

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS

DO NOT WRITE IN THIS SPACE

Case

Date Filed

INSTRUCTIONS: File an original and 4 copies of this charge and an additional copy for each organization, each local, and each individual named in Item 1 with the NLRB Regional Director of the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT

a. Name UNITE HERE Local 5

b. Union Representative to contact
Eric W. Gill, Financial Sec. - Treasurerc. Telephone No.
(808) 941-2141
(808) 941-2166d. Address (street, city, state and ZIP code)
1050 Queen Street, Suite 100
Honolulu, Hawaii 96814-4130

e. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (b)(1)(A) of the National Labor Relations Act. and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Charging Party and her co-workers are required to pay dues to UNITE HERE Local 5 ("Union") and its affiliates as a condition of employment pursuant to a compulsory unionism clause in the collective bargaining agreement governing their employment. Employees who "object" to paying full union dues have a legal right to pay dues limited to the employee's pro rata share of what the union can prove is its cost for collective bargaining, contract administration, and grievance adjustment. See Communication Workers v. Beck, 487 U.S. 735 (1988) ("Beck").

By and through the following and related actions, the Union is violating the Act:

- (1) refusing to honor Beck objections stated by employees during a contract hiatus (i.e, a time period when a collective bargaining agreement was not effective);
- (2) maintaining and enforcing an "annual objection" policy under which employee Beck objections are honored for only twelve-months, after which the Union will force the employee to pay full union dues as a condition of employment unless another Beck objection was filed within a narrow window period.
- (3) informing employees of the above-stated unlawful policies and procedures.

Complete relief for all similarly situated employees is requested. This expressly includes all employees who the Union informed of its unlawful policies and procedures.

3. Name of Employer
Turtle Bay Resort4. Telephone No.
(808) 293-6000
(800) 203-3650 (fax)5. Location of plant involved (street, city, state and ZIP code)
57-091 Kamehameha Highway, Kahuku, Oahu, Hawaii 967316. Employer representative to contact
Nancy Ramos, Director of Human Resources7. Type of establishment (factory, mine, wholesaler, etc.)
Resort and Hotel8. Identify principal product or service
Hospitality9. Number of workers employed
Hundreds10. Full name of party filing charge
Brenda Lee Orr11. Address of party filing charge (street, city, state and ZIP code)
[REDACTED] Haleiwa, Hawaii 9671212. Telephone No.
[REDACTED]

13. DECLARATION

I declare that I have read the above charge and that the statements therein are true to the best of my knowledge and belief.

By William L. Messenger Attorney
(signature of representative or person making charge) (title or office, if any)

Address National Right to Work Legal Def. Fdtn. (703) 321-8510 10/25/06
Suite 600, 8001 Braddock Rd., Springfield, VA 22156 (telephone No.) (date)