

UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 32 1301 Clay St Ste 300N Oakland, CA 94612-5224 Agency Website: www.nlrb.gov Telephone: (510)637-3300 Fax: (510)637-3315

August 1, 2014

Re:

International Alliance of Theatrical Stage

Employees, Local 16(Various)

Case 20-CB-090776

Dear

We have carefully investigated and considered your charge that IATSE, LOCAL 16 has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below. Your charge, as elaborated upon during the investigation, alleges that the Union violated Sections 8(b)(1)(A) and (2) of the Act by failing and refusing to refer you to jobs through its hiring hall for reasons that are arbitrary, capricious, and/or discriminatory. More specifically, you contend that the Union has retaliated against you by refusing to refer you for work assignments since at least late 2008 because of a wage-related complaint against a signatory employer and because of various unfair labor charges that you have filed against the Union since that time. However, contrary to the charge allegations, the investigation disclosed insufficient evidence that the Union has discriminatorily refused to refer you for jobs through its hiring hall or that it has failed to honor an employer's request that you be referred to a particular job. Moreover, to the extent that the investigation revealed that the Union operates an exclusive hiring hall regarding venue employers and employers in the trade show and convention industry, the investigation failed to establish that it has operated such a hall in an arbitrary or capricious manner. Accordingly, I am dismissing your charge in its entirety.

Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at www.nlrb.gov. However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at www.nlrb.gov, click on E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington D.C. 20570-0001. Unless filed electronically, a copy of the appeal should also be sent to me.

Appeal Due Date: The appeal is due on August 15, 2014. 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 August 14, 2014. 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 August 15, 2014. The request may be filed electronically through the *E-File Documents* link on our website www.nlrb.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 August 15, 2014, 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 any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

GEORGE VELASTEGUI

Beorge Valestojui

Regional Director

cc:

IATSE, LOCAL 16 240 2ND ST SAN FRANCISCO, CA 94105-3113

WEINBERG ROGER & ROSENFELD 1001 MARINA VILLAGE PKWY STE 200 ALAMEDA, CA 94501-6430

August 1, 2014

Form NLRB-4767

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To:	General Counsel
	Attn: Office of Appeals
	National Labor Relations Board
	Room 8820, 1099 - 14th Street, N.W.
	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)