

NLRB Advice Law Memo 7/10/2015  
By LawMemo - First in Employment Law.

---

**NLRB - Office of General Counsel Advice Memo:**

Stage Employees IATSE Local One  
(City Center for Music and Drama Cases 02-CD-140688 and 02-CC-140694 -  
4/24/2015)

<http://case.lawmemo.com/advicememos/140688.pdf>

The Region submitted these cases for advice as to whether the Union violated Section 8(b)(4)(ii)(D) of the Act by threatening economic action against the Employer if it assigned certain disputed camera operation work to camera operators the Union did not represent. The Region also sought advice as to whether the Union violated Section 8(b)(6) when it demanded that the Employer hire an equivalent number of shadow workers for each non-Union camera operator that was hired.

The Office of General Counsel concluded that the Union's economic threats against the Employer would not give rise to a jurisdictional dispute within the meaning of Section 8(b)(4)(ii)(D) because the Employer is not a neutral party to the dispute. Rather, the Employer created the dispute by allowing an outside entity to hire camera operators not represented by the Union to film an event, even though it had the right to prevent such hiring, when Union-represented employees have traditionally performed the disputed work. The Office of General Counsel also concluded that the Union did not violate Section 8(b)(6) by demanding that the Employer hire the shadow workers because they either performed work or were ready to perform work.

\*\*\*

---

Employment Law Editor: Jennifer Jill Esmay, JD.  
Copyright 2015 by LawMemo, Inc., PO Box 1656, Grants Pass, OR 97528. Phone 877-399-8028. Need an arbitrator? Go to the [National Arbitration Center](#) .