

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

**TEAM SAN JOSE**

**Employer**

**and**

**Case 32-WH-240981**

**INTERNATIONAL ALLIANCE OF  
THEATRICAL STAGE EMPLOYEES,  
MOVING PICTURE TECHNICIANS, ARTISTS  
AND ALLIED CRAFTS OF THE UNITED  
STATES, ITS TERRITORIES AND CANADA,  
LOCAL 134**

**Petitioner**

**CERTIFICATION OF REPRESENTATIVE AS BONA FIDE  
UNDER SECTION 7(B) OF THE FAIR LABOR STANDARDS ACT OF 1938**

On May 6, 2019, International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada (IATSE), Local 134 (the Petitioner) filed with the Regional Director for Region 32 of the National Labor Relations Board a request for certification of representative as bona fide under Section 7(b) of the Fair Labor Standards Act of 1938 (FLSA), 29 U.S.C. § 207(b).

On May 10, 2019, the Regional Director for Region 32 served on the parties a Notice to Show Cause why the Board should not grant the request. On May 10, 2019, the Employer filed a response, informing the Region that it does not oppose the Petitioner's request. No other response was received. As the Region's investigation revealed that the Petitioner is the recognized exclusive collective-bargaining

representative of the unit employees,<sup>1</sup> the Regional Director recommended to the Board that the requested certification be issued.

No party having shown cause why the requested certification should not be issued, the National Labor Relations Board certifies that the Petitioner is a bona fide representative, for purposes of Section 7(b) of the FLSA, of the employees of Team San Jose in the following unit:<sup>2</sup>

All persons employed by the Employer who perform stage, theatrical and related work under the jurisdiction of International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada (IATSE), Local 134, including work on premises owned, leased, operated and/or controlled by the Employer or any part of its subsidiaries and/or within the jurisdiction of Local 134; as well as general carpentry, building, maintenance, loading and unloading of trucks (excluding the loading and unloading of trucks on the San Jose Convention Center loading dock) and/or handling of scenery, properties, venue specific IA electrical duties e.g. tying in power at the CPA, Civic Auditorium, California Theater, Montgomery Theater and Parkside Hall for any and all shows, all theatrical lighting (including all light board operation), laser projection, audio visual, video, electronic and sound equipment (including all sound board operation), including operation of spotlights and rigging in the theatre, civic auditorium, rehearsal hall, convention center, warehouse, motion picture or television locations, coming under the jurisdiction of Local 134.

Dated, Washington D.C., September 10, 2019

By direction of the Board:

Roxanne Rothschild

Executive Secretary

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<sup>1</sup> The record indicates that the Employer and the Petitioner entered into a collective-bargaining agreement effective from July 1, 2014 through June 30, 2019, and continuing in effect from year to year in the absence of written notice of termination.

<sup>2</sup> A certificate of representative as bona fide for purposes of the FLSA does not necessarily establish the right of the organization so certified to be recognized as the exclusive bargaining representative of employees within a particular bargaining unit under the provisions of the National Labor Relations Act. See *County of Alameda*, 322 NLRB 614 (1996).