

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 29 2021

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

v.

INTERNATIONAL ALLIANCE OF
THEATRICAL STAGE EMPLOYEES,
LOCAL 16,

Respondent.

No. 20-73380

NLRB No. 20-CB-249568
National Labor Relations Board

ORDER

The application (Docket Entry No. 1) of the National Labor Relations Board for enforcement of its November 2, 2020 order is granted. Unless objections as to form are received within fourteen days of the date of this order, the form of judgment submitted at Docket Entry No. 2 will be the judgment of the court.

The Clerk will serve the proposed judgment submitted at Docket Entry No. 2 on respondent.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Sofia Salazar-Rubio
Deputy Clerk
Ninth Circuit Rule 27-7

NATIONAL LABOR RELATIONS BOARD

v.

INTERNATIONAL ALLIANCE OF THEATRICAL
STAGE EMPLOYEES, LOCAL 16

ORDER

International Alliance of Theatrical Stage Employees, Local 16, its officers, agents, and representatives, shall:

1. Cease and desist from:
 - (a) Restraining or coercing employee-users of the Respondent's exclusive referral system in the exercise of the rights guaranteed in Section 7 of the National Labor Relations Act, as amended, by:
 - i. Barring George Dooling from use of the Respondent's exclusive referral system, in an arbitrary manner and/or for discriminatory reasons.
 - (b) Causing or attempting to cause Hughston Engineering, Inc., and other employers, to discriminate against employees in regard to their hire or tenure of employment, or any term or condition of employment, in violation of Section 8(a)(3) of the Act, as amended, by suspending referral hall users from use of the Respondent's exclusive referral system, in an arbitrary manner and/or for discriminatory reasons.
 - (c) In any other like or related manner restraining or coercing employees in their exercise of the rights guaranteed them by Section 7 of the Act.
2. Take the following affirmative action necessary to effectuate the policies of the Act:
 - (a) Within 14 days from the date of this Order, rescind the October 5, 2019 to October 20, 2019 suspension of George Dooling from the Respondent's exclusive referral system; remove from the Respondent's files any reference to the unlawful suspension; and, within 3 days thereafter, notify Dooling in writing that this has been done and that the

Respondent will not use the unlawful suspension against him in any way.

- (b) Within 14 days of service by the Region, post at its 240 2nd St., San Francisco, California offices copies of the attached Notice marked “Appendix A.” Copies of the Notice, on forms provided by Region 20, after being signed by the Respondent’s authorized representative, shall be posted for a period of sixty (60) days in conspicuous places, including in all places where the Respondent normally posts notices to its members and to persons who utilize its exclusive referral service. In addition to physical posting of paper notices, the Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and/or other electronic means, if the Respondent customarily communicates with its members and with persons who utilize its exclusive referral service by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or ceased operations at its 240 2nd St., San Francisco, California offices for any reason, the Respondent shall duplicate and mail, at its own expense, a copy of the Notice to all current members and persons who currently utilize its exclusive referral system, and to former members and persons who formerly utilized its exclusive referral system at any time since October 1, 2019.
- (c) Within twenty-eight (28) days of the issuance of the Board’s Order, file with the Regional Director of Region 20, a sworn affidavit from a responsible official describing with specificity the manner in which the Respondent has complied with the terms of the Board’s Order, including the locations of the posted documents.

APPENDIX A
NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government

PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER
AND A CONSENT JUDGMENT BY ANY APPROPRIATE
UNITED STATES COURT OF APPEALS

FEDERAL LAW GIVES YOU THE RIGHT TO:

Form, join, or assist a union;
Choose a representative to bargain with your employer on your behalf;
Act together with other employees for your benefit and protection;
Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT in any like or related manner restrain or coerce you in the exercise of your rights under Section 7 of the Act.

WE WILL NOT suspend you from utilizing our exclusive referral system in an arbitrary manner and/or for discriminatory reasons.

WE WILL NOT cause or attempt to cause Hughston Engineering, Inc., and other employers, to discriminate against employees in regard to their hire or tenure of employment, or any term or condition of employment, by suspending referral hall users from use of our exclusive referral system, in an arbitrary manner and/or for discriminatory reasons.

WE WILL, within 14 days from the date of the Board's Order in these matters, rescind our October 5, 2019 to October 20, 2019 suspension of George Dooling from utilizing our exclusive referral system; remove from our files any reference to our unlawful suspension; and, within 3 days thereafter, notify Dooling in writing that this has been done and that we will not use the suspension threat against him in any way.

INTERNATIONAL ALLIANCE OF
THEATRICAL STAGE EMPLOYEES, LOCAL 16

The Board's decision can be found at www.nlrb.gov/case/20-CB-249568 or by using the QR code below.

Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

