

**IATSE LOCAL 665
GENERAL MEMBERSHIP MEETING
February 27, 2022**

CALL TO ORDER: 9:41 am

ROLL CALL:

President:	Tuia'ana Scanlan
Vice- President:	Nohea Nihipali
Business Agent:	Irish Barber
Secretary-Treasurer:	Shawn Christensen
Executive Board Members:	Kay Carter, Charley Ka'eo Jeff Nihipali Day, Christopher Wiecking, Melissa Lenz, Troy Scanlan

ABSENT: (2) Excused Jeff Day-working, Troy Scanlan-working

Attendance by 20 or more members of Local 665 in good standing (3 of whom shall be members of board) shall constitute a quorum necessary to conduct union business. A quorum was present.

President Scanlan moves meeting out of order to meet and discuss new member applicants (see attached list of new members)

Shawn Christensen motions to approve the new members, seconded by Charlie Ka'eo. Motion passes
President Scanlan has the new members recite their oath of membership.

MINUTES:

Motion made by Senna Flores to accept the minutes of the December 2021 General Membership meeting, seconded by Willie Preston. Motion passes

TREASURER'S REPORT: Motion to accept financial report for December 2021 and January 2022 made by Kevin Kersting, seconded by willie Preston. Motion Passes (see attached report)

SECRETARY-TREASURER'S REPORT CORRESPONDENCE: (see attached)

BUSINESS AGENT'S REPORT: see attached report

PRESIDENT'S REPORT: see attached report

COMMITTEE REPORTS: Health and Welfare report presented by Irish Barber (see attached report)

New Business: Motion made by Melisa Lenz, seconded by Henry Fordham to reinstate Greg Doi from Honorable withdrawal to active status. Motion carries.

Labor Love (AFL-CIO) community project Island of Maui, motion by Henry Fordham, seconded by Lelisa Lenz to donate \$5000.00 to help fund this project. Motion carries

Good and Welfare: Passing of Herb Kaeo

MOTION TO ADJOURN: Made by Henry Fordham, seconded by James Takahashi motion passes and meeting is adjourned at 12:39pm

Submitted by Shawn Christensen
Secretary-Treasurer

FINANCIAL REPORT DECEMBER 2021

IATSE LOCAL 665

ACCOUNT 0003-193535	BEGINNING BALANCE	ENDING BALANCE
GENERAL FUND	\$699,897.79	\$684,100.90
EXPENSES		DEPOSITS
\$184,582.85		\$168,785.96
ACCOUNT 0005-364612	BEGINNING BALANCE	ENDING BALANCE
BUILDING FUND	\$207,672.66	\$207,422.66
EXPENSES		DEPOSITS
\$250.00		\$0.00
ACCOUNT 0005-364670	BEGINNING BALANCE	ENDING BALANCE
BUILDING SAVINGS FUND	\$262,540.06	\$262,803.45
INTEREST		DEPOSITS
\$13.39		\$250.00
ACCOUNT #135064905	BEGINNING BALANCE	ENDING BALANCE
INVESTMENT BANK OF HAWAII	\$3,007,112.67	\$3,011,201.56
DIVIDENDS		FEES
\$4,770.67		\$681.78
OTHER RECEIPTS		
NET CASH MANAGEMENT	\$774.41	
TOTAL PURCHASES	\$3,314.48	
ACCOUNT #0005-364590	BEGINNING BALANCE	ENDING BALANCE
TRAINING TRUST FUND	\$135,358.93	\$130,968.32
EXPENSES		DEPOSITS
\$5,318.73		\$928.12

BANK REPORTS FOR JANUARY 2022

GENERAL FUND

MONTH	BEGINNING BALANCE	TOTAL DEPOSITS
JAN	\$684,100.90	\$83,716.22
YEAR	ENDING BALANCE	TOTAL WITHDRAWALS
2022	\$677,827.43	\$89,989.69

BUILDING FUND

MONTH	BEGINNING BALANCE	TOTAL DEPOSITS
JAN	\$207,422.66	\$0.00
YEAR	ENDING BALANCE	TOTAL WITHDRAWALS
2022	\$207,172.66	\$250.00

BUILDING SAVINGS

MONTH	BEGINNING BALANCE	TOTAL DEPOSITS
JAN	\$262,803.45	\$263.41
YEAR	ENDING BALANCE	TOTAL WITHDRAWALS
2022	\$263,066.86	\$0.00

TRAINING TRUST FUND

MONTH	PREVIOUS BALANCE	TOTAL DEPOSITS
JAN	\$130,968.32	\$300.90
YEAR	ENDING BALANCE	TOTAL WITHDRAWALS
2022	\$131,269.22	\$0.00

BOH INVESTMENTS

MONTH	BEGINNING BALANCE	TOTAL DEPOSITS
JAN	\$3,011,201.60	\$1,292.52
YEAR	ENDING BALANCE	TOTAL WITHDRAWALS
2022	\$3,011,814.50	\$679.58

NET CASH MANAGEMENT

\$12.94



Community Services
Program

HAWAII STATE AFL-CIO

888 Mililani Street, Suite 501 • Honolulu, Hawaii 96813

Telephone: (808) 597-1441
Fax: (808) 593-2149

Aloha!

February 15, 2022

Several weeks have passed since we announced this year's Labor of Love project. It will be at Iao Intermediate School in Maui. When selecting a school, we consider the percentage of students who participate in the Free and Reduced Lunch program and chronic absenteeism. Unfortunately, Iao Middle School has a high number of students who fall within these categories which can lead to poor outcomes in life. This project is an opportunity to raise public awareness, support our keiki, improve our communities, establish stronger relationships between unions, members, and the greater community.

The project volunteer workday is scheduled to take place on Saturday, April 23, 2022. We will be on campus for our volunteer event and will work in pods. As we are learning to operate during this pandemic, we are making contingency plans, will employ recommended mitigation strategies, and will adhere to the gathering rules. We ask for your flexibility and understanding in advance as plans can change quickly.

We are asking for a suggested donation amount of \$5,000 to fund the program, but any donation would be appreciated. We also welcome contributions of other needed items or supplies. Please inform your staff and membership about this exciting project and encourage them to participate! To purchase the requested items, we are requesting donations be submitted by Friday, March 18, 2022. Please make the check payable to "H.E.L.P." and mail the check to the following address. Also, please send approval to use your union logo by Friday, March 18, 2022, so we can add it to the Labor of Love marketing collateral.

Ms. Cathy Lederer
Hawaii State AFL-CIO, LCSP
888 Mililani Street, Suite 501
Honolulu, HI 96813

Our last project was held at Kalihi Elementary School where over 500 volunteers gave their time and talent to the community. The total value of contributions to the school amounted to over \$130,000. We received media coverage throughout the weekend on the local news programs which helped to spread the word and illustrate organized labor's active commitment to creating a stronger Hawaii for all. Please contact Cathy at 561-0039 or LCSP@hawaflcio.org if you have any questions or concerns. We greatly appreciate your consideration!

In Unity,

Randy Perreira
President, Hawaii State AFL-CIO
President, H.E.L.P.

Catherine Lederer
Hawaii State AFL-CIO, LCSP Director
Treasurer, H.E.L.P.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 37
300 Ala Moana Blvd Rm 7-245
Honolulu, HI 96850-7245

Agency Website: www.nlr.gov
Telephone: (808) 541-2814
Fax: (808) 541-2818

February 8, 2022

E-Issued

Robin Kekuewa Wong
P.O.Box 10217
Honolulu, HI 96816

Re: International Alliance of Theatrical Stage
Employees Local 665
Case 20-CB-286862

Dear Ms. Wong:

We have carefully investigated and considered your charge that International Alliance of Theatrical Stage Employees (I.A.T.S.E.) has violated the National Labor Relations Act.

Decision to Dismiss: The charge, filed on November 29, 2021, and amended on November 30 alleges that the Union violated Sections 8(b)(1)(A), 8(b)(2), and 8(b)(3) of the Act. More specifically, you alleged that:

1. The Union refused to process a grievance for arbitrary or discriminatory reasons or in bad faith;
2. The Union caused an employer to discriminate against you in retaliation for failing to pay union dues;
3. The Union has failed and refused to bargain in good faith with an employer;
4. The Union unlawfully fined you \$6,100 and expelled you from the membership;
5. A Union Business Representative made unlawful and threatening statements to you in February and March; and
6. The Union operated a hiring hall in a manner that was arbitrary, discriminatory, or in bad faith in February.

Regarding the allegations that the Union failed to process a grievance, caused an employer to discriminate against you for failing to pay Union dues, and failed to bargain in good faith with an employer, you have failed to provide any evidence in support of those allegations. I have therefore concluded that there is insufficient evidence to support a conclusion that the Union's actions violated the Act as alleged.

Regarding the allegation that the Union unlawfully fined you \$6,100 and expelled you from its membership, the Board has consistently held that intraunion discipline involving a purely intraunion dispute that does not interfere with the employee-employer relationship does not violate Section 8(b)(1)(A) of the Act. *Truck Drivers & Helpers Local No. 170*, 333 NLRB No. 152 (2001) citing *Office Employees Local 251 (Sandia National Laboratories)*, 331 NLRB 1417 (2000).

After careful review of all of the documents, statements, and evidence submitted, the evidence establishes that the \$6,100 fine and your expulsion from the membership constituted intraunion discipline rising from purely internal Union disputes that did not interfere with an employee-employer relationship outside of the Union. I have therefore concluded that there is insufficient evidence to support a conclusion that the discipline imposed by the Union violated the Act as alleged.

Section 10(b) of the Act prohibits the General Counsel from issuing complaints based on any unfair labor practice occurring more than six months prior to the filing and service of the underlying charge. 29 U.S.C. § 160(b). "The 10(b) period begins to run when a charging party has 'clear and unequivocal notice' either actual or constructive, of a violation of the Act." *Ohio and Vicinity Regional Council of Carpenters*, 344 NLRB 366 (2005). The limitation period is a six-month limitation period, not a 180-day period. *Geiger Ready-Mix*, 315 NLRB 1021, 1029 (1994).

Regarding the allegation that the Union unlawfully levied fines against you and expelled you from its membership, the evidence submitted in this case additionally indicates that you had clear and unequivocal notice of the Union's imposition of discipline on May 26, 2021, more than six months before the Charge was filed on November 29. Specifically, on May 23, 2021, you were notified that the General Membership had voted to approve and adopt the findings of the Trial Board, including all recommended penalties, and you were subsequently provided the findings of the Trial Board along with its penalty recommendations on May 26th. Therefore, the 6-month period to file a charge over this issue began on May 26, making this charge untimely under Section 10(b) of the Act.

The evidence submitted in this case to support the allegations that a Union Business Representative made unlawful statements to you and that the Union unlawfully operated a hiring hall indicate that these events occurred in February and March 2021, more than six months prior to the filing of this charge on November 29. Therefore, these allegations are also untimely under Section 10(b) of the Act.

For the above provided reasons, I have concluded that further proceedings are not warranted and I am dismissing the charge in its entirety.

February 8, 2022

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible. Written instructions for the NLRB's E-Filing system and the Terms and Conditions of the NLRB's E-Filing policy are available at www.nlr.gov. See User Guide. A video demonstration which provides step-by-step instructions and frequently asked questions are also available at www.nlr.gov. If you require additional assistance with E-Filing, please contact e-filing@nlrb.gov.

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **February 22, 2022**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than February 21, 2022. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before February 22, 2022**. The request may be filed electronically through the **E-File Documents** link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after February 22, 2022, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence

February 8, 2022

at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

JILL H. COFFMAN
Regional Director



By:

DALE K. YASHIKI
Officer in Charge

Enclosure

cc: Irish Barber, Business Representative (E-Issued)
I.A.T.S.E. Local 665
501 Sumner St #605
Honolulu, HI 96817

Robert S. Giolito, Esq. (E-Issued)
Law Office of Robert S. Giolito PC
1626 Montana Ave, Suite 201
Santa Monica, CA 90403

David A. Rosenfeld, Esq. (E-Issued)
Weinberg, Roger & Rosenfeld
300 South Fourth Street, Suite 1500
Las Vegas, NV 89101

Caren P. Sencer, Esq. (E-Issued)
Weinberg, Roger & Rosenfeld
1375 55th Street
Emeryville, CA 94608



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Honolulu Local Office
300 Ala Moana Blvd ,Room 4-257
Honolulu ,Hawaii ,96850
(808) 541-3118
Website: www.eeoc.gov

NOTICE OF CHARGE OF DISCRIMINATION

(This Notice replaces EEOC FORM 131)

02/13/2022

To: IATSE Local 665
501 Sumner St.
Honolulu, HI 96817

This is notice that a charge of employment discrimination has been filed with the EEOC against your organization by Robin K Wong under: The Age Discrimination in Employment Act of 1967 (ADEA), Title VII of the Civil Rights Act of 1964 (Title VII). The circumstances of the alleged discrimination are based on Retaliation, Race, Sex, Age, and involve issues of Retaliation, Terms/Conditions, Discipline, Discharge that are alleged to have occurred on or about 07/19/2021.

The Digital Charge System makes investigations and communications with charging parties and respondents more efficient by digitizing charge documents. The charge is available for you to download from the EEOC Respondent Portal, the EEOC's secure online system.

Please follow these instructions to view the charge within ten (10) days of receiving this Notice:

1. Access the EEOC's secured online system at <https://arc.eeoc.gov/rsp/login.jsf>
2. Enter this EEOC Charge No.: 486-2022-00517
3. Enter this password: HIOFzAxV

Once you log into the system, you can view and download the charge, and electronically submit documents to EEOC. The system will also advise you of possible actions or responses and identify your EEOC point of contact for this charge.

If you are unable to log into the EEOC Respondent Portal or have any questions regarding it, you may send an email to HLOACT@eeoc.gov.



U.S. Equal Employment Opportunity Commission

FEDERAL INVESTIGATION: REQUEST FOR POSITION STATEMENT AND SUPPORTING DOCUMENTARY EVIDENCE

The EEOC hereby requests that your organization submit within 30 days a Position Statement setting forth all facts which pertain to the allegations in the charge of discrimination under investigation, as well as any other facts which you deem relevant for the EEOC's consideration.

We recommend you review the EEOC's resource guide on "Effective Position Statements" as you prepare your response to this request.

Fact-Based Position Statement

This is your opportunity to raise any and all defenses, legal or factual, in response to each of the allegations of the charge. The position statement should set forth all of the facts relevant to respond to the allegations in the charge, as well as any other facts the Respondent deems pertinent to the EEOC's consideration. The position statement should only refer to, but not identify, information that the Respondent asserts is sensitive medical information, or confidential commercial or financial information.

The EEOC also requests that you submit all documentary evidence you believe is responsive to the allegations of the charge. If you submit only an advocacy statement, unsupported by documentary evidence, the EEOC may conclude that Respondent has no evidence to support its defense to the allegations of the charge.

The EEOC may release your position statement and non-confidential attachments to the Charging Party and their representative and allow them to respond to enable the EEOC to assess the credibility of the information provided by both parties. It is in the Respondent's interest to provide an effective position statement that focuses on the facts. The EEOC will not release the Charging Party's response, if any, to the Respondent.

If no response is received to this request, the EEOC may proceed directly to a determination on the merits of the charge based on the information at its disposal.

Signed by an Authorized Representative

The Position Statement should be signed by an officer, agent, or representative of Respondent authorized to speak officially on its behalf in this federal investigation.



U.S. Equal Employment Opportunity Commission
Honolulu Local Office
300 Ala Moana Blvd Room 4-257
Honolulu, HI 96850
(808) 541-3118

Dear Small Business Manager:

The Equal Employment Opportunity Commission (EEOC) is the federal agency with primary responsibility for enforcing our nation's equal employment opportunity (EEO) laws. The laws we enforce prohibit job discrimination based on race, color, religion, sex (including on the basis of pregnancy, gender identity, or sexual orientation), national origin, age (40 or older), disability, retaliation and genetic information.

The attached Fact Sheet provides an overview of the EEOC's procedures from the time a charge of employment discrimination is filed to the point that it is resolved.

We encourage you to visit our online Small Business Resource Center, which provides a wealth of information designed to help small businesses. We offer tips and short videos on key employment topics including what to do when you receive a charge of discrimination.

In most cases, as our first step in processing a charge, we offer mediation as a neutral, voluntary and confidential way to achieve a mutually satisfactory resolution for all parties. Seventy-five percent of charges that are mediated are successfully resolved. In an independent study, 96% of employers who tried the EEOC's mediation program said they would use it again if the need arose.

In addition to the EEOC representative identified on the Notice of Charge of Discrimination, each of our district offices has a Small Business Liaison to provide technical assistance and help employers resolve questions about the laws we enforce, our mediation program, and the charge process. You can find the names and contact information of our Small Business Liaisons on our web site.

We encourage you to contact the Small Business Liaison in your area to answer any questions you may have and assure you that any inquiry or request for information will not adversely affect the investigation of the charge that has been filed.

Sincerely,

U.S. Equal Employment Opportunity Commission

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> EEOC 486-2022-00517 </div>	
and EEOC			
_____ <i>State or local Agency, if any</i>			

Name (indicate Mr., Ms., Mrs.) Robin K. Wong	Home Phone 808-265-5885	Year of Birth 1968
Street Address PO Box 10217 HONOLULU, HI 96816		
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)		
Name IATSE Local 665	No. Employees, Members 15 - 100 Employees	Phone No. (808) 596-0227
Street Address 501 Sumner St. Honolulu, HI 96817		
Name	No. Employees, Members	Phone No.
Street Address City, State and ZIP Code		

DISCRIMINATION BASED ON Retaliation, Race, Sex, Age	DATE(S) DISCRIMINATION TOOK PLACE <div style="display: flex; justify-content: space-between;"> <div> Earliest 05/29/2021 </div> <div> Latest 07/19/2021 </div> </div>
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THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s))

On December 30, 2019, I was hired as a Secretary/Treasurer with Respondent. I was expelled as a union member from Respondent on May 29, 2021. On or around July 19, 2021, I was informed that I had been terminated from my employment with Respondent as of March 15, 2021. Subsequently, Respondent subjected me to discipline, and Respondent blocked my unemployment claim on July 19, 2021. I believe Respondent discriminated against me because of my age (53) in violation of the Age Discrimination in Employment Act as well as race (Asian and Native Hawaiian) and sex (Female) in violation of the Title VII of Civil Rights of 1964, as amended. I also believe Respondent retaliated against me for engaging in protected activity.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - When necessary for State and Local Agency Requirements
I declare under penalty of perjury that the above is true and correct. Digitally Signed By: Robin K. Wong 02/04/2022 <div style="text-align: right;"><i>Charging Party Signature</i></div>	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

SUBREGION 37
300 Ala Moana Blvd Rm 7-245
Honolulu, HI 96850-7245

Agency Website: www.nlr.gov
Telephone: (808)541-2814
Fax: (808)541-2818

February 17, 2022

E-Issued

Robert S. Giolito, Attorney at Law
Law Office of Robert S. Giolito PC
1626 Montana Ave., Suite 201
Santa Monica, CA 90403

Re: International Alliance of Theatrical Stage
Employees (I.A.T.S.E.)
Case 02-CB-289194

Dear Mr. Giolito:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

JILL H. COFFMAN
Regional Director

By: _____
DALE K. YASHIKI
Officer in Charge

cc: Matthew D Loeb, President
International Alliance of Theatrical Stage
Employees (I.A.T.S.E.)
207 West 25th Street
New York, NY 10001

E-Issued

Robin K Wong
3550 Paho Avenue
Honolulu, HI 96816

E-Issued

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: **General Counsel**
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)

E-FILING TO APPEALS

1. **Extension of Time:** This document is used when the Charging Party is asking for more time to efile an Appeal.
 - If an Extension of Time is e-filed, and there are additional documents to be e-filed simultaneously with it, please e-file those documents under the selection **Correspondence**.
 - After an Extension of Time has already been e-filed, any **additional** materials to add to the Extension of Time should be e-filed under **Correspondence**.
2. **File an Appeal:** If the Charging Party does not agree with the Region's decision on the case, an Appeal can be e-filed.
 - Only **one (1) Appeal** can be e-filed to each determination in the Region's decision letter that is received.
 - After an Appeal has been e-filed, any **additional** materials to add to the Appeal should be e-filed under **Correspondence**.
3. **Notice of Appearance:** Either party can e-file a Notice of Appearance if there is a new counsel representing one side or a different counsel.
 - This document is only e-filed with the Office of Appeals after a decision has been made by the Region.
 - This document can be e-filed **before** an Appeal is e-filed.
4. **Correspondence:** Parties will **select** Correspondence when adding documents or supplementing the Appeal or Extension of Time.
 - Correspondence is used to e-file documents **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
5. **Position Statement:** The Charging Party or Charged Party may e-file a Position Statement.
 - The Charging Party will e-file this document as a supplement of the Appeal.
 - The Charged Party will specifically file one to support the Region's decision.
 - This document should be e-filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.
6. **Withdrawal Request:** If the Charging Party decides to no longer pursue their appeal, he/she can e-file a Withdrawal Request to the Office of Appeals.
 - This document should be e-Filed **after** an **Extension of Time, Appeal or Notice of Appearance** has been e-filed.



A screenshot of a dropdown menu with a light gray background. The menu is open, showing several options. The first option, 'Extension of Time Request', is highlighted with a blue background and a small blue circle icon to its right. Below it are 'File an Appeal', 'Notice of Appearance', 'Position Statement', 'Withdrawal Request', and 'Correspondence'. Each of these options also has a small blue circle icon to its right. The 'File an Appeal' and 'Withdrawal Request' options have a small square icon to their left. The menu is enclosed in a thin gray border.

- Extension of Time Request
- File an Appeal
- Notice of Appearance
- Position Statement
- Withdrawal Request
- Correspondence

7. The selections of **Evidence** or **Other** should no longer be used.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, DC 20570

February 23, 2022

ROBIN KEKUEWA WONG
PO BOX 10217
HONOLULU, HI 96816

Re: International Alliance of Theatrical Stage
Employees Local 665
Case 20-CB-286862

Dear Ms. Wong:

We have received your timely appeal from the Region's decision in the above-captioned case. We will assign your appeal for processing in accordance with Agency procedures. Please be assured that our review of this matter will include a full analysis of the underlying investigatory file, your appeal, as well as current Board law and processes.

We will notify you and all involved parties of our decision by letter via email as permitted under Section 102.4(c) of the Board's *Rules and Regulations*. If an email address is not available for you, we will provide the decision by mail.

Sincerely,

Jennifer A. Abruzzo
General Counsel

By: _____

Mark E. Arbesfeld, Director
Office of Appeals

International Alliance of Theatrical Stage
Employees Local 665
Case 20-CB-286862

-2

cc: JILL H. COFFMAN
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS
BOARD
901 MARKET ST STE 400
SAN FRANCISCO, CA 94103-1738

DALE K. YASHIKI
OFFICER IN CHARGE
NATIONAL LABOR RELATIONS
BOARD
300 ALA MOANA BLVD RM 7-245
HONOLULU, HI 96850-7245

DAVID A. ROSENFELD, ESQ.
WEINBERG, ROGER & ROSENFELD
300 S FOURTH ST STE 1500
LAS VEGAS, NV 89101

IRISH BARBER
BUSINESS REPRESENTATIVE
I.A.T.S.E. LOCAL 665
501 SUMNER ST #605
HONOLULU, HI 96817

ROBERT S. GIOLITO, ESQ.
LAW OFFICE OF ROBERT S. GIOLITO PC
1626 MONTANA AVE STE 201
SANTA MONICA, CA 90403

CAREN P. SENCER, ESQ.
WEINBERG, ROGER & ROSENFELD
1375 55TH ST
EMERYVILLE, CA 94608

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February 2022 President's Report

Organizing and Political Activism

As the legislature has reconvened, I've been leaning into political activism on behalf of our Local. If we're not at the table, we're on the menu. The state legislature is still convening electronically, we can submit written and virtual testimony. If you have not only done so, please visit capitol.hawaii.gov and register an account to be able to submit testimony on issues and bills that are currently before the state legislature. Specifically, if you are able to, please consider submitting testimony in support of HB 1923 HD 1 (and it's companion bill SB 3222 SD1) - "Relating to the Creative Workforce". This bill creates a Creative Arts Workforce Grant program:

"[...]**§9-B Creative arts workforce grant program: established.**
12 (a) There is established within, and administered by, the
13 foundation a creative arts workforce grant program. The grant
14 program shall have the following objectives:
15 (1) To establish creative arts workforce development as a
16 state priority:
17 (2) To recognize creative workers across the State as
18 essential workers and contributors for overcoming the
19 State's greatest challenges through the rebuilding of
20 the State's cultural landscape into a more equitable
21 and just framework:
(3) To develop and support a career development pipeline
2 that serves creative workers at all stages of their
3 careers:
4 (4) To create equitable opportunities for career
5 exploration and participation in creative work for
6 individuals and communities who may have faced
7 barriers to participation and employment in creative
8 work as a result of low levels of public and private
9 investment, limited exposure to arts programming, or
10 other social or economic barriers to participation and
11 employment in creative work; and
12 (5) To promote employment and earn and learn program
13 opportunities for creative workers throughout the
14 State. [...]"

HB 1923 HD 1 would allow the state of Hawaii to invest in the development of creative arts workers across the board. And though direct benefits to our Local may not be immediately visible, by developing the pool of workers in creative arts, it increases opportunities for our technicians to support these endeavors in the future. Both H 1923 and SB 3222 have advanced in their respective chambers to the money committees (House Finance and Senate Ways &

Means committees, respectively). For the full text of HB 1923 HD 1, visit:
https://www.capitol.hawaii.gov/session2022/bills/HB1923_HD1_.pdf

Also in the works is SB 2018 - "Relating to Minimum Wage", which raises the minimum wage to \$18/hr by January 1, 2026. It has already passed the Senate committees on Labor, Culture, & the Arts as well as Ways & Means). SB 2018 is cleaner than HB 2510, which raises Hawaii's minimum wage to \$18/hr by January 1, 2030. HB 2510 also increases the tip credit by \$2.00/hr to a total of \$2.75/hr. If enacted, HB 2510 would adversely affect tipped employees by allowing their employers to pay them \$2.75/hr less than minimum wage. The majority of tipped employees are women, people of color, and from the LGBTQ community. For perspective, the hourly wage that a worker needed to earn in Hawaii in 2020 to be able to meet their basic needs and to be economically self-sufficient was \$18.35/hr (for a single worker with no children). Working families cannot wait 8 more years to earn the living wage from a decade prior. It is our duty as organized labor to fight for the rights of workers, regardless of the industry in which they work. A rising tide raises all ships. So as the minimum wage increases, so does our bargaining power. If you are able, please consider submitting testimony in support of SB 2018 and in opposition to HB 2510. For the full text of SB 2018, visit:
https://www.capitol.hawaii.gov/session2022/bills/SB2018_.pdf

Also, HB 1495 HD1 (and its companion bill SB 2568 SD 1) - Relating to Motion Picture, Digital Media, and Film Production "prohibits a production from qualifying for the film tax credit if the production tax credit hires or compensates an employee of the State or county whose official capacity is related to motion picture, digital media, or film production for certain services. Requires a taxpayer to identify any such employee in the statement submitted to DBEDT." It is imperative that our film tax incentive is applied ethically and that no commissioner is allowed to use their public office for personal gain. Please consider submitting testimony in support of this bill. HB 1495 HD 1 can be found by visiting
https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=1495

On February 3rd, the Political/Legislative Department hosted "IATSE PAC: Join the Fight!", a webinar that covers the important role IATSE PAC plays in delivering political and legislative victories for IATSE behind-the-scenes entertainment workers and their families. International President Loeb has asked that all U.S. Locals deliver this presentation to their local membership by March 31st, 2022. While we as a Local will hold this webinar in March 2022, you may also access the recording of it by visiting:
<https://attendee.gotowebinar.com/recording/3076197560450386947>

Training and Development -

OSHA 10 GES Training is currently being scheduled for the second quarter of 2022. The class will be administered locally. It is increasingly becoming a standard for our worksphere. Stay tuned for more details. If you are unable to attend these sessions, please visit <https://www.iatsetrainingtrust.org/>

Additionally, if you visit the IATSE Training Trust Fund website, we have access to a plethora of other remote training opportunities. "Safety First!", LinkedIn Learning, and AVRT training is readily available for all IATSE members. Please take advantage of these training sessions as they will actively increase our ability to capture work in new areas.

Outreach -

DEI Committee - The committee is scheduled to meet next week Wednesday. Once the business of the committee has concluded, I will report to the membership.

Hawaii Entertainment Unions, film commissioners, and producers met to discuss our legislative priorities. And though we remain far apart on a number of issues, we all agree that protecting and advancing the Hawaii Film Tax Incentive is for the good of all parties involved. And while we may never see eye-to-eye on all things with producers and commissioners, our interests in maintaining the strength of the industry are in alignment and we will continue to work with those parties toward that end.

Local Labor organizations also met at an outdoor venue to discuss support for minimum wage bills and solidarity in fighting for workers' rights. Also in attendance were representatives from Humana. We are currently working to create an informational session for members transitioning into Medicare. We hope that this information will help avoid any unnecessary lag and unintentional penalties when signing up for Medicare.

HEALTH & WELFARE AND ANNUITY TRUST FUND REPORT
Reported at the February 2022 EB & GMM
By Union Trustee Irish Barber

The Union Trustees (Allan Omo, Henry Fordham and Irish Barber) and Employer Trustees (Jack Schneider, Gordon Svec met on Tuesday, January 11, 2022, at 10AM via Zoom. All trustees were in attendance with the exception of Jeffery NihipaliDay who is an alternate and was excused.

HEALTH AND WELFARE FUND

Term Period: June 1, 2021 to November 30, 2021	AUGUST 31, 2021
REVENUES.....	
\$731,633.22	\$81,627.16
EXPENSES (PREMIUM).....	
\$435,716.81	\$422,359.15
EXPENSES (GEN. ADMIN.).....	
\$14,209.50	\$7,213.22
TOTAL EXPENSES.....	
\$449,926.31	\$429,572.37
NET GAIN	
\$281,706.91	(\$347,945.21)
BALANCE AS OF 11/30/21	\$13,605,534.46
\$14,479,776.03	

Overall gain of \$874,241 since last reporting quarter.

After carrying all participants through the pandemic, we continue to enjoy a 24.9 Months reserve and remain at a healthy fund.

ANNUITY FUND:

Term Period: June 1, 2021 to November 30, 2021	AUGUST 31, 2021
REVENUES.....	
\$12,382.33	\$475,307.31
EXPENSES (BENEFITS)	
\$3,582.41	\$16,838.38
EXPENSES (GEN. ADMIN.).....	
\$39,058.21	\$41,794.98
TOTAL EXPENSES.....	
\$42,640.62	\$58,633.36
NET LOSS.....	
(\$30,258.29)	\$416,673.95
BALANCE AS OF 11/30/21	\$23,301,043.82
\$23,839,220.86	

Overall gain of \$538,177 since last reporting quarter.

At the October 2021 meeting, we reminded the Plan Consultant that we had asked for information on raising the Health Account cap back in March 2020. They presented some scenarios on hybrid options for raising the Health Account cap and the Subsidy, but we asked for more information. I w

IRISH BARBER – BUSINESS AGENT’S REPORT FOR
Sunday, February 27, 2022
GENERAL MEMBERSHIP MEETING

ORGANIZING:

STAFF:

Our Administrative Assistant was out sick, and we approved sick leave for last week, not COVID related. She received a negative PCR test result and returned to work on Friday.

Membership cards and pins were mailed out to members. If you paid your first quarter membership dues,

PROJECTIONIST AND STAGE:

Blaisdell Center has relaxed their testing policy where anyone who spends more than 15 minutes on the City property must be vaccinated or have a verified attestation as to waiver of vaccination and negative test result. They continue to offer a walk-up vaccination clinic in the Pikake Room, drive-through testing in the Blaisdell parking lot and walk-up COVID-19 testing at the Waikiki Shell. You need to register to take advantage of these services.

COVID-19: 2,207 positive confirmed COVID-19 cases statewide as of 02/24/22 - HIGH. 77.1% vaccinated, and 49.3% fully-vaccinated and boosted. There have been 30 deaths. Nomi Health provides free COVID testing and more pop-up clinics are opening up.

Six live events that were scheduled for the Blaisdell properties were postponed or cancelled due to COVID-19 spikes due to the O Variant.

02/04/22: (CH) BAMP Project – Ron White
02/08-02/23/22: (CH) HOT: Tragedy of Carmen
02/10-02/12/22 (WS): BAMP Project – Rebelution
02/11-02/17/22: (Aulani) Fremantle – American Idol Season 3
02/25-02/26/22: (CH) Tirzah Ent.: Nice to Meet You (local K-Pop)
03/07-03/13/22 (AR) Kamehameha Schools: KS Song Contest – negotiating contract
03/08-03/14/22 (CH) HOT: Re-emerging: HOT Live in Concert
03/24/22: (CH) Waipahu Int. School: Mara Urbanoza Hip Hop Dance Competition
03/25-03/28/22 (CH): Falun Dafa Assn of HI – Shen Yun 2022
03/29-03/31/22 (CH): HOT: Madame Butterfly

BROADWAY IN HAWAII

Mary Lewis from the Blaisdell has successfully negotiated to have four Broadway shows to return to HI.

4/19 – 4/24/22 – “Beautiful – The Carole King Musical”

9/13 – 9/25/2022 – “Jersey Boys”

12/7/2022 -1/8/2023 - “Hamilton”

6/13 – 6/18/2023 – “Cats: Let the Memory Live Again”

PRODUCTION:

RTW Agreement:

The RTW has been extended through April 30, 2022. It keeps in place workplace protocols and protections that have allowed us to return work over the past year and a half. The Joint Unions consisting of the IATSE, SAG-AFTRA, DGA and Teamsters Local 399 have successfully replenished the 10 days of Sick Leave which effective on February 14, 2022 and can be used through September 30, 2022. This committee continues to meet monthly

I have received three letters from members to share with the joint unions committee, and if anyone wishes for me to share their letters, they may send me their emails, I convert it to pdf and send it the committee

Additionally, two new vaccines have been added to the agreement – Novavax and AstraZeneca as well as antigen tests. The agreement allows employers to relax PPE and testing protocols for fully-vaccinated workers in areas with lower COVID-19 transmission rates, however, employers may opt to enforce stricter protocols.

Mandatory vaccinations policies for Zone A have been adopted by Magnum P.I., Murder Mystery 2 and the Blaisdell properties.

ASA & Hollywood Basic Agreements:

During a BA meeting with President Loeb, I asked when we might see the 3% wage increases, and they do not have a definitive answer. Someone in the meeting said that they believe we will see retroactive pay in March.

SHOWS IN THE QUEUE:

Universal TV – “Tarzana” – WAS A NO SHOW

Looking to film their season finale 1/26/22 – 1/28/22 on Oahu on a hotel resort property.

Disney/20th Century Fox – “Doogie Kamealoha, M.D.” – Season 2 has been picked up! They are scheduled to shoot on May 9th – August 14th, 2022

Apple TV Series - “Chief of War” – TV Series

Open offices in April, shoot July through November, around Thanksgiving – period piece and not to be confused with “Kamehameha” the latter of which has been rumored to shoot for years 😊.

SHOWS PREPPING:

Showtime – “Three Women” – will be shooting part of their Season 1 finale on Oahu from 4/11-4/14/22. Showtime Agreement/ASA.

Island Film Group/Hallmark Shows: "Hidden Gems" - Shoot on Oahu 3/14 – 4/1/22. Low Budget Tier 1. Take a week off then start second film.

Island Film Group/Hallmark Show: "Hannah's Honeymoon" – Shoot 4/11 – 5/2/22. No kids so far.

SHOWS ACTIVELY SHOOTING:

Positive cases after Christmas hiatus sent cast and crew into quarantine and shutdowns shows for a few days.

CBS - Eye Productions – "Magnum P.I." - Season 4:

Recently had a company called BSI come out and monitor the COVID teams of MPI (Lawson Associates) and NCIS. Spoke with Ferris and the BSI rep while on a set visit, and I have asked for written rules. Petition circulating. Lack of knowledge. (Camera dept & two grips). They are scheduled to wrap on March 7th or 8th.

CBS – Eye Productions – "NCIS – Hawai'i" – Season 1:

SHOWS THAT HAVE WRAPPED:

SeaGlass Productions – "Murder Mystery 2" – Feature

Has wrapped. Minor issues. In the beginning, didn't have us listed under "union" which was rectified after speaking with Labor Relations. Did not withhold dues. They were happy with the 665. The BB Grip from Local 480 and Local 80.

Warner Brothers/Bumper Productions – "Ke Nui Road" – Pilot for a Series

Still waiting to hear about pickup.

COMMERCIALS:

"Maui Jim" commercial that is scheduled to shoot next week.

NON-UNION SHOWS:

Several of our members have called in work on a "Maui Jim" commercial.

GRIEVANCES

Maui – Yale Productions or Yale Pictures "Paradise City"- The International is auditing this show to see if they exceeded their estimated Low Budget threshold of \$7.5M. No new info to report.

TRADE SHOW & CONVENTION –

Encore (formerly PSAV) on both Maui and Hawai'i Island have hired several of our workers to work tradeshow events. Today, 12 workers from Hawai'i Island will be helping with the event in Kailua-Kona, and the employer has agreed to put the Hilo crew up in the hotel.

OUTSTANDING PAYROLL

- Payment for the three technicians is still ongoing.
- 14 people did not receive some kind of pay to include wages, COVID testing pay or Unemployment. We are assisting them in recovering these fund.

ACTIVISM

Attended the rally at the Capitol for Unite Here Local 5 to speak out against corporations who do not pay their fair share of taxes that are due to the State and attended a Solidarity meeting hosted by the Ironworkers Union which was well attended.

LEGISLATION:

Senator Glenn Wakai and Representative Quinlan continue to lobby for film tax credit bills which Tui will cover in his report.

REMINDER TO MEMBERS:

The IATSE has supported a Zero Tolerance COVID-19 policy, so be careful not to engage unless you feel you are being unfairly treated. Send in your statements regarding your feelings toward the RTW Agreement. If they are in good taste, I will forward them in PDF format, unedited.