATES, ITS TERRITORIES  
AND CANADA, AFL-CIO, CLC, LOCAL 99

AND

Case 27-CB-193546

BRUCE NELSON HELTMAN

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**POST HEARING BRIEF OF I.A.T.S.E. LOCAL 99**

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The International Alliance of Theatrical Stage Employees and Moving Picture Technicians, Artists, and Allied Crafts of the United States, Its Territories, and Canada, AFL-CIO CLC Local 99 (hereinafter Local 99) by and through its counsel, Russell T. Monahan, respectfully submits the following Post Hearing Brief for the convenience and guidance of the Administrative Law Judge.

### **STATEMENT OF CASE**

On June 8, 2016, Respondent IATSE Local 99 informed the Charging Party, Bruce Heltman (Heltman), that he would be suspended for two no calls/no shows. Heltman was advised that he could address this matter with the Executive Board on July 11, 2016 at 2:00 p.m. On June 30, 2016, Murray Ennenga, business agent for Respondent Local 99, suspended the Heltman for erratic behavior on multiple dispatches. Heltman was advised that he could appeal this matter to the Executive Board on July 13, 2016. Heltman did not appear at either Executive Board meeting. On August 30, 2016, Heltman paid his fine for one of the two no call/no show infractions. On October 3, 2016 Heltman appeared without notice before the Infractions Committee of the Executive Board and provided a doctor's note for the second no call/no show infraction. At no time during that meeting did Heltman attempt to discuss his suspension for erratic behavior. Heltman remained on suspension until March 3, 2017 at which time he arranged to appear before the Executive Board to discuss his behavior. Heltman was provided with a list of expectations and at the conclusion of the meeting his suspension was lifted. The General Counsel alleges that Local 99 violated Section 8(b)(1)(A) and 8(b)(2) of the Act

by maintaining Heltman on suspension from October 3, 2016 to March 3, 2017. Local 99 denies General Counsel's allegations. Local 99 had sufficient grounds to suspend Heltman for erratic behavior. Local 99's request that Heltman appear before the Executive Board to discuss his erratic behavior was reasonable and non-discriminatory. Heltman's refusal to address his behavioral issues resulted in his prolonged suspension.

### **FACTS**

1. Bruce Heltman is a stagehand who works in the jurisdiction of IATSE Local 99. Trial Transcript page 15. (Hereinafter TT).
2. Heltman initially joined Local 99 on November 5, 1978. TT 16.
3. Local 99's jurisdiction covers the state of Utah and southern Idaho. TT 15.
4. Local 99 operates an exclusive hiring hall for two employers, UTP and Freeman Decorating. TT 167-69.
5. Murray Ennenga was the business agent for Local 99 until December 2016. TT 271
6. Ennenga was responsible for running the hiring, dispatching workers in a fair and equitable manner, negotiating contracts and administering the contracts. TT 272
7. James Phelps replaced Ennenga as business agent. TT 273.
8. The hiring hall dispatches a steward for each call and the steward completes a steward's report which is submitted to the E-Board after every job. TT 263, 267, 288.
9. The steward is responsible for checking people in, sending them to their

job assignment, doing payroll and writing a steward's report. TT 288

10. The steward's report is an account of the day's activities, problems and positives on the job site. TT 288.

11. The steward's reports were kept in the regular course of Local 99's business. TT 288

12. Ennenga reviewed all steward's reports when they came into the office. TT 289.

13. If the steward's report indicated an infraction, it would also be placed in the infractions file. TT 288

14. Infractions are normally handled by the Infractions Committee. TT 230

15. The Infractions Committee normally handles late calls, no show calls. TT 184.

16. The Infractions Committee meets prior to the Executive Board Meetings. TT 182.

17. Heltman has a history of job site misbehavior dating back to 2013. TT 273.

18. On December 26, 2013, the then President of Local 99, Tim Reynolds removed Heltman as a steward at the Energy Solutions Arena. TT 103-04, Respondent's Exhibit 1 (hereinafter R)

19. In March 2016, Heltman's behavior became increasingly erratic. TT 273.

20. Ennenga observed that Heltman was having problems running crews, problems with employers and problems making it to calls. TT 273.

21. Heltman's erratic behavior was observed by both witnesses at the hearing and recorded in steward's reports. See examples below.

22. Between March 2016, and June 2016, Ennenga was informed by employers, stewards and coworkers of numerous problems with Heltman. See examples below.

23. In March 2016, Ennenga received a call from the steward on the DOMO call. The steward informed Ennenga that Heltman refused to run his crew or be available to the employer. Ennenga also learned the Heltman removed himself from the DOMO call so that he could take another call, Fan X. Ultimately, Ennenga removed Heltman from the Fan X call. TT 274-78 R-6

24. On April 25, 2016, Heltman filed charges against the Executive Board. General Counsel Exhibit 7 (hereinafter GC).

25. Because Heltman filed charges against the entire Executive Board, Local 99 requested guidance from the International to avoid the appearance of any conflict of interest. R 4 TT 175.

26. In May 2016, Ennenga was informed that Heltman had multiple issues on the Melaleuca call. TT 279

- a) Heltman was no show for the first day, although he was not cited for a no show infraction. R-7 page 2 of 18.
- b) When Heltman showed up the next day, he requested that he not be assigned to the same crew as Tex Maw. R-7 page 3.
- c) The steward also noted that Heltman was not providing supervision to

his crew. Heltman was working, but not doing the work he was assigned. TT 280, R-7 page 5.

- d) On May 13, Heltman was late. R-7 page 11.
- e) The Production Manager, Michael LaChance complained that Heltman was harassing one of the make-up personnel. TT 279-80. R-7 page 11.
- f) Heltman was specifically instructed to stay away from the make-up artist. However, he again approached the same make-up artist to talk to her. This resulted in Heltman being removed from the job at the request of the employer. TT 108-09, 280. R-7 page 11, 13-14.
- g) After he was removed from the job-site, Heltman sent several unusual text messages to the steward on the Melaleuca call, Chris Sorensen. R-7 page 15 and 16.
- h) Even after being told to leave the jobsite, Heltman returned. R-7 page 17.
- i) While working the Melaleuca call, Heltman was observed working on electrical equipment in his bare feet on a lift. TT 109, 186, 217, 295-96.

27. The Employer was extremely upset with Heltman's actions on the Melaleuca. TT 283 and R-7 page 11 and 13.

28. Working in bare feet, especially while working on electrics in a metal lift, is an extreme safety hazard. TT 186, 296

29. The Melaleuca call represented a significant work site for the membership

of the hiring hall. TT 283.

30. On June 2, 2016, Heltman was a no show/no call for the Deer Valley concert. TT 18, 286 R-9.

31. On June 3, 2016, Heltman was a no show/no call for the Cure concert. TT R 10.

32. On June 8, 2016, Heltman was informed via a letter that he was being fined for the no show/no calls for Deer Valley and the Cure. Heltman was advised that he could appeal the fines at the next Executive Board meeting on July 11, 2016. The letter also informed Heltman that: "This infraction if not successfully appealed will result in a \$100 fine and removal from the Hiring Hall referral list until your fine is paid." GC 2.

33. Later in June, Heltman dispatched as a Head Rigger for the Celtic Women call at the Maverik Center. R-8 page 1 TT 225.

34. The night before, Heltman contacted another member of the crew and informed him to report at 9:30 am, a half hour before the start time. The time change was not approved by the Business Agent, Ennenga. R-8 page 1.

35. Heltman showed up for the Celtic Women call without his rope and harness. Heltman then left for approximately 20 minutes and returned with the proper equipment. TT 225, 284 R-8 page 1.

36. The other riggers on the Celtic Women call were upset with Heltman's work performance and held a meeting with Heltman after the job. It was decided that Heltman should not take jobs as a Head Rigger or an Up Rigger. R-8 page 2.

37. On June 14, 2016, Heltman was dispatched to the Steely Dan concert at the USAN Amphitheatre. R-11

38. Heltman showed up at the jobsite with his dog and proceeded to park and unload stuff where he was not allowed to park. Heltman had to be told to park in the employee lot. TT 69-70, 285 R-11 page 1.

39. Heltman was subsequently accused of defacing property. TT 286 R-11 page 2.

40. The Production Manager Jamie Horton was upset by Heltman's behavior and requested that he be removed. TT 286 R 11 page 1.

41. After Heltman was removed from the job, Heltman sent a text message to Jamie Horton demanding \$400.00 in cash and four pairs of nice tickets to concerts of his choice. TT 113 and R-3.

42. James C. McNeil subsequently sent a letter to Local 99 informing the Local that Heltman was no longer welcomed to work at USANA Amphitheatre or any other United Concert show. R-2.

43. United Concerts is one of Local 99's oldest and largest employers, with Local 99 providing crews for over one hundred concerts per year. TT 234-235.

44. Heltman acknowledged receiving the letter from McNeil. TT 114.

45. Ennenga was also informed of an incident with Heltman at the Utah Arts Festival where Heltman appeared in a Speedo with body paint and music playing very loudly. This resulted in Heltman being asked to leave the Arts Festival. TT 298-99.

46. Heltman provided an alternate version of events at the Arts Festival.

TT160-163.

47. Heltman did acknowledge that he resigned from the working as a stage manager for the Arts Festival after 12 years. TT 116-17.

48. He also acknowledged that he was accused of dancing on stage in a Speedo covered in body paint. TT 119.

49. Ennenga had telephone conversations with Horton and McNeil regarding Heltman's behavior. TT 297.

50. On June 30, 2016, the day Local 99 received the letter from McNeil, the Executive Board suspended Heltman. TT 297 300 GC 3.

51. Ennenga testified that he suspended Heltman because of no shows, lates, extreme behavior, removal from calls. Ultimately Ennenga believed that Heltman was a danger to himself and the people working with him. TT 298.

52. The June 30 letter to Heltman also listed his various behavioral issues.

53. The suspension letter informed Heltman that he could appeal his suspension to the Executive Board on July 13, 2016. GC 3.

54. Heltman acknowledged that the letter requested that he appear before the Executive Board on July 13, 2016 if he wished to contest his suspension. TT 28.

55. Heltman did not appeal his no call/no show infractions at the July 11, 2016 Infraction Committee meeting. TT 34-35

56. Heltman did not appeal his behavioral suspension at the July 13, 2016 Executive Board meeting. TT 34.

57. The Executive Board met on July 13, 2016. During the meeting the

Executive Board received the decision of the Cognizance Committee regarding Heltman's charges of April 25, 2016. The Cognizance Committee declined to take cognizance of the charges filed by Heltman. GC 8. The decision was conveyed to Heltman via a letter from Matthew Thomas, dated July 22, 2016. GC 7.

58. Heltman filed new charges against the entire Executive Board on July 13, 2016. TT 177 GC 6 and 11.

59. Heltman paid his \$100.00 fine for the one no call/no show infraction on August 30, 2016. TT 251-52.

60. On September 9, 2016, Heltman sent a letter to Local 99 explaining his no show/no call infraction of June 3, 2016. Heltman's letter did not address his behavioral problems that resulted in his suspension of June 30, 2016. GC 10.

61. There was an Executive Board meeting schedule for September 12, 2016, but Heltman failed to show up to discuss his no call/no show issues. GC 10.

62. Heltman stated that he earned almost \$3,000.00 in September working for other employers and Local 838 and that was the reason he failed to show up at the September 12, 2016 meeting. TT 148.

63. On September 27, 2016, the Cognizance Committee informed Heltman that they declined to take cognizance of the charges that Heltman filed on July 13, 2016. R 5.

64. Heltman did not appeal the denial of cognizance of either of his charges. TT 177, 179.

65. On October 3, 2016, Heltman showed up at the Infractions Committee to

discuss the second no show/no call. TT 230 242.

66. Local 99 President Matthew Thomas and Dustin Stephens served on the Infractions Committee on October 3, 2016. TT 242.

67. Heltman recorded the meeting. GC 13.

68. Heltman acknowledged during the meeting that he had two no show/no call infractions. GC 13 at 2:15 mark.

69. During the meeting, Heltman did not raise his suspension for behavioral problems. GC 13 TT 243.

70. President Thomas, Dustin Stevens and Heltman resolved his outstanding no show/no call issues. TT 267,

71. At the 10:11 mark of GC 13 the following exchange takes place:

Heltman: I'll get that for you so you have a second copy today and then you guys can move on with the rest of these guys because there is nothing else we need to talk about is there?

Thomas: I don't think so, as far as that goes.

Heltman: Okay.

72. After he leaves the building, at the 12:25 mark Heltman is heard talking to himself. At the 13:03 mark Heltman is heard mocking Ennenga's letter stating: "You might been a . . . and your dangerous to yourself or others. Really, Mr. Ennenga, you and the Executive Board have the . . ." GC 13.

73. Ennenga's suspension letter of June 30 ends with the sentence: I feel you are a danger to not only yourself but others. GC 3.

74. On November 17, 2016 Heltman sent a letter to Local 99 complaining of his suspension. In the letter, Heltman acknowledges receipt of two letter regarding

suspension. Heltman acknowledges the requirement that he appear before the Executive on July 13, 2016 to discuss that suspension. Heltman also acknowledges that he did not appear before the Executive Board on July 13, 2016 but he questions whether his suspension was valid under the IATSE Constitution. GC 14.

75. Due to miscommunications, Local 99 failed to address the November 17, 2016 letter at that time. TT 305-06.

76. Prior to Ennenga leaving office in December 2016, Heltman never tried to discuss his suspension or behavior problems with Ennenga. TT 303

77. On January 16, 2017, Local 99 received a letter from Heltman's attorney, Andrew Stavros questioning Heltman's suspension under the Constitution. GC 17

78. January 20, 2017 Local 99 Counsel responded to the Stavros letter. The Local response detailed Heltman's behavior problems. The response also informed Heltman that he could be reinstated if he appeared before the Executive Board to discuss his behavioral issues. GC 16.

79. On January 25, 2017, Stavros sent a letter requesting the date of the next Executive Board meeting. GC 17.

80. The Executive Board was schedule to meet on February 3, 2017. Heltman was informed of the meeting. TT 129.

81. At 10:56 am on February 3, 2017, Stavros sent an e-mail to Local 99's Counsel informing Local 99 that he could not attend the Executive Board meeting due to an unscheduled Temporary Restraining Order Hearing. Stavros requested that the meeting be rescheduled. GC 18.

82. Heltman admitted that he could not attend the February 3, 2017 meeting because he had been arrested and was in jail. TT 130.

83. Heltman was informed that he could attend the next schedule Executive Board meeting in March. GC 18 page 11.

84. Heltman then requested to meet with the Executive Board earlier than the scheduled meeting in March. GC 18 page 8.

85. Local 99 accommodated Heltman and agreed to a special meeting on February 10 at 9:00 am. GC 18 page 3

86. Heltman failed to show up at the 9:00 am meeting. After waiting 25 minutes, Thomas excused the Executive Board. GC 18 page 2

87. Heltman did show up at the next regularly schedule Executive Board meeting on March 3, 2017. TT 80.

88. Heltman was provided with a list of expectations that he was expected to adhere to in exchange for his reinstatement to the hiring hall list. TT 91-92 GC 19.

89. Heltman was reinstated to the hiring hall list on March 3, 2017. TT 95.

90. Local 99 previously suspended members of the hiring hall for disruptive behavior. TT 301-02.

## **ARGUMENT**

The General Counsel alleges that Local 99 interfered with Heltman Section 7 rights when Local 99 failed to reinstate Heltman after he appeared before the Infraction's Committee on October 3, 2016. Complaint paragraph 6 (c). The General Counsel did not contest Heltman's suspension for having two no show/no call infractions. Nor did the

General Counsel contest Heltman's suspension for behavioral issues. Instead the General Counsel's position is that Heltman should have been reinstated after his meeting with the Infractions Committee on October 3, 2016. To arrive at this position, the General Counsel unfortunately conflates the two suspensions. Heltman was suspended for two separate issue. Although he resolved the one issue in October 2016, he remained suspended until he resolved the behavioral issues with the Executive Board. The Executive Board properly maintained Heltman on suspension until he appeared before the Board to discuss his behavioral issues. The actions of Ennenga and the Executive Board were necessary for the effective performance of its functions.

In [\*IATSE Local 838 \(Freeman Decorating Co.\)\*, 364 NLRB No. 81 \(2016\)](#) the Board recognizes the parameters of a Union duty of fair representation in their hiring hall operations.

When it operates an exclusive hiring hall, a union has a duty of fair representation to all applicants using the hall, whether members or nonmembers. As part of this duty, the union must operate its exclusive hiring hall in a fair and impartial manner. This code of acceptable conduct necessarily extends to the institution of any referral rules which cannot be discriminatory or arbitrary.

When a union interferes with a referent's employment status for reasons other than the failure to pay dues, initiation fees, or other fees uniformly required, a rebuttable presumption arises that the interference is intended to encourage union membership in violation of Section 8(b)(1)(A). [\*IATSE Local 838 \(Freeman Decorating Co.\)\*, 364 NLRB No. 81, slip op. at 4 \(2016\)](#) (Internal cites and quotes omitted)

Once the General Counsel establishes union interference with employment status in the operation of an exclusive hiring hall, the "union bears the burden of establishing that referrals are made pursuant to a valid hiring-hall provision, or that its conduct was

necessary for effective performance of its representational function.” [Stagehands Referral Service, LLC, 347 NLRB 1167, 1170 \(2006\)](#), enfd. [315 Fed. Appx. 318 \(2009\)](#). In evaluating the Union’s rebuttal the “Board accords a union deference when determining what conduct is reasonable to ensure the effective performance of its representative function. Once a valid objective is shown, the Board will not substitute its judgment for the union’s in determining what response is reasonable.” [IATSE Local 838 \(Freeman Decorating Co.\), 364 NLRB No. 81, slip op. at 5 \(2016\)](#). Applying these principals, the facts of this case show that the Local 99’s actions were reasonable to ensure the effective performance of its representative function.

### **1. The Suspension for No Show/No Call Violations**

The Business Agent of Local 99 is responsible for overseeing and supervising the hiring hall. GC 4 Article IV Section 5(e). The Business Agent is also responsible for the negotiation and administration of the collective bargaining agreements. GC 4 Article IV Section 5(c) and TT 272. The General Counsel does not contest the validity of Heltman’s suspension for the no call/no show infractions and the failure to pay the subsequent fine. See [IATSE Local 838 \(Freeman Decorating Co.\), 364 NLRB No. 81 \(2016\)](#)(finding that such suspensions lawful). Under Local 99’s Infraction Policies Heltman was subject to two \$100.00 fines plus a 2 week suspension and the requirement that he appear before the Board. GC 5 page 1. Heltman’s two no show/no call violations mandated that he appear before the Infractions Committee.

### **2. The Suspension for Behavior**

Referrals are subject to discipline if they become argumentative or disruptive with the Steward, Department Head, referant or employer. GC 5 page 2. Referrals are subject to discipline if they engage in conduct that is damaging to the Local's contractual relations with employers, or conduct or behavior that disrupts or obstructs the referral or the local's ability to carry out its duties and obligations. GC 5 page 2. The General Counsel did not contest Heltman's suspension for behavioral issues. Ennenga and the Executive Board acted reasonably to protect Local 99's contractual interests. Not one, but two employers expressed extreme dissatisfaction with Heltman's work performance. Melaleuca threatened Local 99's contractual relationship because of Heltman's behavior. United Concerts banned Heltman until his behavioral issues were addressed. Both Melaleuca and United Concerts Ennenga had negative feedback about Heltman from Stewards, co-workers and employers. Heltman's behavior was threatening the contractual relationships between Local 99 and the Employers. Ennenga conferred with the Executive Board and they arrived at the consensus that Heltman should be suspended until he appeared before the Board. The conduct was sufficiently egregious that the Executive Board wanted Heltman to appear before they would lift the suspension. When Heltman failed to appear on July 13, 2016, given the prior conduct of Heltman, the Executive Board would have been within its rights to remove him from the hiring hall list, rather than merely suspending him. Instead, the Executive Board maintained Heltman on suspension, pending his voluntary decision to appear before them to discuss his behavior.

### **3. Heltman had to deal with both Suspensions**

Heltman knew that he had been suspended for two separate issues. When Heltman appeared before the Infractions Committee on October 3, 2016, he knew that he still needed to deal with the behavioral issues. As Thomas testified, when a member of the hiring hall is given notice of a problem, it is the member's responsibility to provide an adequate explanation of the situation. TT 180. On October 3, 2016, Heltman provided no explanation for his behavioral problems, despite the fact that he knew he needed to address them. It is telling that when he left that meeting he actually mocked Ennenga's written statement that he was a danger to himself and others. The June 30 letter instructed Heltman to appear before the Executive Board on July 13, 2016, to discuss his behavioral problems. Heltman declined to appear at the scheduled time. The Executive Board acted reasonably when it extended Heltman's suspension until such time that he appeared to discuss those issues.

The Executive Board tried to accommodate Heltman. Yet, Heltman repeatedly showed his indifference to his own responsibilities. Heltman was given a quick opportunity to resolve this matter by appearing at the July 13, 2016 meeting. Heltman voluntarily chose not to appear. His reasoning was that he was angry with Ennenga and the Board. When he appeared unannounced at the October meeting, he made no attempt to discuss his behavior issue. It was arranged that he would meet with the Board on February 3, but he missed that meeting because he was in jail. When he missed the first February meeting with the Executive Board, the Executive Board arranged for a special meeting which Heltman again missed. Heltman remained on suspension no longer than was reasonably necessary to have him address his problems.

The Board requires that “the union not to conduct itself in an arbitrary, invidious, or discriminatory manner when representing those who seek to be referred out for employment by it.” [\*Iron Workers Local 111 \(Steel Builders\)\*, 274 NLRB 742,746 \(1985\)](#). There was nothing “arbitrary, invidious or discriminatory” in the Executive Board’s decision to keep Heltman on suspension until he agreed to discuss his behavioral issues. Although allowing a business agent unfettered discretion in making referral is a violation of the Act, a lack of written hiring hall requirements or even allowing the business agent to use their judgment is not sufficient in itself to constitute a violation. [\*Teamsters Local 25\*, 358 NLRB 54, 64 \(2012\)](#). In this case, the Business Agent did not exercise unfettered discretion. Ennenga consulted with the Executive Board, who agreed with his decision to suspend Heltman until Heltman appeared before the Executive Board to explain his behavior. Local 99 had the valid and reasonable objective of having Heltman appear before the Executive Board so that they could determine whether he took these behavioral issues seriously<sup>1</sup>. In arguing that Heltman should have been reinstated after the October meeting, the General Counsel impermissibly seeks to substitute its judgment for the Local 99. [\*IATSE Local 838 \(Freeman Decorating Co.\)\*, 364 NLRB No. 81, slip op. at 5 \(2016\)](#).

This case is similar to [\*Stage Employees IATSE Local 150 \(Mann Theatres\)\*, 268 NLRB 1292 \(1984\)](#). In Mann Theatres, the Local refused to continue referring Roy Alan Simon because Simon’s past on the job behavior resulted in Employers requesting the

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<sup>1</sup> It should be noted that much of Heltman’s anger was directed at Ennenga, however Ennenga ceased being the business agent of Local 99 in December 2016. The new business agent, Jim Phelps, and the newly elected Executive Board, continued Heltman’s suspension under the previous set condition that Heltman

Simon not be referred. The Board noted that there is little distinction between an Employers request to remove an employee from a job and an Employers request that the employee not be referred in the future. [Stage Employees IATSE Local 150 \(Mann Theatres\)](#), 268 NLRB 1292, 1295-96 (1984). Like Mann, Local 99 had a case where employers were requesting Heltman's removal from calls and an express designation that Heltman was banned from USANA and United Concerts events. Unlike Mann, where the Union simply refused to continue to refer Simon, Local 99 merely suspended Heltman until he address his behavior. In the end, Local 99 course of action most likely prevented Heltman for further venue and employer bans, thereby preserving his employment opportunities.

#### **4. Local 99 did not act in a discriminatory or arbitrary manner**

The Supreme Court has held in [Air Line Pilots Assn. v. O'Neill](#), 499 U.S. 65 (1991), that the "arbitrary, discriminatory, or in bad faith" standard applies to all union activity, and noted that the duty of fair representation applies to hiring hall operations. Ennenga testified that Local 99 previously suspended members of the hiring hall for disruptive behavior. Michael Pombo was initially suspended for behavior issues. Pombo was subsequently expelled from the hiring hall when the behavior continued after his suspension was lifted. Heltman's suspension is not without precedent. TT 301-02.

The actions of Local 99 were not in retaliation for Heltman's charges. As the Steward's Reports show, Heltman's work deficiencies were recognized by multiple disinterested third parties. Co-workers complained about Heltman on the Celtic Women

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would remained suspended until he address his behavioral issues with the Executive Board.



**CERTIFICATE OF SERVICE**

RUSSELL T. MONAHAN hereby declares that he is the attorney for the Grievant herein, and that he served the attached **POST HEARING BRIEF OF LABORERS LOCAL 295** upon:

TODD D. SAVELAND  
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by placing a true and correct copy thereof in an envelope and depositing the same, sealed, with first-class postage prepaid thereon, in the United States mail in Salt Lake City, Utah on September 27, 2017.

Executed on September 27, 2017.

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

/s/  
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