



LABOR BOARD FINDS HIRING HALL INFORMATION POLICY UNLAWFUL

On May 20, 2022, the National Labor Relations Board (“NLRB”) issued a decision in *IATSE Local 16*, Case 20-CB-252132, in which it held that a local union based in San Francisco violated the National Labor Relations Act by maintaining its “Workers Information Policy” for its hiring hall. The local union operates an exclusive hiring hall that must be used by all of its signatory employers seeking referrals for stage, event and theatre technicians. The union maintains records for all bargaining unit members of the hiring hall, showing their skills and qualifications, their position on the referral list, and other information relating to their employment through the hiring hall, as well as private information such as discipline, medical records, and disability status. In order to protect the privacy of its members, the union adopted a “Workers Information Policy,” which stated that the union would not disclose any worker’s records, including their contact information, to anyone else unless it received a subpoena or some other legal order. The policy was adopted by a majority vote of union members.

A member of the hiring hall filed an unfair labor practice charge challenging the policy, and an administrative law judge (“ALJ”) ruled that the union violated its duty of fair representation to its members by refusing to turn over contact information and other non-confidential information about other bargaining unit members. In its decision, the NLRB adopted the ALJ’s conclusions, and it clarified that the Information Policy was unlawful because (1) it required the members of its hiring hall to obtain a subpoena, or have other compelling reasons to request records relating to another member; (2) it provided that if a hiring hall member sought contact information for another member, the union would contact the other individual first to determine whether they wanted to be contacted; and (3) it prohibited members from obtaining other members’ contact information,

including their names, addresses, and telephone numbers, directly from the union. The Board did not hold that all records, including private medical records, must be made available – the decision only dealt with contact information and information that a member would need in order to determine whether the hiring hall is operating fairly and following its own rules.

It is recommended that any union operating a hiring hall contact counsel to review their current information and privacy policies, or to draft a policy that would be in compliance with this newly-developed NLRB standard.

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