

International Association of Bridge, Structural, Ornamental, Reinforced Ironworkers and Riggers, Local Union No. 27 (Morrison-Knudson) and Raymond Max Snyder. Case 27-CB-3015

November 23, 1993

DECISION AND ORDER

BY CHAIRMAN STEPHENS AND MEMBERS
DEVANEY AND RAUDABAUGH

On July 20, 1993, Administrative Law Judge Gordon J. Myatt issued the attached decision. The Respondent filed exceptions and a supporting brief, the General Counsel filed a brief in support of the judge's decision, and the Charging Party filed an answering brief.

The National Labor Relations Board has considered the decision and the record in light of the exceptions and briefs and has decided to affirm the judge's rulings, findings, and conclusions and to adopt the recommended Order.

ORDER

The National Labor Relations Board adopts the recommended Order of the administrative law judge and orders that the Respondent, International Association of Bridge, Structural, Ornamental, Reinforced Ironworkers and Riggers, Local Union No. 27, Salt Lake City, Utah, its officers, agents, and representatives, shall take the action set forth in the Order.

Gene Chavez, Esq., for the General Counsel.

Robert M. Hirsch, Esq., of San Francisco, California, for the Respondent.

DECISION

GORDON J. MYATT, Administrative Law Judge. On a charge filed by Raymond M. Snyder (Snyder or the Charging Party), an individual, against International Association of Bridge, Structural, Ornamental, Reinforced Ironworkers and Riggers, Local Union No. 27 (the Respondent or the Union) the Regional Director for Region 27 issued a complaint and notice of hearing on September 18, 1991, and an amended complaint and notice of hearing on February 21, 1992. The substantive allegations of the complaint allege that Snyder was a member in good standing of the Respondent and on or about June 30, 1991, the Respondent refused to provide Snyder, on his request, with copies of the hiring hall registration lists for the period January 1990 to June 30, 1991.¹ Further that on or about the same date, the Respondent failed to inform Snyder of the filing card system utilized to operate the Union's exclusive hiring hall system and of his right to inspect the cards and copy information relevant to referrals. The complaint alleges that by this conduct, the Respondent has violated Section 8(b)(1)(A) of the National Labor Relations Act (the Act). 29 U.S.C. § 151 et. seq. The Respond-

ent's answer admitted certain allegations of the complaint, denied others, and specifically denied violating the Act.

A hearing was held in this matter on July 30, 1992, in Salt Lake City, Utah. All parties were represented by counsel and afforded full opportunity to examine and cross-examine witnesses and to present material and relevant evidence on the issues. Briefs have been submitted by the parties and have been duly considered.

On the entire record in this matter, I make the following

FINDINGS OF FACT

I. JURISDICTION

The complaint alleges, and the Respondent admits,² that Morrison-Knudson is a general contractor in the building and construction industry and maintains an office and place of business in Salt Lake City, Utah. Further, that in the course and conduct of its business operations, Morrison-Knudson annually derives revenues in excess of \$500,000, and annually purchases and receives goods and materials valued in excess of \$50,000 from points located outside the State of Utah. Accordingly, I find that Morrison-Knudson is an employer within the meaning of Section 2(2), (6), and (7) of the Act.

II. THE LABOR ORGANIZATION INVOLVED

Respondent, International Association of Bridge, Structural, Ornamental, Reinforced Ironworkers and Riggers, Local Union No. 27 is a labor organization within the meaning of Section 2(5) of Act.

III. THE ALLEGED UNFAIR LABOR PRACTICES

A. *The Hiring Hall Events*

The Union's territorial jurisdiction covers the State of Utah and parts of Wyoming and Nevada and it has collective-bargaining agreements with various employers within this geographical area. Under the terms of the bargaining agreements, the Union operates an exclusive hiring hall referral system by which it dispatches members to jobs with signatory employers. (See G.C. Exhs. 2 and 3.)

The undisputed testimony concerning the operation of the referral system indicates the Union utilizes two separate card index files, as opposed to lists, to enable it to keep track of its membership and referral applicants who are out of work. At the time of the hearing, there were approximately 500 index cards of members and registrants in both files; of this number, there were approximately 160 cards in the out-of-work file. The index cards maintained by the Union contain the names, social security numbers, addresses, and telephone numbers of the members and referral applicants. In addition, the cards contain the dates of employment and the names of the employers to whom the employees were dispatched. The unrefuted testimony of the Union's business agent, Dennis Abernathy, reveals that it was customary for members and referral applicants to come to the hall and periodically review the index cards—their own as well as the cards of others—to determine their positions on the dispatch list.

² At the hearing, the Respondent Union amended its answer to admit the jurisdictional allegations of the complaint.

¹ All dates herein refer to the year 1991 unless otherwise indicated.