



HAWAII LABOR RELATIONS BOARD  
ANNUAL REPORT TO  
THE HONORABLE DAVID IGE  
GOVERNOR OF THE STATE OF HAWAII  
FY 2014-2015

PRESENTED BY THE HAWAII LABOR RELATIONS BOARD

KERRY M. KOMATSUBARA, Chair  
SESNITA A.D. MOEPONO, Member  
ROCK B. LEY, Member

## Table of Contents

<b>I.</b>	<b>INTRODUCTION</b>	<b>2</b>
<b>II.</b>	<b>EXECUTIVE SUMMARY</b>	<b>2</b>
<b>III.</b>	<b>MISSION STATEMENT</b>	<b>2</b>
<b>IV.</b>	<b>OVERVIEW</b>	<b>3</b>
	<b>A. Governing Constitutional Provisions and Statutes.....</b>	<b>3</b>
	<b>B. Board Functions.....</b>	<b>4</b>
	<b>C. Board Members.....</b>	<b>5</b>
	<b>D. Board Staff.....</b>	<b>6</b>
<b>VI.</b>	<b>DATA ON THE PUBLIC SECTOR BARGAINING UNITS</b>	<b>8</b>
	<b>Exclusive Representatives.....</b>	<b>9</b>
	<b>Number of Employees in Units.....</b>	<b>9</b>
<b>VII.</b>	<b>CASES BEFORE THE BOARD DURING FY 2015</b>	<b>10</b>
	<b>Case Statistics</b>	<b>10</b>
<b>VIII.</b>	<b>PUBLICATIONS</b>	<b>12</b>
<b>IX.</b>	<b>CONCLUSION</b>	<b>13</b>
<b>ATTACHMENTS</b>		
	<b>Attachment 1: Pending Cases Beginning of FY 2015</b>	
	<b>Attachment 2: New Cases Filed FY 2015</b>	
	<b>Attachment 3: Cases Closed in FY 2015</b>	
	<b>Attachment 4: Pending Cases at the End of FY 2015</b>	
	<b>Attachment 5: Orders Issued Ch. 89 Cases-FY 2015</b>	
	<b>Attachment 6: Decisions Issued Ch. 89 Cases-FY 2015</b>	
	<b>Attachment 7: Orders Issued Ch. 396 (HIOSH) Cases-FY 2015</b>	
	<b>Attachment 8: Decisions Issued Ch. 396 (HIOSH) Cases-FY 2015</b>	
	<b>Attachment 9: Cases on Appeal</b>	

## **I. INTRODUCTION**

Pursuant to HRS § 89-5(a), the Board presents its annual report to the Governor describing its activities for fiscal year 2015 and reflecting the status of the Board on June 30, 2015.

## **II. EXECUTIVE SUMMARY**

The Hawaii Labor Relations Board (HLRB or Board) is a quasi-judicial agency that administers the provisions of Hawaii Revised Statutes (HRS) Chapters 89 and 377 regarding collective bargaining in public and private employment. The mission of the Board is to enforce and protect the rights of public employees and public unions to organize and bargain collectively in balance with the employer's rights to manage operations as provided by law and to fairly and efficiently resolve labor disputes brought before it. The Board is attached to the State Department of Labor and Industrial Relations (DLIR) for administrative and budgetary purposes only.

The Board has jurisdiction over public employers, i.e., the State of Hawaii and the counties, the Judiciary, the Department of Education, including the public charter schools, the University of Hawaii system, and the Hawaii Health Systems Corporation. In the private sector, the Board has jurisdiction over employees, employers and unions who are not subject to the jurisdiction of the National Labor Relations Board. Historically this has included agricultural employees and employers.

The Board conducts hearings pursuant to HRS Chapter 89 and 377 to decide complaints filed by employees, unions, and employers alleging prohibited or unfair labor practices. These cases typically involve an employer or union's failure to bargain in good faith, an employer or union's interference with an employee's right to participate in or refrain from bargaining activities, or a union's failure to fairly represent its members in the negotiation of agreements or the pursuit of grievances. The Board also conducts union representation elections, supervises the impasse procedures in public employment, and issues declaratory rulings, which clarify the applicability of governing statutes and its rules.

In 2002, the Board also acquired jurisdiction to conduct de novo hearings on contests of citations issued by the DLIR Director through the Hawaii Occupational Safety and Health Division (HIOSH) under HRS Chapter 396 or appeals of HIOSH determinations involving other violations of HRS Chapter 396, except where HIOSH's rules require a prior formal hearing at the HIOSH level and the proceedings are required to be transcribed. In those cases, the Board's case review is confined to the record only. The Board's mission pursuant to HRS Chapter 396 is to ensure the right of workers to a safe and healthful work environment and encourage employer and employee efforts to reduce injury and illness arising out of employment.

At the beginning of FY 2015, a total of 168 cases were pending before the Board. These pending cases included 139 Chapter 89 and 377 complaints, and 29 Chapter 396 cases. In FY 2015, 74 new

cases were filed with the Board, thus bringing the total number of active cases before the Board to 242 (i.e., pending cases as of July 1, 2014 plus the new cases filed in FY 2015).

In FY 2015, 78 cases were closed, which left a total of 164 cases pending before the Board at the end of the fiscal year. These pending cases include the following: (i) 130 cases involving Chapter 89 and 377 prohibited or unfair labor practice complaints, (ii) 2 cases involving impasse procedures in public employment, (iii) 3 cases seeking declaratory rulings and unit clarifications from the Board regarding its governing statutes and rules, (iv) 23 cases contesting Chapter 396 citations issued by HIOSH, and (v) 5 cases involving appeals from HIOSH's findings in discrimination complaints involving retaliation for reporting safety and health violations.

A thorough breakdown of these counts can be found on page 10 of this report.

### **III. OVERVIEW**

The mission of the Board is to enforce and protect the rights of employees and unions to organize and bargain collectively in balance with the employer's rights to manage operations as provided by HRS Chapters 89 and 377 by fairly and efficiently resolving labor disputes brought before it. The Board is committed to promoting the harmonious and cooperative relations between the parties.

In 2002, the Board also acquired jurisdiction to conduct de novo hearings on contests of citations issued by the DLIR Director through the HIOSH Division and appeals from HIOSH's findings in discrimination complaints involving retaliation for reporting safety and health violations. The Board's mission pursuant to HRS Chapter 396 is to ensure the right of workers to a safe and healthful work environment and encourage employer and employee efforts to reduce injury and illness arising out of employment.

#### **A. Governing Constitutional Provisions and Statutes**

Private employees in the State of Hawaii have a constitutional right to organize. Article XIII, Section 1 of the State Constitution, provides that, "Persons in private employment shall have the right to organize for the purpose of collective bargaining." The Hawaii Employment Relations Act (HERA) was enacted in 1945 and codified as HRS Chapter 377 to permit employees who are not subject to the Railway Labor Act or the National Labor Relations Act to participate in collective bargaining. The Hawaii Employment Relations Board (HERB) was created to administer the provisions of the HERA.

Similarly, in 1968, the State Constitution was amended to afford public employees in the State of Hawaii the right to organize for the purpose of collective bargaining. Article XIII, Section 2 of the State Constitution, provides that, "Persons in public employment shall have the right to organize for the purpose of collective bargaining as provided by law."

In 1970, the Legislature enacted Act 171, Session Laws of Hawaii, which was subsequently

codified as HRS Chapter 89, Collective Bargaining in Public Employment, to encourage joint decision-making in administering government. The Act created the Hawaii Public Employment Relations Board (HPERB) to administer the provisions of HRS Chapter 89. In 1985, the Legislature abolished the HERB, transferred its functions to the HPERB, and renamed it the Hawaii Labor Relations Board, effective January 1, 1986, to administer the provisions of both HRS Chapters 89 and 377.

Thereafter, in 2002, the Legislature enacted Act 104, Session Laws of Hawaii, which empowered the Board to conduct de novo hearings in reviewing contests of citations or orders of the Director of Labor and Industrial Relations involving occupational health and safety pursuant to HRS § 396-11, except as provided in HRS § 396-11(h) where the Board's review is confined to the record only.

## **B. Board Functions**

The Board is an agency within the DLIR for administrative and budgetary purposes. The Board exercises quasi-judicial powers with jurisdiction over disputes pertaining to collective bargaining in the public sector arising under HRS Chapter 89 and in the private sector under HRS Chapter 377. Accordingly, the primary duties of its members are to hear and decide contested cases involving prohibited or unfair labor practice complaints and to render declaratory rulings on questions submitted. These cases typically involve an employer or union's failure to bargain in good faith, an employer or union's interference with an employee's right to participate in or refrain from bargaining activities, or a union's failure to fairly represent its members in the negotiation of agreements or the pursuit of grievances. The Board also conducts union representation elections, supervises the impasse procedures in public employment, and issues declaratory rulings to clarify the applicability of governing statutes and its rules. In addition, the Board also resolves disputes involving bargaining unit designations and determines the appropriateness of dues refunds for nonmembers.

In the public sector, the Board has jurisdiction over state and county employees, judiciary employees, public school teachers, faculty of the University of Hawaii and community college system, employees of the Hawaii Health Systems Corporation, and charter school employees.

In the private sector, the Board similarly conducts representation elections and resolves unfair labor practice complaints. The Board has jurisdiction over private employees and employers who are not subject to the jurisdiction of the National Labor Relations Board. Historically this includes primarily agricultural employees, employers and their unions. Typically, the employees are members of unions or are involved with organizing activities.

In addition, the Board decides contests and appeals of decisions rendered by the Director of Labor and Industrial Relations, State of Hawaii, through HIOSH under HRS Chapter 396. These cases are typically employer contests of citations and penalties issued and appeals in discrimination cases involving retaliation against employees for reporting safety and health violations.

### **C. Board Members**

The Board is composed of three members, the Chair, who represents the public, one member who represents management, and the third member who represents labor. Each member is appointed by the governor and confirmed by the Senate for six-year terms. Because cumulative experience and continuity in office are essential to the proper administration of HRS Chapter 89, the two-term appointment limit in HRS § 26-34 is not applicable, and members can continue in office as long as efficiency is demonstrated. For FY 2015, the Board was composed of the following members:

**JAMES B. NICHOLSON**, Chair, was appointed and confirmed for a six year term beginning on July 1, 2007 to June 30, 2013, and he continued to holdover and serve as the Board's chair to June 20, 2015. His annual salary as of June 30, 2015 was \$118,500. Mr. Nicholson graduated from Saint Louis School in Honolulu, Hawaii and received his Bachelor of Arts from Michigan State University. He received his Juris Doctorate degree from the William S. Richardson School of Law and was admitted to the Hawaii State Bar in 1986. During his professional career he was a Union representative for the Kansas City Chiefs; Management negotiator for the Hawaii Employers Council; Production Manager for Weyerhaeuser Paper Company, represented the Teamsters Local 996 and State Organization of Police Officers in grievance arbitration cases, represented Hawaiian Electric Company in grievance arbitration cases and served as an arbitrator in public and private labor disputes.

**SESNITA A.D. MOEPONO**, Member, representative of management, was appointed and confirmed for a six year term beginning on July 1, 2011 and ends on June 30, 2017. Ms. Moepono's annual salary as of June 30, 2015 was \$112,572. Ms. Moepono graduated from Punahou School, University of Hawaii with a Bachelor of Arts, and the William S. Richardson School of Law in 1986 with a J.D. She is a member of the Hawaii State Bar Association. Ms. Moepono was in private practice from 1998-2011. From 1994-1997, she served as the Deputy Administrator of Operations, Office of Hawaiian Affairs, responsible for the administrative functions, i.e. fiscal, personnel, public information, cultural, legislative and public information. She has worked in the Legislature as a budget analyst for the Senate Ways and Means Committee and legislative researcher for the Senate Majority Research Office and the Committees on Judiciary, Labor, Transportation and Health. Ms. Moepono served as the Chair of the Liliha Neighborhood Board 2003-2007, served as Vice Chair during her tenure on the Honolulu Planning Commission 1994-2007, and a member of the Downtown Business Association, Kupuna Caucus, the Honolulu Committee on Aging, the Juvenile Justice SAC, and the Lanakila Multi-Purpose Committee, among others.

**ROCK B. LEY**, Member, representative of labor, was appointed and confirmed for a five- year term beginning July 1, 2011 and ends on June 30, 2016. Mr. Ley’s annual salary as of June 30, 2015 was \$112,572. Mr. Ley previously served as the hearings officer for the Department of Labor and Industrial Relation’s Labor & Industrial Relations Appeal Board (LIRAB.) Prior to that, Mr. Ley was in private practice after having served as a deputy attorney general in the Labor Division of the Department of the Attorney General, State of Hawaii. Mr. Ley graduated from Dartmouth College with a Bachelor of Arts degree in History and from the Johns Hopkins University with a Doctor of Philosophy degree in modern social and economic history. He received his Juris Doctorate degree from Southwestern University School of Law, and was admitted to the Hawaii State Bar in 1986.

**D. FY 2015 Board Staff**

Pursuant to HRS § 89-5(a), the Board may appoint the members of its staff. The Board's secretary and legal clerk are in the civil service system and excluded from collective bargaining. Other staff members are exempt from civil service and excluded from collective bargaining. For FY 2015, the Board’s staff was composed of the following:

**SARAH R. HIRAKAMI**, Executive Officer. Ms. Hirakami serves as legal counsel to the Board, represents the Board in the courts, and performs such legal and administrative duties as may be delegated by the Board Chair. Her administrative duties include supervising the Board staff; drafting and editing Board publications and decisions; and responding to inquiries from the public. Her annual salary as of June 30, 2015 was \$101,220. Ms. Hirakami began serving as the Board’s Executive Officer in July, 2013. She also served on the Board from July 1, 2006 to June 1, 2011 as the management representative. Ms. Hirakami previously served as deputy legal counsel to the Board of Water Supply, City and County of Honolulu, and as a deputy attorney general in the Employment Law Division of the Office of the Attorney General, State of Hawaii. Prior to becoming an attorney, Ms. Hirakami worked as an engineer. Ms. Hirakami graduated from the University of Hawaii with a Bachelor of Science degree from the College of Engineering, and she received a Juris Doctorate degree from the William S. Richardson School of Law with a certificate in Environmental Law.

**LINDA K. GOTO**, Hearings Officer. Ms. Goto serves as legal counsel to the Board, and performs such legal duties as may be delegated by the Board. Her legal duties primarily include research, drafting, and editing Board decisions and orders. Her annual salary as of June 30, 2015 was \$84,000. Ms. Goto graduated from Punahou School and Mount Holyoke College in South Hadley, Massachusetts with a Bachelor of Arts in Psychology. She received a Juris Doctorate from the Columbus School of Law, Catholic University of America, Washington, D.C. and has been a member of the Hawaii State Bar Association since 1978. Ms. Goto served briefly as a law clerk in the Office of the Administrative Director of the Family Court for the First Circuit after her graduation from law school. She then joined the Board for her first term as the Hearings Officer in 1978. In 1981, Ms. Goto left the Board to work in private practice, primarily in the area of civil litigation. After several years in private practice, Ms. Goto returned to work in state government

as a legal researcher with the Legislative Reference Bureau, Hawaii State Legislature, and an administrative rules drafter with the Department of Taxation, State of Hawaii. In 1993, she became a solo practitioner performing legal research and writing on a contract basis, primarily in the area of private sector labor law, until returning to the Board for a second term as the Hearings Officer in 2014.

**NORA A. EBATA**, Secretary IV; SR 18M. Ms. Ebata provides clerical services for the Chair and Board members. Her annual salary as of June 30, 2015 was \$63,168. She also serves as the office manager, supervises the Board's clerical staff and is responsible for fiscal and personnel recordkeeping, including purchasing and travel for the Board. Ms. Ebata types from a draft and finalizes Board decisions, orders, notices, and other Board publications; proofs and finalizes court documents; and responds to public inquiries.

**MILTON HIRATA**, 89-day hire. Mr. Hirata maintains the Board's online e-filing system and regularly updates the electronic master file of all cases and orders; creates fill-able forms; and other duties as assigned by the Board. Mr. Hirata started his work with the Board in October, 2014.

## VI. DATA ON THE PUBLIC SECTOR BARGAINING UNITS

The collective bargaining law for public employees divides all State and county employees covered by Chapter 89, HRS, into 14 units based upon occupational and compensation plan groupings. These bargaining units, described in HRS § 89-6(a), are as follows:

Unit	Statutory Description
1	Non-supervisory employees in blue collar positions;
2	Supervisory employees in blue collar positions;
3	Non-supervisory employees in white collar positions;
4	Supervisory employees in white collar positions;
5	Teachers and other personnel of the department of education under the same pay schedule, including part-time employees working less than twenty hours a week who are equal to one-half of a full-time equivalent;
6	Educational officers and other personnel of the department of education under the same pay schedule;
7	Faculty of the University of Hawaii and the community college system;
8	Personnel of the University of Hawaii and the community college system, other than faculty;
9	Registered professional nurses;
10	Institutional, health and correctional workers;
11	Firefighters;
12	Police officers;
13	Professional and scientific employees, who cannot be included in any of the other bargaining units; and
14	State law enforcement officers and state and county ocean safety and water safety officers.

It is customary to refer to the bargaining units by the numbers used in HRS § 89-6(a). For example, the unit consisting of firefighters is referred to as Unit 11.

## Exclusive Representatives

All 14 public employee collective bargaining units have selected employee organizations to serve as their exclusive representatives. Throughout the remainder of this report, the following abbreviations will be used to refer to the respective exclusive representatives (or unions):

HFFA	Hawaii Fire Fighters Association, Local 1463, IAFF, AFL-CIO
HGEA	Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO
HSTA	Hawaii State Teachers Association
SHOPO	State of Hawaii Organization of Police Officers
UHPA	University of Hawaii Professional Assembly (NEA-AAUP)
UPW	United Public Workers, AFSCME, Local 646, AFL-CIO

## Number of Employees in Units

<b>Unit</b>	<b>No. of Employees</b>	<b>Exclusive Representative</b>	<b>Date of Initial Certification</b>
1	8,479	UPW	10/20/1971
2	789	HGEA	10/20/1971
3	13,473	HGEA	4/3/1972
4	841	HGEA	5/3/1972
5	12,736	HSTA	05/21//71
6	855	HGEA	6/10/1971
7	3,920	UHPA	11/1/1974
8	2,328	HGEA	1/26/1973
9	1,560	HGEA	7/10/1979
10	3,001	UPW	2/11/1972
11	1,925	HFFA	2/4/1972
12	2,917	SHOPO	7/14/1972
13	8,110	HGEA	5/3/1972
14 <sup>1</sup>	152	HGEA	7/1/2013

<sup>1</sup> Governor Neil Abercrombie signed Act 137-2013 into law on June 21, 2013, creating Unit 14. Unit 14 is still in the process of being established and the reported number of 152 employees is a reflection of only those employees assigned to Unit 14 as of May, 2015. It is anticipated that a more accurate number of Unit 14 employees will be reported in the next annual report of the Board.

The above table indicates the number of employees in each bargaining unit, the union and the date that the union was initially selected and certified as the exclusive representative.

The number of public employees by each of the 14 collective bargaining units are from HLRB Informational Bulletin No. 53, dated May 22, 2015. There are approximately 61,086 public employees in bargaining units as shown in the chart above.

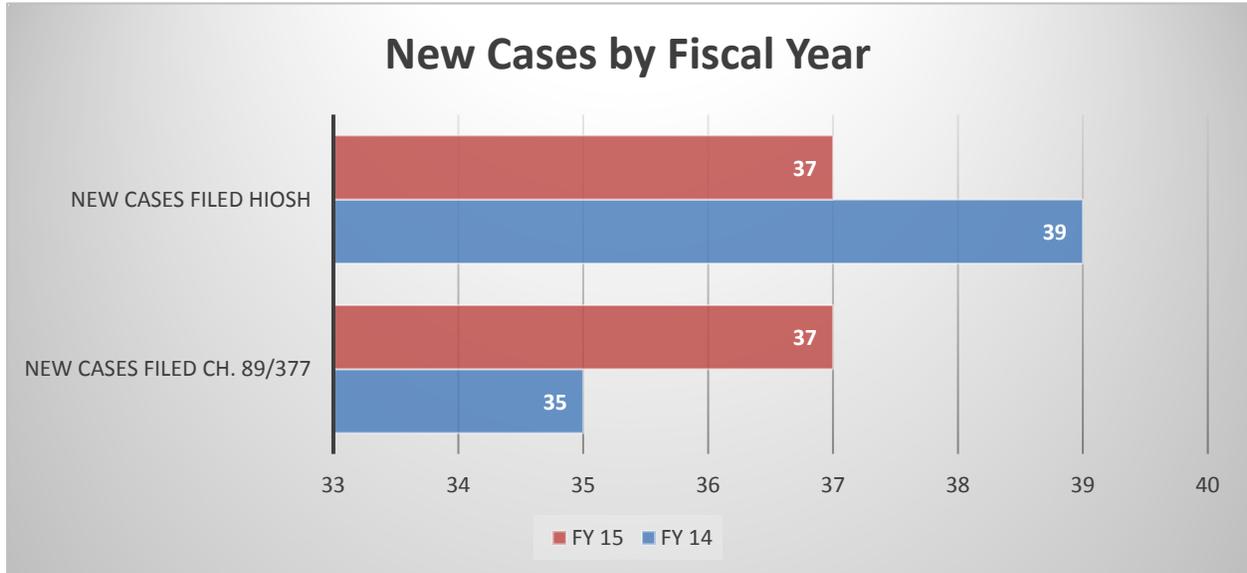
## VII. CASES BEFORE THE BOARD DURING FY 2015

### Case Statistics

The following represents the cases filed and pending before the Board in FY 2015 (*July 1, 2014 – June 30, 2015*):

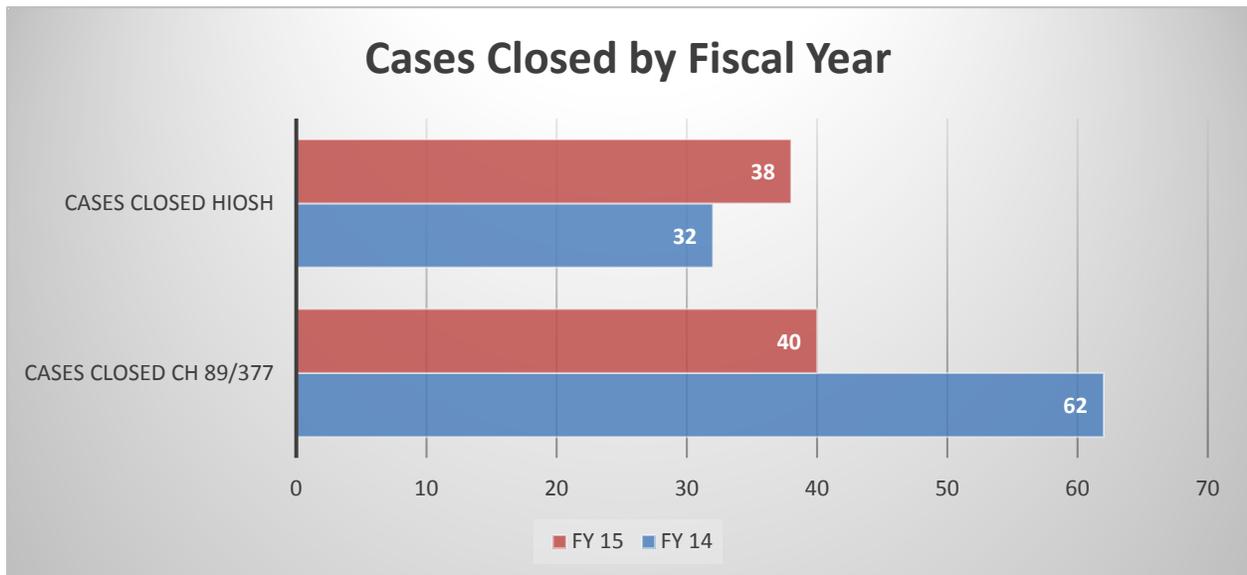
<b>Type of Case</b>	<b>Pending Start of FY 2015 (07/01/2014)</b>	<b>Newly Filed FY 2015</b>	<b>Appeals FY 2015</b>	<b>Cases Closed FY 2015</b>	<b>Pending End of FY 2015 (06/30/2015)</b>
<b><i>Chapters 89/377</i></b>					
Prohibited Practice Against Employer (CE)	118	23	0	25	116
Prohibited Practice Against Union (CU)	14	7	0	7	14
Prohibited Practice Against Employee (CEE)	0	0	0	0	0
Impasse (I)	0	6	0	3	3
Declaratory Ruling (DR)	5	1	0	4	2
Unit Clarification (RA)	2	0	0	1	1
<b><i>Chapters 396</i></b>					
Citation	23	35	0	35	23
Discrimination	6	2	0	3	5
<b>Total</b>	<b>168</b>	<b>74</b>	<b>0</b>	<b>78</b>	<b>164</b>

## Trends Charts



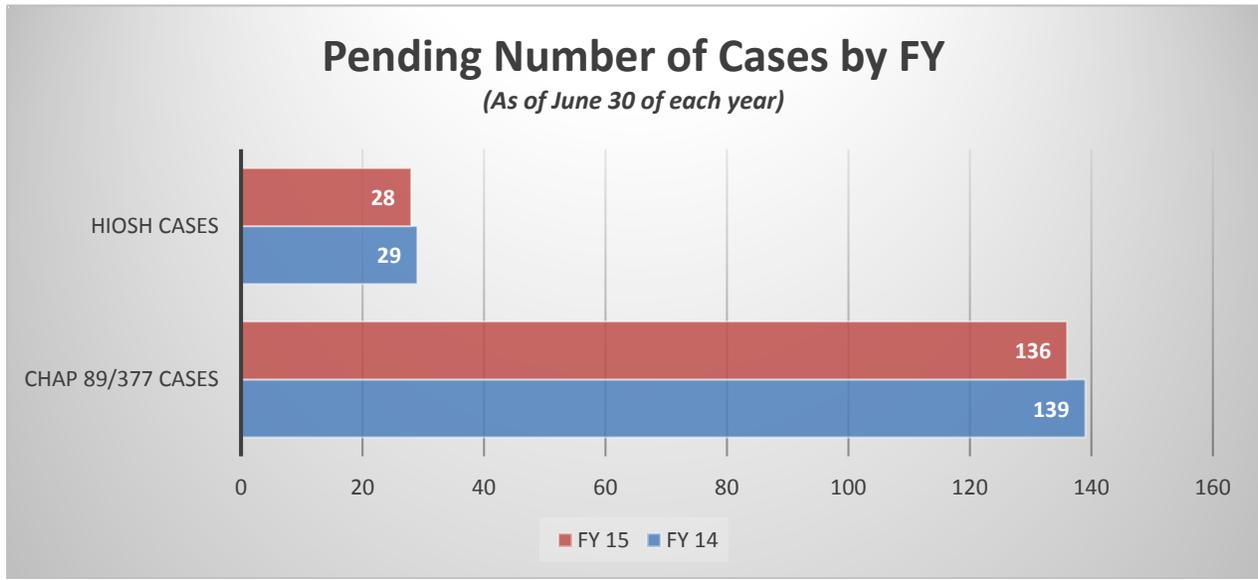
The total number of new cases filed with the Board in FY 2015 (74 new cases) are the same as FY 2014 (74 new cases).

Filed with the Board in FY 2015 was a total of 37 new Chapters 89/377 cases and a total of 37 new Chapter 396 cases.



The total number of cases closed by the Board in FY 2015 (78 cases completed/closed) are about the same as FY 2014 (94 cases completed/closed).

In FY 2015, the Board issued two decisions and 70 Orders related to Chapters 89 and 377 cases (as compared to 1 decision and 62 Orders for FY 2014). Regarding HIOSH cases, the Board issued one decision and 81 Orders (as compared to 32 Orders for 2014). See Appendices for case dispositions.



The total number of cases pending at the end of FY 15 (164 cases) is slightly less than that for FY 2014 (168 cases).

### VIII. PUBLICATIONS

HLRB Decisions: The Board, working with the Industrial Relations Center (IRC), University of Hawaii, publishes the Board's decisions in loose-leaf binders for sale on a subscription basis. Thus far, Volume 1, containing Decision Nos. 1 through 85 covering the years 1971-77; Volume 2, containing Decision Nos. 86 through 155 covering the years 1978-81; Volume 3, containing Decision Nos. 156 through 209 covering the years 1982-85; Volume 4, containing Decision Nos. 210 through 311 covering the years 1986-90; Volume 5, containing Decision Nos. 312 through 393 covering the years 1991-97; Volume 6 containing Decision Nos. 394 to 456 covering the years 1998-2005; and Volume 7 containing Decision Nos. 457 - 475 covering the years 2006-2008 have been issued. Copies of recent decisions are available on the Board's website at [wwwv.hawaii.gov/labor](http://wwwv.hawaii.gov/labor).

The Board also distributes copies of its decisions as they are rendered to the respective parties in interest, and the State agencies as required by HRS § 93-3.

Website: Rules, forms, bulletins, recent decisions of the Board, and the Board's List of Arbitrators with their resumes and fees are posted on the DLIR website at [www.hawaii.gov/labor](http://www.hawaii.gov/labor).

## **IX. CONCLUSION**

The Board has worked diligently to meet its goals of administering the provisions of HRS Chapters 89, 377 and 396. As stated in previous annual reports, the Board is concerned about its backlog of pending cases. This concern is heightened as the Board experiences an increasing number of newly filed cases, and its belief that this trend will continue for the foreseeable future. It is expected that the number of new Chapter 396 cases will grow significantly in the coming year because of an increase in building construction activity which often leads to increases in worker safety violations. Also of concern to the Board is the potential increase in new Chapter 89/377 cases in light of recent public-sector restructuring/reorganization and private-sector agricultural business closings.

The Board takes notice of the following information: There were a total of 168 cases pending at the close of FY 2014. The backlog of cases this past year was reduced by 4, having a total of 164 cases pending at the close of FY 2015.

As reported in the FY 2014 Annual Report, it was the Board's intent to address the backlog of cases by pursuing, among other things, the development of a comprehensive e-Filing system to include both Chapter 89/377 and Chapter 396 cases. In early 2014, the Board contracted with File and ServeXpress (FSX) to provide e-Filing services on FSX's website, which services include online filing of pleadings and case related correspondence, and service of pleadings and correspondence by email, and storage of all case files. The current voluntary e-Filing service allows all participating parties to file and serve their documents on the opposing party 24 hours/7 days a week. Like the Hawaii Supreme Court, the Board accepts digital signatures on documents filed with the Board. Because of online filing and digital signatures, the Board has started to realize savings on paper cost, postage and labor which benefits the State, the Board and the parties.

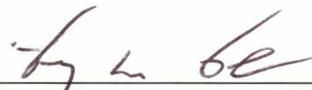
Through the diligent efforts of the Board's staff and the cooperation of the various government and private law offices that practice before the Board, e-Filing through FSX now has been adopted by approximately 70% of the attorneys that appear before the Board. These participants include:

- State of Hawaii Attorney General Department – Employment Law Division
- City and County of Honolulu, Department of the Corporation Counsel,

- County of Hawaii, Corporation Counsel County of Hawaii,
- County of Maui, Department of the Corporation Counsel,
- County of Kauai, Office of the County Attorney, and
- About 10 private-sector law firms

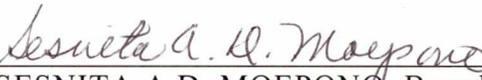
The Board recognizes the need to continue to work diligently and more efficiently to reduce the backlog of pending cases. Although the reduction of the backlog is important, the Board also recognizes the need to deliver quality and thoughtful legal decisions that will provide guidance and insight to the collective bargaining process and also to the continuing effort to ensure the safe and healthful workplace conditions in our community.

Respectfully submitted,



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KERRY M. KOMATSUBARA, Chair<sup>2</sup>



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SESNITA A.D. MOEPONO, Board Member



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ROCK B. LEY, Board Member

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<sup>2</sup> Kerry M. Komatsubara was appointed to the Chair on July 1, 2015, and his term ends on June 30, 2018. Mr. Komatsubara graduated from Punahou School in Honolulu, and received his Bachelor of Arts in Economics, With Distinction, from the University of Hawaii at Manoa. He attended the William S. Richardson School of Law, served on the Law Review from 1979-81, and graduated with a Juris Doctorate in 1981. He was admitted to the Hawaii State Bar in 1981 and is licensed to practice in the Hawaii State Courts as well as the U.S. District Court (Hawaii) and the 9<sup>th</sup> Circuit Court of Appeals. During his professional career he served as an arbitrator in labor and civil cases, and as an attorney and consultant to both private and government agencies.

**Attachment 1: Pending Cases Beginning of FY 2015**

*as of July 1, 2014*

Case No.	DATE FILED	CASE NAME	Issue(s)	Status of Case or Order	CLOSED
CE-01-537a [CE-02-537b CE-03-537c CE-04-537d CE-06-537e]	7/3/2003	UPW and HGEA v. Kathleen Watanabe and Linda Lingle	Charter School Employees; HGEA withdrew; only CE-01-537a pending.		
CE-01-539	8/18/2003	UPW v. Patricia Hamamoto and Connections	Charter School Employees; termination		
CE-02-546a CE-03-546b CE-04-546c CE-09-546d CE-13-546e	11/7/2003	HGEA v. Kathleen Watanabe and Linda Lingle	Employer's failure to negotiate policies		
CE-01-550	12/23/2003	UPW v. Robert Watada, Patricia Hamamoto, Board of Education, and Local School Board of Waialae Elementary School	Charter School Employees; Cafeteria; Hamamoto & BOE dismissed.		
CE-01-552a CE-10-552b	2/11/2004	UPW v. Kathleen Watanabe and Linda Lingle	Discontinuation of prior practices	Order No. 3006 Granting Mtns to Withdraw PPCs	7/14/2014
CE-02-553a CE-03-553b CE-04-553c CE-09-553d CE-13-553e	2/17/2004	HGEA v. Linda Lingle and Kathleen Watanabe	Discontinuation of prior practices	Order No. 3006 Granting Mtns to Withdraw PPCs	7/14/2014
CE-01-558	12/1/2010	UPW v. Watada, et al.	Remand by Circuit Court J. Sakamoto, 2010 (Original issue re: Wai'ala School Cafeteria Svs.)		
CE-01-594	12/1/2010	UPW v. Watada, et al. 12/31/2007	Remand by Circuit Court J. Sakamoto, 2010 (Original issue re: Wai'ala School Cafeteria Svs.)		
CE-01-605a CE-10-605b	9/2/2005	UPW v. Marie Laderta and Valerie Pacheco	Settlement agreements in workers' compensation cases		
CE-01-609	11/25/2005	UPW v. Hawaii Health Systems Corporation - Hilo Medical Center	Employer's failure to provide information		
CE-01-627	11/18/2010	UPW v. Nakamatsu, Hanneman.	11/18/2010 Remand by Circuit Court as ordered by ICA		

**Attachment 1: Pending Cases Beginning of FY 2015**

*as of July 1, 2014*

Case No.	DATE FILED	CASE NAME	Issue(s)	Status of Case or Order	CLOSED
CE-02-632a CE-03-632b CE-04-632c CE-09-632d CE-13-632e	11/17/2006	HGEA v. Linda Lingle, Chiyome Fukino, Mark A. Fridovich	Failure to negotiate/consult smoke free policy at Hawaii State Hospital		
CE-01-634	1/4/2007	UPW v. Clifford Lum, Randall Y.S. Chung, Herbert S.K. Kaopua, Samuel T. Hata, Ally J. Park, Rodney K Haraga, Laverne Higa, BWS, and Mufi Hannemann (CMMS)	Remand; Unilateral Implementation of Computerized Maintenance Management System (CMMS)		
CE-03-635a CE-04-635b	2/13/2007	HGEA v. Linda Lingle and Iwalani D. White	Request for information; private contracts		
CE-05-637	5/2/2007	HSTA v. DOE	Employer sent a memo to teachers regarding dispensing student medication in violation of CBA.	1/12/15: Stip rescinding Memo and withdrawing Complaint	1/12/2015
CE-02-639a CE-03-639b CE-04-639c CE-09-639d CE-13-639e	6/7/2007	HGEA v. Linda Lingle, Chiyome Fukino, and Mark Fridovich	Failure to negotiate/consult smoke free policy at Hawaii State Hospital		
CE-01-647	10/9/2007	UPW v. C&C, Nakamatsu, and Clifford Lum	Request for information; private contracts	Closed	12/1/2014
CE-01-650	11/23/2007	UPW v. Mufi Hannemann and Kenneth Nakamatsu	Failure to provide information	CLOSED	12/1/2014
CE-05-661	3/12/2008	HSTA v. Patricia Hamamoto, BOE, Lingle and Laderta	(step movements) - Rs filed motion to dismiss and/or for sj on 8/11/08; HSTA filed motion to expedite resolution of issues before the Board on		
CE-05-667	5/27/2008	HSTA v. BOE, Patricia Hamamoto, Susan H. Kitsu	(harassment policy) - State and HSTA filed briefs on 1/19/10; decision to issue; HSTA filed motion to expedite		
CE-05-669	6/4/2008	HSTA v. BOE and Susan Kitsu	(denial of info of complaints) - HSTA's mtn for partial sj and State's mtn to dismiss or for sj heard on 7/29/08; motions taken under advisement;	Order No. 3015	8/29/2014
CE-07-674	6/10/2008	UHPA v. BOR	Employer's failure to bargain over faculty workload during summer session, prior to implementation of new summer session workload policy.		
CE-05-677	7/11/2008	HSTA v. Jennifer Kehe	failure to provide information for a grievance case.	CLOSED with Prejudice	10/7/2014

**Attachment 1: Pending Cases Beginning of FY 2015**

*as of July 1, 2014*

Case No.	DATE FILED	CASE NAME	Issue(s)	Status of Case or Order	CLOSED
CE-12-696	11/7/2008	SHOPO v. Mufi Hannemann, Boisse Correa, and C&C	Employer's failure to negotiate or consult over Restriction of Police Authority Policy		
CE-03-703a CE-04-703b	4/1/2009	HGEA v. Linda Lingle and Darwin Ching	Failure to consult over increase in employee work hours		
CE-10-705	5/1/2009	UPW v. Elizabeth A. Char and Donald Gates	Employer repudiated agreement for "third man permanent" slot.	CLOSED	9/26/2014
CE-01-706	5/4/2009	UPW v. Mufi Hannemann	Refusal to sign settlement agreement during grievance		
CE-13-709	6/19/2009	HGEA v. DoTax	Privatizing computer and computerized tax services to an outside vendor, CGI.		
CE-01-710a CE-10-710b	6/24/2009	UPW v Lingle, Laderta and Hannemann (breach of ground rules and layoffs)	Breach of ground rules and layoffs		
CE-01-712a CE-10-712b	9/8/2009	UPW v. Linda Lingle	Employer's failure to provide information requested		
CE-01-715a CE-10-715b	7/7/2009	UPW v. Linda Lingle and Marie Laderta	Employer's refusal to bargain	Order No. 3035	12/1/2014
CE-10-718	7/15/2009	UPW v. Marie Laderta	Selection of employer representative for arbitration panel.		
CE-01-720a CE-10-720b	7/31/2009	UPW v. Marie Laderta	Employer's refusal to bargain; layoffs		
CE-10-722	8/10/2009	UPW v. Elizabeth Char, Kenneth Nakamatsu, and Mufi Hannemann	Physical ability testing-EMT training academy		
CE-01-724	9/13/2009	UPW v. Jeoffrey S. Cudiamat, Kenneth Nakamatsu, and Mufi Hannemann	Expiration of supplemental agreements		
CE-02-728a CE-03-728b CE-04-728c CE-13-728d	9/28/2009	HGEA v. Linda Lingle, Brennon Morioka, and Guy Kunitake	HGEA steward use of email		
CE-02-730a CE-03-730b CE-04-730c CE-09-730d CE-13-730e	10/1/2009	HGEA v. Vincent S. Lee	Use of email		

**Attachment 1: Pending Cases Beginning of FY 2015**

*as of July 1, 2014*

Case No.	DATE FILED	CASE NAME	Issue(s)	Status of Case or Order	CLOSED
CE-09-731	10/6/2009	Valerie Stephen v. HHSC	Retaliation by Employer and Breach of Duty of Fair Representation by Union		
CE-02-736a CE-03-736b CE-04-736c CE-13-736d	11/9/2009	HGEA v. Linda Lingle and Darwin Ching	Failure to consult over transfer of state positions to federally funded positions		
CE-10-737	11/13/2009	Jonathan Taum, Chad Ross, Carl L. Kahawai, Quincy G.K. Pacheco, Bradford J. Leialoha, Julieann L. Salas v. State of Hawaii and UPW	People who were affected by the RIF		
CE-10-744	12/30/2009	UPW v. James H.E. Ireland, M.D. and Peter Carlisle (Eliz Char)	Remand from J. Sakamoto (3/23/11) to HLRB to determine the amount of costs and attorney's fees payable to Complainant-Appellant, by Respondents-Appellants in Case No. CE-10-744.		
CE-10-746	1/13/2010	UPW v. James H.E. Ireland, M.D. and Peter Carlisle (Eliz Char)	Remand from J. Sakamoto (3/23/11) to HLRB to determine the amount of costs and attorney's fees payable to Complainant-Appellant, by Respondents-Appellants in Case No. CE-10-744.		
CE-01-747	1/22/2010	UPW v. Aaron Ueno and Dr. Chiyome Fukino	Employer's failure to provide information requested		
CE-03-749a CE-04-749b	2/2/2010	HGEA v. Linda Lingle, Clayton Frank and Chiyome Fukino	Failure to consult over effects due to contracting security positions.		
CE-05-751	2/22/2010	HSTA v. Linda Lingle and Marie Laderta	Repudiation of furlough agreement	Order No. 3013	8/22/2014
CE-05-752	2/22/2010	HSTA v. Stephen Schatz	Investigation - request for complaint	Order No. 3014	8/22/2014
CE-10-753	3/8/2010	UPW v. Chiyome Fukino and Laderta	Failure to provide information		
CE-10-761	6/29/2010	UPW v. Michael Fujioka and Marie Laderta	Reimbursement of worker's compensation expenses		

**Attachment 1: Pending Cases Beginning of FY 2015**

*as of July 1, 2014*

Case No.	DATE FILED	CASE NAME	Issue(s)	Status of Case or Order	CLOSED
CE-01-762a CE-10-762b	10/21/2010	UPW v. Diane M. Niles-Hansen, et al.	Remand by Circuit Court; determination of dismissal with or without prejudice	Remanded 3/30/2011 - see next entry	
CE-03-766	8/16/2010	HGEA v. Linda Lingle, Laura H. Thielen, Mark S. Young, and Russell Y. Tsuji (Matt Tinay)	Retaliation against steward		
CE-01-769	9/20/2010	UPW v. Christine Sorenson, Douglas Doi, Kathryn Matayoshi, BOR, BOE , Local School Board (privatizing work at lab school)	Privatizing work at lab school	closed	12/2/2014
CE-01-772	11/8/2010	UPW v. Keith Viera, Glen Kila, Kathryn Matayoshi, Garret Toguchi, BOE, Linda Lingle, Marie Laderta, Kirt Ingram (Kamaile Academy)	Charter School; privatization of food services		
CE-05-773	11/1/2010	HSTA v. Dr. Liela Nitta, Kathryn Matayoshi, BOE, Linda Lingle, State of Hawaii (Eleele)	Elimination of part-time music teacher position	Order #3038	12/29/2014
CE-05-782	9/14/2011	HSTA v. Kihei Charter School, Local School Board, and Gene Zarro	Direct dealing		
CE-05-784	9/22/2011	HSTA v. Kathryn Matayoshi and Dana Kobshigawa	Employer's failure to negotiate wages, hours, and other terms and conditions of employment for online teachers; Direct Dealing		
CE-03-787	11/4/2011	HGEA v. Neil Abercrombie, William J. Aila and Randy L. Awo	Retaliatory and disciplinary violations		
CE-13-788	11/25/2011	Henry H. Yang, M.D. v. Loretta Fuddy	Failure to consult re transfer of duties and responsibilities; terms and conditions of work; privatization of job; etc.		
CE-01-790	12/7/2011	UPW v. C&C	Settlement agreement	Order No. 3093	9/10/2015
CE-01-791	12/27/2011	UPW v. Corp Bd of the HHSC	Failure to provide information for a grievance case.		

**Attachment 1: Pending Cases Beginning of FY 2015**

*as of July 1, 2014*

Case No.	DATE FILED	CASE NAME	Issue(s)	Status of Case or Order	CLOSED
CE-13-792	2/14/2012	Bernard J. Wilson v. Abercrombie, et. al.	Breach of settlement agreement		
CE-03-806	6/8/2012	HGEA v. Neil Abercrombie, William J. Aila, Randy L. Awo, and Clarence M. Yamamoto	Interference		
CE-01-808	8/13/2012	Michael Hikalea v. C&C, Dept of Environmental Services, David Shiraishi, Peter Carlisle, Howard Kahue, Brandon O'Connell, Laurie Santiago, and Dayton Nakanelua	Against Employer & Union - violated OT by seniority		
CE-03-812	11/19/2012	Chad Medeiros v. Westerman, Fire Chief, Fire Dept. County of Kauai, et. al.	Against Employer		
CE-05-817	1/9/2013	Janet Weiss v. Patricia Champagne, et. al.	Retaliation by employer	Order No. 3081	7/30/2015
CE-05-820	4/1/2013	HSTA v. Kathryn Matayoshi & Annette Anderson	Employer's failure to negotiate for recruitment to DOE's on-line Learning and Blended Learning Programs; Direct Dealing		
CE-03-821	4/26/2013	Kulamanu J. Kikila v. DOE			
CE-12-822	5/7/2013	Shelly L. Rodrigues v. Darryl Perry, Chief of Police and Michael Contrades, Dep. Chief of Police, et. al.	Violations by employer of §§89-1; 89-13(a) 1, 5, 7 & 8; grievance process		
CE-12-823	5/22/2013	SHOPO v. Hon. Alan Arakawa, Mayor, County of Maui & Gary Yabuta, Chief of Police, Maui Police Dept.	Violation by employer of CB rights of a Union Rep; changed evaluation period without informing or discussing; discrimination; retaliation		
CE-03-824	6/7/2013	HGEA v. Abercrombie		Decision No. 480	1/5/2015
CE-12-828	8/6/2013	Shelly L. Rodrigues v. Darryl Perry, Chief of Police and Michael Contrades, Dep. Chief of Police, et. al.	Violations by employer of §§89-1(a)-(b); 89-13(a) 1, 5, 7 & 8; grievance process		
CE-12-829	5/7/2013	Shelly L. Rodrigues v. Darryl Perry, Chief of Police and Michael Contrades, Dep. Chief of Police, et. al.	Employer's refusal to comply with Step II decision by Takatsuki, DPS, COK, in favor of Complainant		
CE-12-830	8/6/2013	Wakumoto v. Perry et.al.	Violations by employer of §§89-1(a)-(b); 89-13(a) 1, 5, 7 & 8; failure to provide information		

**Attachment 1: Pending Cases Beginning of FY 2015**

*as of July 1, 2014*

Case No.	DATE FILED	CASE NAME	Issue(s)	Status of Case or Order	CLOSED
CE-11-832	10/28/2013	HFFA v. Caldwell, et. al.	Violation of exclusive representative's collective bargaining rights.	Order No. 3056	3/16/2015
CE-07-833	12/3/2013	UHPA v. University of Hawaii, SOH	Violations by employer re: direct dealing; failure to negotiate over performance review that result in disciplinary action and consult over no smoking policy, etc.	Order No. 3065	6/2/2015
CE-02-835, CE-03-835, CE-04-835, CE-09-835, CE-13-835	12/30/2013	LYNN FALLIN, Deputy Director, Behavioral Health Administration, Department of Health, State of Hawaii; MARK FRIDOVICH, Chief, Adult Mental Health Division, Department of Health, State of Hawaii; WILLIAM ELLIOT, Acting Hospital	Employer's failure to provide a safe workplace	Order No. 3079	7/29/2015
CE-13-841	6/2/2014	Idao v. DCCA	Violations by employer of §§89-13(2), (7) and other HRS chapters	Order No. 3082	7/30/2015
CE-05-842	6/2/2014	Janet Weiss v. Kathryn Matayoshi, et. al.	Discrimination and Retaliation by employer		
CE-01-843	6/6/2014	UPW v. Scott Enright, Chair, Department of Agriculture, State of Hawaii, et. al.	Violation of employer in the selection of an arbitrator in a grievance	Order No. 3026	10/9/2014
CU-05-265	6/6/2008	Patricia Hamamoto, BOE, Linda Lingle, and Marie Laderta v. HSTA	Violations of §89-9 failure to bargain in good faith; breach of CBA; false accusations in CE-05-661. See also CE-05-661.		
CU-01-282	10/20/2009	Matthew M. Taamu v. UPW, Dayton Nakanelua, and Eddie Akau	Violations by union of §§377-8; 378-51; 89-8; 89-13(b)(1), (3), (4); Breach of Duty of Fair Representation	CLOSED	10/28/2014
CU-10-284	11/13/2009	Jonathan Taum, Chad Ross, Carl L. Kahawai, Quincy G.K. Pacheco, Bradford J. Leialoha, Julieann L. Salas v. State of Hawaii and UPW	Breach of Duty of Fair Representation - HCCC ACO's		
CU-04-291	2/19/2010	Susan Siu v. Randy Perreira and HGEA	Violations by union of §§89-13(a)(5), (7), (8) and 89-13(b)(2), (4), (5); Breach of Duty of Fair Representation		
CU-05-302	3/17/2011	Shanye N. Valeho-Novikoff v. Wilfred Okabe, Wilbert Holck, Christopher Chang and HSTA	Breach of Duty of Fair Rep; failure to provide information.	Order No. 3080	7/30/2015
CU-05-303	4/7/2011	Stephanie C. Stucky v. Okabe and HSTA	Breach of Duty of Fair Rep		
CU-01-317	8/13/2012	Michael Hikalea v. C&C, Dept of Environmental Services, David Shiraishi, Peter Carlisle, Howard Kahue, Brandon McConnell, Laurie Santiago, and Dayton Nakanelua	Breach of contract; Breach of duty of fair representation		
CU-03-319	11/19/2012	Chad Medeiros v. Westerman, Fire Chief, Fire Dept. County of Kauai, et. al.	Harrassment & Breach of Duty of Fair Representation		

**Attachment 1: Pending Cases Beginning of FY 2015**

*as of July 1, 2014*

Case No.	DATE FILED	CASE NAME	Issue(s)	Status of Case or Order	CLOSED
CU-05-321	3/22/2013	Weiss v. Wil Okabe, Leroy Simms, HSTA	Retaliation by employer; Breach of Duty of fair representation	Order No. 3031	11/12/2014
CU-03-323	7/23/2013	Chad Medeiros v. HGEA	Violations by union of §§89-13(b)(1)-(6); Breach of Duty of Fair Representation	Order No. 3011	8/13/2014
CU-13-325	2/25/2014	Lemon v. HGEA	Union's failure to provide collective bargaining information on negotiations, etc. to exempt employee who are statutorily required to pay a service fee; Violations of §§79-13(b)(1), (4)		
CU-13-326	2/25/2014	Lemon v. HGEA	Union's failure to protect the rights and interests of non-HGEA members who are statutorily required to pay a service fee; violation of HRS §§89-13(b)(1),(4). (consolidated with CU-13-325)		
CU-12-327	5/21/2014	Wakumoto v. SHOPO	Violations by employer of §§89-8(a), (b); 89-9(d); 89-10.8(a); 89-13(b); Breach of Duty of Fair Representation	Order No. 3020	10/1/2014
CU-03-328	6/18/2014	Emura v. HGEA	Violations by union of §§89-13(a)(7), (8) and (b)(4),(5); Breach of Duty of Fair Representation	Order No. 3028	10/27/2014
DR-01-89a DR-10-89b	8/18/2003	Petitioner: UPW and Intervenors: HGEA, Maui, DHRD, BOR, Hawaii County, and Keller	Unilateral implementation of proposed "policies, standards and procedures" and to incorporate them (addl. Changes) into a "comprehensive manual	Order No. 3007	7/14/2014
DR-13-102	11/25/2011	Petitioner: Henry H. Yang, M.D.	Employer's failure to consult on changes to terms and conditions of workplace; privatization of job; etc.		
DR-01-105	2/24/2014	Petitioner: UPW and Intervenors: DOE, SOH, Hickam Elementary	Selection process for full-time position; MAB Jurisdiction	Order No. 3008	7/14/2014
DR-05-106	4/2/2014	Petitioner: HSTA and Intervenors: SOH, DOE	Cancellation Fees by a neutral arbitrator in a grievance	Order No. 3009	7/18/2014
RA-07-232	10/8/2008	Petitioner: UHPA and Intervenor: BOR, UOH	Clarification of BU7 work classified as BU8, APT.	Order No. 3076	7/21/2015
RA-05-238	10/1/2010	Petitioner: HSTA and Intervenor: DOE, SOH	Clarification of BU5 re: On-line (including E-School) employees hired for after regular DOE school hours		

**Attachment 2: New Cases Filed in FY 2015**

*July 1, 2014 - June 30, 2015*

Case No.	DATE FILED	CASE NAME	Issue(s)	Status of Case or Order	CLOSED
CE-12-844	7/3/2014	SHOPO v Kirk Caldwell, et. al	Failure to negotiate over policy on dress and grooming standards (i.e., tattoos, piercings).		
CE-11-845	8/27/2014	HFFA v. Caldwell, et. al.	Complaint re: union's informational meetings. Union's motion for summary judgment still pending.		
CE-11-846	9/5/2014	HFFA v. Caldwell, et. al.	Complaint re: City's unilateral policy on inter-governmental transfers. Kerry drafted an order denying the City's motion to dismiss, but it's not in the K: drive so it may not have been finalized and issued yet.		
CE-07-847	9/12/2014	Tupola, Andria v. UH		Order No. 3054	2/25/2015
CE-11-848	9/17/2014	HFFA v. Caldwell, et. al.			
CE-10-849	9/17/2014	Ioane, James M. v. DPS	Complaint re: termination. Employer moved to dismiss based upon timeliness. Motion still pending		
CE-07-850	10/17/2014	Mironesco, Monique v. UH-West Oahu		Order No. 3051	2/2/2015
CE-11-851	1/13/2015	Haake, Kanoa v. Murray, Jeffrey			
CE-05-852	3/23/2015	HSTA v. BOE			
CE-02-854a-f	4/21/2015	HGEA v. David Y. Ige, et. al.			
CE-01-856	4/20/2015	Makino, Nathan v. County of HI, UPW, et. al.			
CE-08-857	4/24/2015	Arnold, Gibb v. UOH			
CE-03-858	5/4/2015	Benson, Tanya v. DPS			
CE-06-859	5/5/2015	HGEA v. David Y. Ige, et. al.			
CE-13-860	5/11/2015	Scruton, Lee v. DPS			
CE-12-861	5/22/2015	SHOPO v. Kirk Caldwell, et. al.			
CE-13-862	6/24/2015	Scruton, Lee v. DPS			
CE-10-863	6/26/2015	Faria, Kenneth v. EMS & UPW			
CU-10-329	8/20/2014	Philhower, Glenn v. UPW		Order No. 3018	9/23/2014
CU-07-330	9/12/2014	Tupola, Andria v. UHPA		Order No. 3054	2/25/2015
CU-10-331	11/24/2014	Mamuad, Leroy v. Nakanelua, et. al.	Breach of duty of fair representation for failure to take grievance to arbitration. Trial pending.		
CU-01-332	4/20/2015	Makino, Nathan v. County of HI, UPW, et. al.			
CU-01-333	4/28/2015	Ishida, Patrick L. v. UPW, Nakanelua, et. al.			
CU-03-334	6/22/2015	Benson, Tanya v. HGEA			

**Attachment 2: New Cases Filed in FY 2015**

*July 1, 2014 - June 30, 2015*

<b>Case No.</b>	<b>DATE FILED</b>	<b>CASE NAME</b>	<b>Issue(s)</b>	<b>Status of Case or Order</b>	<b>CLOSED</b>
CU-10-335	6/26/2015	Faria, Kenneth v. EMS & UPW			
DR-13-107	7/29/2014	Idao, Aquino R.	Requesting declaratory ruling of DCCA's handling of Petitioner's complaints based HRS §89-1	Order No. 3082	7/30/2015
I-02-151	1/15/2015	HGEA v. David Y. Ige, et. al.		Order No. 3064	5/18/2015
I-03-152	1/15/2015	HGEA v. David Y. Ige, et. al.		Order No. 3066	6/2/2015
I-04-153	1/15/2015	HGEA v. David Y. Ige, et. al.		Order No. 3067	6/2/2015
I-09-154	1/15/2015	HGEA v. David Y. Ige, et. al.		Order No. 3063	4/30/2015
I-14-155	1/15/2015	HGEA v. David Y. Ige, et. al.			
I-08-156	2/2/2015	HGEA v. David Y. Ige, et. al.			

**Attachment 3: Cases Closed in FY 2015**

<b>Case No.</b>	<b>DATE FILED</b>	<b>CASE NAME</b>	<b>Status of Case or Order</b>	<b>CLOSED</b>
CE-01-552a CE-10-552b	2/11/2004	UPW v. Kathleen Watanabe and Linda Lingle	Order No. 3006 Granting Mtns to Withdraw PPCs	7/14/2014
CE-02-553a CE-03-553b CE-04-553c CE-09-553d CE-13-553e	2/17/2004	HGEA v. Linda Lingle and Kathleen Watanabe	Order No. 3006 Granting Mtns to Withdraw PPCs	7/14/2014
CE-05-637	5/2/2007	HSTA v. DOE	1/12/15: Stip rescinding Memo and withdrawing Complaint	1/12/2015
CE-01-647	10/9/2007	UPW v. C&C, Nakamatsu, and Clifford Lum	Closed	12/1/2014
CE-01-650	11/23/2007	UPW v. Mufi Hannemann and Kenneth Nakamatsu	CLOSED	12/1/2014
CE-05-669	6/4/2008	HSTA v. BOE and Susan Kitsu	Order No. 3015	8/29/2014
CE-05-677	7/11/2008	HSTA v. Jennifer Kehe	CLOSED with Prejudice	10/7/2014
CE-10-705	5/1/2009	UPW v. Elizabeth A. Char and Donald Gates	CLOSED	9/26/2014

**Attachment 3: Cases Closed in FY 2015**

<b>Case No.</b>	<b>DATE FILED</b>	<b>CASE NAME</b>	<b>Status of Case or Order</b>	<b>CLOSED</b>
CE-01-715a CE-10-715b	7/7/2009	UPW v. Linda Lingle and Marie Laderta	Order No. 3035	12/1/2014
CE-05-751	2/22/2010	HSTA v. Linda Lingle and Marie Laderta	8/22/14: Order No. 3013 Granting MTW w/o P	8/22/2014
CE-05-752	2/22/2010	HSTA v. Stephen Schatz	Order No. 3014	8/22/2014
CE-01-769	9/20/2010	UPW v. Christine Sorenson, Douglas Doi, Kathryn Matayoshi, BOR, BOE , Local School Board	closed	12/2/2014
CE-05-773	11/1/2010	HSTA v. Dr. Liela Nitta, Kathryn Matayoshi, BOE, Linda Lingle, State of Hawaii (Eleele)	Order #3038	12/29/2014
CE-13-792	2/14/2012	Bernard J. Wilson v. Abercrombie, et. al.		
CE-03-824	6/7/2013	HGEA v. Abercrombie	Decision No. 480	1/5/2015

**Attachment 3: Cases Closed in FY 2015**

<b>Case No.</b>	<b>DATE FILED</b>	<b>CASE NAME</b>	<b>Status of Case or Order</b>	<b>CLOSED</b>
CE-11-832	10/28/2013	HFFA v. Caldwell, et. al.	Order No. 3056	3/16/2015
CE-07-833	12/3/2013	UHPA v. University of Hawaii, SOH	Order No. 3065	6/2/2015
CE-01-843	6/6/2014	UPW v. Scott Enright, Chair, Department of Agriculture, State of Hawaii, et. al.	Order No. 3026	10/9/2014
CE-07-847	9/12/2014	Tupola, Andria v. UH	Order No. 3054	2/25/2015
CE-07-850	10/17/2014	Mironesco, Monique v. UH-West Oahu	Order No. 3051	2/2/2015
CU-01-282	10/20/2009	Matthew M. Taamu v. UPW, Dayton Nakanelua, and Eddie Akau	CLOSED	10/28/2014
CU-05-321	3/22/2013	Weiss v. Wil Okabe, Leroy Simms, HSTA	Order No. 3031	11/12/2014
CU-03-323	7/23/2013	Chad Medeiros v. HGEA	Order No. 3011	8/13/2014
CU-12-327	5/21/2014	Wakumoto v. SHOPO	Order No. 3020	10/1/2014
CU-03-328	6/18/2014	Emura v. HGEA	Order No. 3028	10/27/2014

**Attachment 3: Cases Closed in FY 2015**

<b>Case No.</b>	<b>DATE FILED</b>	<b>CASE NAME</b>	<b>Status of Case or Order</b>	<b>CLOSED</b>
CU-10-329	8/20/2014	Philhower, Glenn v. UPW	Order No. 3018	9/23/2014
CU-07-330	9/12/2014	Tupola, Andria v. UHPA	Order No. 3054	2/25/2015
DR-01-89a DR-10-89b	8/18/2003	Petitioner: UPW and Intervenors: HGEA, Maui, DHRD, BOR, Hawaii	Order No. 3007	7/14/2014
DR-01-105	2/24/2014	Petitioner: UPW and Intervenors: DOE, SOH, Hickam Elementary	Order No. 3008	7/14/2014
DR-05-106	4/2/2014	Petitioner: HSTA and Intervenors: SOH, DOE	Order No. 3009	7/18/2014
I-02-151	1/15/2015	HGEA v. David Y. Ige, et. al.	Order No. 3064	5/18/2015
I-03-152	1/15/2015	HGEA v. David Y. Ige, et. al.	Order No. 3066	6/2/2015
I-04-153	1/15/2015	HGEA v. David Y. Ige, et. al.	Order No. 3067	6/2/2015
I-09-154	1/15/2015	HGEA v. David Y. Ige, et. al.	Order No. 3063	4/30/2015

**Attachment 4: Pending Cases at the End of FY2015**

*as of June 30, 2015*

Case No.	DATE FILED	CASE NAME	Issue(s)	Status of Case or Order	CLOSED
CE-01-537a [CE-02-537b CE-03-537c	7/3/2003	UPW and HGEA v. Kathleen Watanabe and Linda Lingle	Charter School Employees; HGEA withdrew; only CE-01-537a pending.		
CE-01-539	8/18/2003	UPW v. Patricia Hamamoto and Connections	Charter School Employees; termination		
CE-02-546a CE-03-546b CE-04-546c CE-09-546d CE-13-546e	11/7/2003	HGEA v. Kathleen Watanabe and Linda Lingle	Employer's failure to negotiate policies		
CE-01-550	12/23/2003	UPW v. Robert Watada, Patricia Hamamoto, Board of Education, and Local School Board of Wai'alaie Elementary School	Charter School Employees; Cafeteria; Hamamoto & BOE dismissed.		
CE-01-558	12/1/2010	UPW v. Watada, et al.	Remand by Circuit Court J. Sakamoto, 2010 (Original issue re: Wai'alaie School Cafeteria Svs.)		
CE-01-594	12/1/2010	UPW v. Watada, et al. 12/31/2007	Remand by Circuit Court J. Sakamoto, 2010 (Original issue re: Wai'alaie School Cafeteria Svs.)		
CE-01-605a CE-10-605b	9/2/2005	UPW v. Marie Laderta and Valerie Pacheco	Settlement agreements in workers' compensation cases		
CE-01-609	11/25/2005	UPW v. Hawaii Health Systems Corporation - Hilo Medical Center	Employer's failure to provide information		
CE-01-627	11/18/2010	UPW v. Nakamatsu, Hanneman.	11/18/2010 Remand by Circuit Court as ordered by ICA		
CE-02-632a CE-03-632b CE-04-632c CE-09-632d CE-13-632e	11/17/2006	HGEA v. Linda Lingle, Chiyome Fukino, Mark A. Fridovich	Failure to negotiate/consult smoke free policy at Hawaii State Hospital		
CE-01-634	1/4/2007	UPW v. Clifford Lum, Randall Y.S. Chung, Herbert S.K. Kaopua, Samuel T. Hata, Ally J. Park, Rodney K Haraga, Laverne Higa, BWS, and Mufi Hannemann (CMMS)	Remand; Unilateral Implementation of Computerized Maintenance Management System (CMMS)		

## Attachment 4: Pending Cases at the End of FY2015

*as of June 30, 2015*

Case No.	DATE FILED	CASE NAME	Issue(s)	Status of Case or Order	CLOSED
CE-03-635a CE-04-635b	2/13/2007	HGEA v. Linda Lingle and Iwalani D. White	Request for information; private contracts		
CE-02-639a CE-03-639b CE-04-639c CE-09-639d CE-13-639e	6/7/2007	HGEA v. Linda Lingle, Chiyome Fukino, and Mark Fridovich	Failure to negotiate/consult smoke free policy at Hawaii State Hospital		
CE-05-661	3/12/2008	HSTA v. Patricia Hamamoto, BOE, Lingle and Laderta	(step movements) - Rs filed motion to dismiss and/or for sj on 8/11/08; HSTA filed motion to expedite resolution		
CE-05-667	5/27/2008	HSTA v. BOE, Patricia Hamamoto, Susan H. Kitsu	(harassment policy) - State and HSTA filed briefs on 1/19/10; decision to issue; HSTA filed motion to expedite resolution of issues before		
CE-07-674	6/10/2008	UHPA v. BOR	Employer's failure to bargain over faculty workload during summer session, prior to implementation of new summer session workload		
CE-12-696	11/7/2008	SHOPO v. Mufi Hannemann, Boisse Correa, and C&C	Employer's failure to negotiate or consult over Restriction of Police Authority Policy		
CE-03-703a CE-04-703b	4/1/2009	HGEA v. Linda Lingle and Darwin Ching	Failure to consult over increase in employee work hours		
CE-01-706	5/4/2009	UPW v. Mufi Hannemann	Refusal to sign settlement agreement during grievance		
CE-13-709	6/19/2009	HGEA v. DoTax	Privatizing computer and computerized tax services to an outside vendor, CGI.		
CE-01-710a CE-10-710b	6/24/2009	UPW v Lingle, Laderta and Hannemann (breach of ground rules and layoffs)	Breach of ground rules and layoffs		
CE-01-712a CE-10-712b	9/8/2009	UPW v. Linda Lingle	Employer's failure to provide information requested		

## Attachment 4: Pending Cases at the End of FY2015

*as of June 30, 2015*

Case No.	DATE FILED	CASE NAME	Issue(s)	Status of Case or Order	CLOSED
CE-10-718	7/15/2009	UPW v. Marie Laderta	Selection of employer representative for arbitration panel.		
CE-01-720a CE-10-720b	7/31/2009	UPW v. Marie Laderta	Employer's refusal to bargain; layoffs		
CE-10-722	8/10/2009	UPW v. Elizabeth Char, Kenneth Nakamatsu, and Mufi Hannemann	Physical ability testing-EMT training academy		
CE-01-724	9/13/2009	UPW v. Jeoffrey S. Cudiamat, Kenneth Nakamatsu, and Mufi Hannemann	Expiration of supplemental agreements		
CE-02-728a CE-03-728b CE-04-728c CE-13-728d	9/28/2009	HGEA v. Linda Lingle, Brennon Morioka, and Guy Kunitake	HGEA steward use of email		
CE-02-730a CE-03-730b CE-04-730c CE-09-730d CE-13-730e	10/1/2009	HGEA v. Vincent S. Lee	Use of email		
CE-09-731	10/6/2009	Valerie Stephen v. HHSC	Retaliation by Employer and Breach of Duty of Fair Representation by Union		
CE-02-736a CE-03-736b CE-04-736c CE-13-736d	11/9/2009	HGEA v. Linda Lingle and Darwin Ching	Failure to consult over transfer of state positions to federally funded positions		
CE-10-737	11/13/2009	Jonathan Taum, Chad Ross, Carl L. Kahawai, Quincy G.K. Pacheco, Bradford J. Leialoha, Julieann L. Salas v. State of Hawaii and UPW	People who were affected by the RIF		
CE-10-744	12/30/2009	UPW v. James H.E. Ireland, M.D. and Peter Carlisle (Eliz Char)	Remand from J. Sakamoto (3/23/11) to HLRB to determine the amount of costs and attorney's fees payable to Complainant-		
CE-10-746	1/13/2010	UPW v. James H.E. Ireland, M.D. and Peter Carlisle (Eliz Char)	Remand from J. Sakamoto (3/23/11) to HLRB to determine the amount of costs and attorney's fees payable to Complainant-		
CE-01-747	1/22/2010	UPW v. Aaron Ueno and Dr. Chiyome Fukino	Employer's failure to provide information requested		

## Attachment 4: Pending Cases at the End of FY2015

*as of June 30, 2015*

Case No.	DATE FILED	CASE NAME	Issue(s)	Status of Case or Order	CLOSED
CE-03-749a CE-04-749b	2/2/2010	HGEA v. Linda Lingle, Clayton Frank and Chiyome Fukino	Failure to consult over effects due to contracting security positions.		
CE-10-753	3/8/2010	UPW v. Chiyome Fukino and Laderta	Failure to provide information		
CE-10-761	6/29/2010	UPW v. Michael Fujioka and Marie Laderta	Reimbursement of worker's compensation expenses		
CE-01-762a CE-10-762b	10/21/2010	UPW v. Diane M. Niles-Hansen, et al.	Remand by Circuit Court; determination of dismissal with or without prejudice	Remanded 3/30/2011 - see next entry	
CE-03-766	8/16/2010	HGEA v. Linda Lingle, Laura H. Thielen, Mark S. Young, and Russell Y. Tsuji (Matt Tinay)	Retaliation against steward		
CE-01-772	11/8/2010	UPW v. Keith Viera, Glen Kila, Kathryn Matayoshi, Garret Toguchi, BOE, Linda Lingle, Marie Laderta, Kirt Ingram (Kamaile Academy)	Charter School; privatization of food services		
CE-05-782	9/14/2011	HSTA v. Kihei Charter School, Local School Board, and Gene Zarro	Direct dealing		
CE-05-784	9/22/2011	HSTA v. Kathryn Matayoshi and Dana Kobshigawa	Employer's failure to negotiate wages, hours, and other terms and conditions of employment for online teachers; Direct Dealing		
CE-03-787	11/4/2011	HGEA v. Neil Abercrombie, William J. Aila and Randy L. Awo	Retaliatory and disciplinary violations		
CE-13-788	11/25/2011	Henry H. Yang, M.D. v. Loretta Fuddy	Failure to consult re transfer of duties and responsibilities; terms and conditions of work; privatization of job; etc.		
CE-01-790	12/7/2011	UPW v. C&C	Settlement agreement	Order No. 3093	9/10/2015
CE-01-791	12/27/2011	UPW v. Corp Bd of the HHSC	Failure to provide information for a grievance case.		
CE-03-806	6/8/2012	HGEA v. Neil Abercrombie, William J. Aila, Randy L. Awo, and Clarence M. Yamamoto	Interference		

## Attachment 4: Pending Cases at the End of FY2015

*as of June 30, 2015*

Case No.	DATE FILED	CASE NAME	Issue(s)	Status of Case or Order	CLOSED
CE-01-808	8/13/2012	Michael Hikalea v. C&C, Dept of Environmental Services, David Shiraishi, Peter Carlisle, Howard Kahue, Brandon O'Connell, Laurie Santiago, and Dayton Nakanelua	Against Employer & Union - violated OT by seniority		
CE-03-812	11/19/2012	Chad Medeiros v. Westerman, Fire Chief, Fire Dept. County of Kauai, et. al.	Against Employer		
CE-05-817	1/9/2013	Janet Weiss v. Patricia Champagne, et. al.	Retaliation by employer	Order No. 3081	7/30/2015
CE-05-820	4/1/2013	HSTA v. Kathryn Matayoshi & Annette Anderson	Employer's failure to negotiate for recruitment to DOE's on-line Learning and Blended Learning Programs; Direct Dealing		
CE-03-821	4/26/2013	Kulamamu J. Kikila v. DOE			
CE-12-822	5/7/2013	Shelly L. Rodrigues v. Darryl Perry, Chief of Police and Michael Contrades, Dep. Chief of Police, et. al.	Violations by employer of §§89-1; 89-13(a) 1, 5, 7 & 8; grievance process		
CE-12-823	5/22/2013	SHOPO v. Hon. Alan Arakawa, Mayor, County of Maui & Gary Yabuta, Chief of Police, Maui Police Dept.	Violation by employer of CB rights of a Union Rep; changed evaluation period without informing or discussing; discrimination; retaliation		
CE-12-828	8/6/2013	Shelly L. Rodrigues v. Darryl Perry, Chief of Police and Michael Contrades, Dep. Chief of Police, et. al.	Violations by employer of §§89-1(a)-(b); 89-13(a) 1, 5, 7 & 8; grievance process		
CE-12-829	5/7/2013	Shelly L. Rodrigues v. Darryl Perry, Chief of Police and Michael Contrades, Dep. Chief of Police, et. al.	Employer's refusal to comply with Step II decision by Takatsuki, DPS, COK, in favor of Complainant		
CE-12-830	8/6/2013	Wakumoto v. Perry et.al.	Violations by employer of §§89-1(a)-(b); 89-13(a) 1, 5, 7 & 8; failure to provide information		

## Attachment 4: Pending Cases at the End of FY2015

as of June 30, 2015

Case No.	DATE FILED	CASE NAME	Issue(s)	Status of Case or Order	CLOSED
CE-02-835, CE-03-835, CE-04-835, CE-09-835, CE-13-835	12/30/2013	LYNN FALLIN, Deputy Director, Behavioral Health Administration, Department of Health, State of Hawaii; MARK FRIDOVICH, Chief, Adult Mental Health Division, Department of Health, State of Hawaii; WILLIAM ELLIOT, Acting Hospital Administrator, Hawaii State Hospital, Department of Health, State of Hawaii; WILLIAM SHEEHAN, Medical Director, Hawaii State Hospital, Department of Health, State of Hawaii; and NEIL ABERCROMBIE, Governor, State of Hawaii	Employer's failure to provide a safe workplace	Order No. 3079	7/29/2015
CE-13-841	6/2/2014	Idao v. DCCA	Violations by employer of §§89-13(2), (7) and other HRS chapters	Order No. 3082	7/30/2015
CE-05-842	6/2/2014	Janet Weiss v. Kathryn Matayoshi, et. al.	Discrimination and Retaliation by employer		
CE-12-844	7/3/2014	SHOPO v Kirk Caldwell, et. al	Failure to negotiate over policy on dress and grooming standards (i.e., tattoos,		
CE-11-845	8/27/2014	HFFA v. Caldwell, et. al.	Complaint re: union's informational meetings. Union's motion for summary judgment		
CE-11-846	9/5/2014	HFFA v. Caldwell, et. al.	Complaint re: City's unilateral policy on inter-governmental transfers. Kerry dra		
CE-11-848	9/17/2014	HFFA v. Caldwell, et. al.			
CE-10-849	9/17/2014	Ioane, James M. v. DPS	Complaint re: termination. Employer moved to dismiss based upon timeliness. Motion still pending		
CE-11-851	1/13/2015	Haake, Kanoa v. Murray, Jeffrey			
CE-05-852	3/23/2015	HSTA v. BOE			
CE-02-854a-f	4/21/2015	HGEA v. David Y. Ige, et. al.			
CE-01-856	4/20/2015	Makino, Nathan v. County of HI, UPW, et. al.			
CE-08-857	4/24/2015	Arnold, Gibb v. UOH			
CE-03-858	5/4/2015	Benson, Tanya v. DPS			

**Attachment 4: Pending Cases at the End of FY2015**

*as of June 30, 2015*

Case No.	DATE FILED	CASE NAME	Issue(s)	Status of Case or Order	CLOSED
CE-06-859	5/5/2015	HGEA v. David Y. Ige, et. al.			
CE-13-860	5/11/2015	Scruton, Lee v. DPS			
CE-12-861	5/22/2015	SHOPO v. Kirk Caldwell, et. al.			
CE-13-862	6/24/2015	Scruton, Lee v. DPS			
CE-10-863	6/26/2015	Faria, Kenneth v. EMS & UPW			
CU-05-265	6/6/2008	Patricia Hamamoto, BOE, Linda Lingle, and Marie Laderta v. HSTA	Violations of §89-9 failure to bargain in good faith; breach of CBA; false accusations in CE-05-661. See also CE-05-661.		
CU-10-284	11/13/2009	Jonathan Taum, Chad Ross, Carl L. Kahawai, Quincy G.K. Pacheco, Bradford J. Leialoha, Julieann L. Salas v. State of Hawaii and UPW	Breach of Duty of Fair Representation - HCCC ACO's		
CU-04-291	2/19/2010	Susan Siu v. Randy Perreira and HGEA	Violations by union of §§89-13(a)(5), (7), (8) and 89-13(b)(2), (4), (5); Breach of Duty of Fair Representation		
CU-05-302	3/17/2011	Shanye N. Valeho-Novikoff v. Wilfred Okabe, Wilbert Holck, Christopher Chang and HSTA	Breach of Duty of Fair Rep; failure to provide information.	Order No. 3080	7/30/2015
CU-05-303	4/7/2011	Stephanie C. Stucky v. Okabe and HSTA	Breach of Duty of Fair Rep		
CU-01-317	8/13/2012	Michael Hikalea v. C&C, Dept of Environmental Services, David Shiraishi, Peter Carlisle, Howard Kahue, Brandon McConnell, Laurie Santiago, and Dayton Nakanelua	Breach of contract; Breach of duty of fair representation		

## Attachment 4: Pending Cases at the End of FY2015

*as of June 30, 2015*

Case No.	DATE FILED	CASE NAME	Issue(s)	Status of Case or Order	CLOSED
CU-03-319	11/19/2012	Chad Medeiros v. Westerman, Fire Chief, Fire Dept. County of Kauai, et. al.	Harrassment & Breach of Duty of Fair Representation		
CU-13-325	2/25/2014	Lemon v. HGEA	Union's failure to provide collective bargaining information on negotiations, etc. to exempt employee who are statutorily required to pay a service fee; Violations of §§79-13(b)(1), (4)		
CU-13-326	2/25/2014	Lemon v. HGEA	Union's failure to protect the rights and interests of non-HGEA members who are statutorily required to pay a service fee; violation of HRS §§89-13(b)(1),(4). (consolidated with CU-13-325)		
CU-10-331	11/24/2014	Mamuad, Leroy v. Nakanelua, et. al.	breach of duty of fair representation for failure to take grievance to arbitration. Trial pending.		
CU-01-332	4/20/2015	Makino, Nathan v. County of HI, UPW, et. al.			
CU-01-333	4/28/2015	Ishida, Patrick L. v. UPW, Nakanelua, et. al.			
CU-03-334	6/22/2015	Benson, Tanya v. HGEA			
CU-10-335	6/26/2015	Faria, Kenneth v. EMS & UPW			
DR-13-102	11/25/2011	Petitioner: Henry H. Yang, M.D.	Employer's failure to consult on changes to terms and conditions of workplace; privatization of job; etc.		
DR-13-107	7/29/2014	Idao, Aquino R.	Requesting declaratory ruling of DCCA's handling of Petitioner's complaints based HRS §89-1	Order No. 3082	7/30/2015
I-14-155	1/15/2015	HGEA v. David Y. Ige, et. al.			
I-08-156	2/2/2015	HGEA v. David Y. Ige, et. al.			

**Attachment 4: Pending Cases at the End of FY2015***as of June 30, 2015*

<b>Case No.</b>	<b>DATE FILED</b>	<b>CASE NAME</b>	<b>Issue(s)</b>	<b>Status of Case or Order</b>	<b>CLOSED</b>
RA-07-232	10/8/2008	Petitioner: UHPA and Intervenor: BOR, UOH	Clarification of BU7 work classified as BU8, APT.	Order No. 3076	7/21/2015
RA-05-238	10/1/2010	Petitioner: HSTA and Intervenor: DOE, SOH	Clarification of BU5 re: On-line (including E-School) employees hired for after regular DOE school hours.		

**Attachment 5: Orders Issued Chapter 89 Cases FY 2015**

ORDER NO.	DATE	CASE NAME	CASE NO.	DESCRIPTION
3003	7/3/2014	Sandy Wakumoto v SHOPO	CU-12-327	Order Granting Respondent's Motion to Extend the Deadline for the Reply Brief and to Continue any Hearing on Respondent's Motion for Summary Judgement
3004	7/8/2014	Myles Y. Emura v. HGEA	CU-03-328	Order Granting Respondent Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO's Motion for Particularization of Complaint Filed on June 24, 2014
3005	7/9/2014	UPW v. Patricia Hamamoto, et al	CE-01-539	Order Denying Respondents' Second Motion to Dismiss, or in the Alternative, Motion for Summary Judgement, Filed on July 29, 2009; Denying Complainant's Motion to Amend Complaint; and Denying Complainant's Motion to Conduct Prompt Hearing and Expedious Resolution of Issues on Remand; Notice of Status Conference
3006	7/14/2014	UPW v. Kathleen Watanabe, et al	CE-01-552a, CE-10-552b CE-02-553a, CE-03-553b, CE-04-553c, CE-09-553d, CE-13-553e	Order Granting Motion to Withdraw PPC
3007	7/14/2014	UPW v. HGEA, et al	DR-01-89a, DR-10-89b	Order Dismissing Petition for Declaratory Ruling; and Denying the Board of Regents' and County of Maui's Requests to Withdraw Their Petitions for Intervention as Moot
3008	7/14/2014	State of Hawaii, DOE v. UPW	DR-01-105	Order Refusing to Issue a Declaratory Ruling; or Alternatively, Granting Intervenor United Public Worker's Motion to Dismiss
3009	7/18/2014	HSTA v. State of Hawaii, DOE	DR-05-106	Order Dismissing Petition for Declaratory Ruling
3010	8/5/2014	State of Hawaii, DOE v. UPW (Intervenor)	DR-01-105	Order Denying Employer's Motion for Reconsideration of HLRB's Order Refusing to Issue a Declaratory Ruling; or Alternatively, Granting Intervenor United Public Worker(s)' Motion to Dismiss
3011	8/13/2014	Chad Medeiros v. Randy Perreira, et al	CU-03-323	Order Granting Respondents Randy Perreira and Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO's Motion to Dismiss Prohibited Practice Complaint Filed on July 23, 2013 and/or for Summary Judgement
3012	8/14/2014	HGEA v. Lynn Fallin, et al	CE-02-835a-e	Order Granting and Denying in Part Complainants Motion for Further Continuance of Pre-Hearing/Settlement Conference; Notice of Continued Prehearing/Settlement Conference
3013	8/22/2014	HSTA v. Linda Lingle, et al	CE-05-751	Order Granting Motion to Withdraw Complaint Without Prejudice
3014	8/22/2014	HSTA v. Stephen Schatz	CE-05-752	Order Granting Motion to Withdraw Complaint Without Prejudice
3015	8/29/2014	HSTA v. BOE, et al	CE-05-669	Order Granting Respondents' Motion to Dismiss and/or for Summary Judgement as to Hawaii State Teacher Association's Prohibited Practice Complaint Filed June 4, 2008; Denying HSTA's Motion for Partial Summary Judgment; and Denying as Moot HSTA's Motion to Expedite Issues Before the Board and HSTA's Second Motion to Expedite Resolution of Issues Before the Board
3016	9/2/2014	HSTA v. DOE, et al	CE-05-637	Order Granting HSTA's Motion to Continue Hearing Noticed for September 15-16, 2014; Notice of Status Conference
3017	9/22/2014	HFFA v. Caldwell, et al	CE-11-846	Order Granting the City and County of Honolulu's Motion to Continue Deadline to File Written Answer and to Continue Prehearing/Scheduling Conference Scheduled for Friday, September 26, 2014; Notice of Rescheduled Prehearing/Settlement Conference
3018	9/23/2014	Philhower v. UPW	CU-10-329	Order Granting Stipulation to Withdraw Complaint With Prejudice and Each Party to Pay His (ot its) Own Fees and Costs
3019	9/26/2014	UPW v. Char, et al	CE-10-705	Order Granting Motion to Withdraw Prohibited Practice Complaint Without Prejudice
3020	10/1/2014	Sandy I. Wakumoto v. SHOPO	CU-12-327	Order Granting Stipulation to Dismiss PPC with Prejudice
3021	10/1/2014	HFFA v. Caldwell, et al	CE-11-845	Stipulation to Extend Deadline to File Respondents' Opposition to Complainant's Motion for Summary Judgement Filed on September 23, 2014
3022	10/2/2014	HFFA v. Caldwell, et al	CE-11-845	Order Granting HFFA/IAFF's Motion to Continue Hearing on Motion for Summary Judgement; Notice of Hearing on Motion for Summary Judgement
3023	10/3/2014	Hikalea v. Dept of Enviromental Services, et al	CE-01-808, CU-01-317	Order Denying Union Respondents' Motion to Dismiss for Lack of Jurisdiction and Granting in Part and Denying in Part City Respondents' Motion to Dismiss or , in the Alternative, for Summary Judgement; Notice of Status Conference
3024	10/6/2014	Valeho-Novikoff v. Okabe, et al	CU-05-302	Order Granting in Part and Denying in Part Respondents' Motion to Dismiss Complaint; Notice of Status Conference

**Attachment 5: Orders Issued Chapter 89 Cases FY 2015**

ORDER NO.	DATE	CASE NAME	CASE NO.	DESCRIPTION
3025	10/7/2014	HSTA v. Jennifer Kehe	CE-05-677	Order Granting in Part and Denying in Part Motion to Withdraw Complaint Without Prejudice
3026	10/9/2014	UPW v. Scott Enright, et al	CE-01-843	Order Granting in Part and Denying in Part UPW's Motion to Withdraw PPC Filed on June 6, 2014
3027	10/13/2014	Andria Tupola v. UH & UHPA	CE-07-847, CU-07-330	Order Consolidating Cases for Disposition; Notice of Deadlines and Hearing on the Merits; Notice of Deadlines and Hearing on Motion(s)
3028	10/27/2014	Myles Y. Emura v HGEA	CU-03-328	Order Granting Respondent Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO's Motion to Dismiss PPC and /or for Summary Judgement
3029	10/28/2014	Taamu v. UPW et al	CU-01-282	FINAL ORDER Adopting the Board's Proposed Findings of Fact, Conclusions of Law, and Order Granting Respondents' Motion to Dismiss Complaint Issued on September 29, 2014
3030	11/12/2014	HFFA v. Kirk Caldwell, et al	CE-11-848	Order Granting HFFA/IAFF's Motion to Amend PPC Filed September 17, 2014
3031	11/12/2014	Janet Weiss v. Wil Okabe, et al	CU-05-321	Order Granting Respondents' Motion to Dismiss Complaint and in the Alternative for Summary Judgement, Filed April 4, 2013; and Denying Complainant's Motion for Summary Judgement, Filed April 10, 2013; Granting Respondents' Motion to Strike Complainant's Memo: "Old Business"-Complainant Wishes to Inform Board Regarding the Result of Respondents' Promised Arbitration Offers [From April 15th 2013 Hearing], Filed August 28, 2013; and Granting Respondent's Motion to Strike Complainant's Memorandum; Regarding Union's Breach of Duty - There's No Fair Representation - There's No Representation at all - DOE Just Took My Pay Increment Away - To Whom Can I Turn?, Filed October 31, 2013, Filed November 6, 2013
3032	12/1/2014	Michael Hikalea v. C&C, et al	CE-01-808, CU-01-317	Order Denying Complainant's Application for Discovery RE Deposition of Laurie Santiago, Filed November 26, 2014, and Denying Complainant's Application for Issuance of Subpoena(s)/Subpoena(s) Duces Tecum, Filed November 26, 2014
3033	12/1/2014	UPW v. Hannemann, et al	CE-01-647	Order Granting UPW's Motion to Withdraw Complaint Without Prejudice
3034	12/1/2014	UPW v. Hannemann, et al	CE-01-650	Order Granting UPW's Motion to Withdraw Complaint Without Prejudice
3035	12/1/2014	UPW v. Linda Lingle, et al	CE-01-715a, CE-10-715b	Order Granting in Part and Denying in Part UPW's Motion to Withdraw Complaint Without Prejudice
3036	12/2/2014	UPW v. Sorenson, et al	CE-01-769	Order Granting UPW's Motion to Withdraw Complaint Without Prejudice
3037	12/23/2014	Leroy Mamuad v. Dayton Nakanelua	CU-10-331	Order Deferring Hearing and Directing the Parties to File Proposed Conclusions of Law and Legal Arguments in Support of Their Positions
3038	12/29/2014	HSTA v. Dr. Liela Nitta, et al	CE-05-773	Order Granting in Part and Denying in Part HSTA's Motion to Withdraw Complaint Without Prejudice
3039	12/31/2014	Lisa K. Lemon v HGEA	CU-13-325, CU-13-326	Order Granting Complainant's Motion for Extension of Time to File Response to Respondent's Motion to Dismiss PPC
3040	1/12/2015	HSTA v. DOE, et al	CE 05-637	Stip of the Parties Rescinding February 5, 2007 Memo of Respondent Superintendent and Withdrawal of Complaint and Order
3041	1/12/2015	Hikalea v. Dept of Enviromental Services, et al	CE-01-808, CU 01-317	Order Granting Union Respondent's Motion to Continue First Day of Hearing Noticed for January 14, 2015 in Board's November 6, 2014 Notice or Hearing and Deadlines
3042	1/14/2015	Leroy Mamuad v. Dayton Nakanelua	CU 10-331	Order Denying UPW's Motion to Set Aside Entry of Default for Failure to File Timely Answer and for Relief From a Judgement and Order; and Denying UPW's Motion to Set Deadline for Complainant's Response to December 26, 2014 Motion and Other Appropriate Relief
3043	1/16/2015	HGEA v. Ige, et al	I 02-151	Order Declaring an Impasse and Appointing a Mediator
3044	1/16/2015	HGEA v. Ige, et al	I 03-152	Order Declaring an Impasse and Appointing a Mediator
3045	1/16/2015	HGEA v. Ige, et al	I 01-153	Order Declaring an Impasse and Appointing a Mediator
3046	1/16/2015	HGEA v. Ige, et al	I 09-154	Order Declaring an Impasse and Appointing a Mediator
3047	1/16/2015	HGEA v. Ige, et al	I 14-155	Order Declaring an Impasse and Appointing a Mediator
3048	1/20/2015	HFFAv. Caldwell, et al	CE 11-848	Order Granting in Part and Denying in Part HFFA/IAFF's Motion to Continue for Seven Days All Deadlines for Filing Motions, Responses and Hearings on Motions; Notice of Rescheduled Motion Hearing
3049	1/28/2015	HFFA v. Caldwell et al	CE 11-846	Order Granting HFFA/IAFF's Motion to Extend Time Within Which to File a Responsive Pleading to City Respondents' Motion to Dismiss

**Attachment 5: Orders Issued Chapter 89 Cases FY 2015**

ORDER NO.	DATE	CASE NAME	CASE NO.	DESCRIPTION
3050	2/2/2015	HGEA v. David Ige, et al	I 08-156	Order Declaring an Impasse and Appointing a Mediator
3051	2/2/2015	Mironesco v. Freitas	CE 07-850	Order Granting Complainant Monique Mironesco's Motion to Withdraw PPC
3052	2/5/2015	HFFA/IAFF v. Caldwell, et al	CE 11-846	Order Granting HFFA/IAFF's Second Motion to Extend Time Within Which to File a Responsive Pleading to City Respondent's Motion to Dismiss Complaint or in the Alternative for Summary Judgement
3053	2/25/2015	HFFA v. Caldwell, et al	CE 11-846	Order Granting HFFA/IAFF's Third Motion to Extend Time Within Which to File a Responsive Pleading to City Respondent's Motion to Dismiss Complaint or in the Alternative for Summary Judgement
3054	2/25/2015	Andria Tupola v. UHPA	CU 07-330, CE 07-847	Order Granting Respondent University of Hawaii Professional Assembly's Motion to Dismiss, or in the Alternative, for Summary Judgement; and Granting Respondent University of Hawaii's Motion to Dismiss or in the Alternative for Summary Judgement
3055	3/6/2015	HSTA v. Matayoshi	RA 05-238	Order Granting HSTA's Motion to Extend Deadline to File Post Hearing Briefs
3056	3/16/2015	HFFA v. Kirk Caldwell, et al	CE 11-832	Order Granting Motion to Withdraw PPC Filed on October 28, 2013
3057	3/27/2015	HSTA v. BOE	CE 05-852	Stip for Temporary Restraining Order; Order
3058	4/1/2015	HSTA v. BOE	CE 05-852	Stip for Stay of Proceedings; Order Exhibit "A"
3059	4/6/2015	HGEA v. Neil Abercrombie, et al	CE 03-824	Order Granting HGEA/AFSCME's Motion for Award of Attorney's Fees and Cost
3060	4/9/2015	UPW v. Hamamoto	CE 01-539	Order Granting Motion to Request Board to Notice Next Hearing Date, Notice of Hearing
3061	4/9/2015	Michael Hikalea v. Dept of Enviromental Services, et al	CE 01-808, CU 01-317	Order Finding the Board Has Jurisdiction over the Complaint, and Denying Due to Mootness the UPW's Motion to Revoke Subpoena Duces Tecum to Custodian of Records, United Public Workers; and Notice of Third Prehearing Conference
<del>3062</del>		Chapter 89 Order Number 3062 was		
3063	4/10/2015	HSTA v. Kathryn Matayoshi	RA 05-238	Order Granting HSTA's Second Motion to Extend Deadline to File Post Hearing Briefs
3063	4/30/2015	HGEA v. David Ige, et al	I 09-154	Order Dismissing Impasse Case
3064	5/18/2015	HGEA v. Ige, et al	I 02-151	Order Dismissing Impasse Case
3065	6/2/2015	UHPA v. UH	CE 07-833	Order Granting Complainant's Mtn to Wdraw PPC
3066	6/2/2015	HGEA v. Ige, et al	I 03-152	Order Dismissing Impasse Case
3067	6/2/2015	HGEA v. Ige, et al	I 04-153	Order Dismissing Impasse Case
3068	6/4/2015	Valeho-Novikoff v. Okabe, et al	CU 05-302	Order Granting in Part and Denying in Part Complaints [sic] Valeho Novikoff's Request for a Reschedule of Reply and Hearing for March 24, 2015; Notice of Rescheduled Motion Hearing
3069	6/10/2015	HGEA v. Ige, et al	I-08-156	Order Appointing Arbitration Panel and Neutral Arbitrator and Chairperson
3070	6/22/2015	Leroy Mamuad v. Dayton Nakanelua	CU-10-331	Order Setting Hearing on PPC; Notice of Second Pre-Hearing/Settlement Conference
3071	6/24/2015	UHPA v. BOR	RA-07-232	Proposed Findings of Fact, Conclusions of Law, and Order; Attachment "A"
3072	6/29/2015	HSTA v. Kathryn Matayoshi	RA-05-238	Granting HSTA's Mtn for the Brd to Accept HSTA's Amended Memorandum of Fact and Law Riled June 16, 2015

Attachment 6: Decisions Issued in Chapter 89 Cases FY 2015

DEC. NO.	DATE	CASE NAME	CASE NO.	COMMENTS
<b>480</b>	1/5/2015	HGEA v. Abercrombie, et al	CE 03-824	FINAL ORDER Adopting the Board's Proposed Findings of Fact, Conclusions of Law, and Decision and Order Issued on December 18, 2014

**Attachment 7: Orders Issued in Chapter 396 (HIOSH) Cases FY 2015**

ORDER NO.	DATE	CASE NAME	CASE NO.	DESCRIPTION
584	7/16/2014	DLIR v. Protech Roofing, LLC	2014-13	Granting Respondent Protech Roofing, LLC's Motion to Withdraw Motion to Vacate an[d] Request for Trial, and Denying as Moot Complainant's Motion to Continue Hearing Set for July 28, 2014; and Notice of Status Conference
585	7/17/2014	DLIR v. Certified Construction, Inc.	2013-18	Denying Respondent Certified Construction, Inc.'s Motion to Vacate or Alternatively for Summary Judgement and Denying Complainant Director, Department of Labor and Industrial Relations' Counter Motion for Summary Judgement; Notice of Status Conference
586	7/21/2014	Clint Loder v. AOA 250 Ohua and DLIR	2014-10	Granting Director of Labor and Industrial Relations' Motion to Extend Discovery Cutoff
587	7/23/2014	DLIR v. Hale Mahaolu	2014-1	Granting Respondent Hale Mahaolu's Motion to Continue Status Conference set for July 18, 2014; Notice of Status Conference
588	7/31/2014	DLIR v. JH Roofing Company	2014-15	Stipulation and Settlement Agreement; Exhibit A; Approval and Order
589	8/13/2017	DLIR v. Hawaiian Style Raingutters, Inc.	2014-11	First Stipulation to Continue Trial and Order; Certificate of Service
590	8/18/2014	DLIR v. Wal-Mart Stores, Inc.	2014-17	Granting Motion to Continue Initial Conference/Settlement Conference; Notice of Rescheduled Continued Initial Conference/Settlement Conference
591	8/22/2014	DLIR v. Bolton Inc.	2014-21	Granting Complainant Director of Labor and Industrial Relations' Motion to Continue Initial Conference/Settlement Conference Filed September 4, 2014; Notice of Continued Initial Conference/Settlement Conference
592	8/29/2014	DLIR v. Honolulu Window Cleaning, Inc.	2014-19	Pretrial Order
593	8/29/2014	DLIR v. John Murray	2014-20	Pretrial Order
594	9/3/2014	DLIR v. State of Hawaii, Dept of Health-Hawaii State Hospital	2014-16	Granting Complainant Director of Labor and Industrial Relations' Motion to Reschedule Initial Conference/Settlement Conference; Notice of Continued Initial Conference/Settlement Conference
595	9/3/2014	DLIR v. Kawika's Painting	2014-22	Pretrial Order
596	9/9/2014	DLIR v. South Pacific Steel Corp	2013-27	Stipulation and Settlement Agreement; Exhibit A; Approval and Order
597	9/10/2014	DLIR v. Protech Roofing LLC	2014-13	Pretrial Order
598	9/10/2014	DLIR v. Wal-Mart Stores, Inc.	2014-17	Pretrial Order
599	9/10/2014	DLIR v. Titanium Services	2014-24	Pretrial Order
600	9/16/2014	DLIR v. dck Pacific Construction	2014-14	Granting Complainant Director of Labor and Industrial Relations' Motion to Continue Initial Conference/Settlement Conference Filed September 4, 2014; Notice of Continued Initial Conference/Settlement Conference
601	9/16/2014	DLIR v. Dorvin D. Leis Co., Inc.	2013-28	Stipulation and Settlement Agreement; Exhibit A; Approval and Order
602	9/16/2014	DLIR v. Donaldson Enterprises, Inc.	2011-21	Granting Respondent's Motion to Continue Trial; Discovery Deadline; Notice of Status Conference
603	9/17/2014	DLIR v. Tory Roofing	2013-2	Stipulation and Settlement Agreement; Exhibit A; Approval and Order
604	9/17/2014	DLIR v. John Murray	2014-20	Stipulation and Settlement Agreement; Exhibit A; Approval and Order
605	9/19/2014	DLIR v. Certified Construction, Inc.	2013-18	Granting Complainant Director of Labor and Industrial Relations' Motion to Continue Trial Filed September 17, 2014
606	9/22/2014	DLIR v. Hale Mahaolu	2014-1	Granting Respondent Hale Mahaolu's Motion to Continue Status Conference Set for September 24, 2014; Notice of Status Conference
607	9/25/2014	DLIR v. Exclusive Island Roofing	2014-23	Stipulation and Settlement Agreement; Exhibit A; Approval and Order
608	9/26/2014	DLIR v. Hawaiian Style Raingutters, Inc.	2014-11	Stipulation and Settlement Agreement; Exhibit A; Approval and Order
609	10/2/2014	DLIR v. C & S Wholesale Grocers, Inc. dba Hawaii Logistics	2013-25	Stipulation and Settlement Agreement; Exhibit A; Approval and Order
610	10/3/2014	DLIR v. Maryl Group Construction, Inc.	2014-6	Granting Complainant Director of Labor and Industrial Relations' Motion to Dismiss Respondent Maryl Group Construction, Inc.'s Contest
611	10/7/2014	DLIR v. Aloha Roofing, Inc.	2014-27	Pretrial Order
612	10/7/2014	DLIR v. Aloha Roofing, Inc.	2014-28	Pretrial Order
613	10/8/2014	DLIR v. RHS Lee, Inc.	2014-30	Granting Complainant's Motion to Dismiss
614	10/16/2014	DLIR v. BF Tile, Inc.	2014-29	Granting Complainant Director of Labor and Industrial Relations' Motion to Continue Initial Conference/Settlement Conference; Notice of Rescheduled Initial Conference/Settlement Conference
615	10/20/2014	DLIR v. Aloun Farms, Inc.	2014-8	Settlement and Release Agreement; Approval and Order; Exhibit A
616	10/21/2014	DLIR v. Color Dynamics, Inc.	2014-9	Granting Complainant Director of Labor and Industrial Relations' Motion to Continue Discovery and Move Trial
617	10/22/2014	Clint Loder v. AOA 250 Ohua and DLIR	2014-10	Settlement and Release Agreement; Approval and Order; Exhibit A
618	10/22/2014	DLIR v. Bolton Inc.	2014-21	Stipulation and Settlement Agreement; Exhibit A; Approval and Order

**Attachment 7: Orders Issued in Chapter 396 (HIOSH) Cases FY 2015**

ORDER NO.	DATE	CASE NAME	CASE NO.	DESCRIPTION
619	10/22/2014	DLIR v. CC Engineering & Construction, Inc.	2014-18	Stipulation and Settlement Agreement; Exhibit A; Approval and Order
620	10/23/2014	DLIR v. BF Tile, Inc.	2014-29	Stipulation and Settlement Agreement; Exhibit A; Approval and Order
621	10/24/2014	DLIR v. Kelly Construction Inc.	2014-31	Pretrial Order
622	10/29/2014	DLIR v. The Storage Room Inc., dba Storage	2014-31	Pretrial Order
623	10/30/2014	DLIR v. Certified Construction, Inc.	2013-32	Amended Pretrial Order
624	10/30/2014	DLIR v. Aloha Contract Services, LLC	2014-26	Stipulation and Settlement Agreement; Exhibit A; Approval and Order
625	11/12/2014	DLIR v. Certified Construction, Inc.	2013-18	Stipulation and Settlement Agreement; Exhibit A; Approval and Order 625
626	11/13/2014	DLIR v. Hale Mahaolu	2014-1	Stipulation and Settlement Agreement; Approval and Order 626
627	11/20/2014	DLIR v. Color Dynamics, Inc.	2014-9	Order Granting Respondent's Request to Extend Reply Memorandum Deadline and Continue Status Conference; and Notice of Continued Status Conference
628	11/24/2014	DLIR v. Pacific Recreation Co., LLC	2014-34	Stipulation and Settlement Agreement; Exhibit A; Approval and Order
629	12/2/2014	DLIR v. State of Hawaii, Dept of Health-Hawaii State Hospital	2014-16	Granting Complainant Director of Labor and Industrial Relations' Motion to Continue Initial Conference/Settlement Conference; Notice of Continued Initial Conference/Settlement Conference
630	12/5/2014	DLIR v. Honolulu Window Cleaning, Inc.	2014-19	Stipulation and Settlement Agreement; Exhibit A; Approval and Order
631	12/15/2014	DLIR v. County of Hawaii, Fire Department, Ocean Safety Division	2014-25	Stipulation and Settlement Agreement; Exhibit A; Approval and Order
632	12/18/2014	DLIR v. Rainbow Roof Maintenance Co., Inc.	2014-35	Granting Motion to Withdraw Notice of Contest
633	12/19/2014	DLIR v. dck Pacific Construction, LLC	2014-14	Stipulation and Settlement Agreement; Exhibit A; Approval and Order
634	12/19/2014	DLIR v. Aloha Roofing, Inc.	2014-28	Withdrawal of Letter of Contest Dated August 11, 2014; Exhibits A and B; and Approval and Order
635	12/23/2014	DLIR v. Aloha Roofing, Inc.	2014-27	Stipulation and Settlement Agreement; Exhibit A; Approval and Order
636	12/26/2014	DLIR v. Protech Roofing, LLC	2014-13	Order Granting in Part and Denying in Part Complainant Director of Labor and Industrial Relations' Motion to Continue Discovery Deadline and Move Trial
637	12/30/2014	DLIR v. David's Custom Roofing and Painting, Inc.	2014-36	Granting Complainant Director of Labor and Industrial Relations' Motion to Move Initial Conference/Settlement Conference; Notice of Continued Initial Conference/Settlement Conference
638	1/15/2015	DLIR v. Kawika's Painting, Inc.	2014-22	Stipulation and Settlement Agreement; Exhibit A; Approval and Order
639	1/27/2015	DLIR v. Kelly Construction Inc.	2014-31	Stipulation and Settlement Agreement; Exhibit A; Approval and Order
640	1/29/2015	DLIR v. Titanium Services	2014-24	Stipulation and Settlement Agreement; Exhibit A; Approval and Order
641	2/10/2015	Nuanucht Chaigit v. USS Missouri Mem Assoc., Inc. and DLIR	2013-31	Stipulation to Reschedule Hearing Date and Deadlines; Order
642	3/12/2015	DLIR v. State of Hawaii, Dept of Health-Hawaii State Hospital	2014-16	Granting Complainant Director of Labor and Industrial Relations' Motion to Reschedule Initial Conference/Settlement Conference; Notice of Continued Initial Conference/Settlement Conference
643	3/25/2015	DLIR v. The Storage Room Inc., dba Storage	2014-32	Stipulation and Settlement Agreement; Exhibit A; Approval and Order
644	4/6/2015	Darryl Caminos v. Honolulu Country Club, LLC &	2015-1	Pretrial Order
645	4/7/2015	DLIR v Hunt Building Company, Ltd.	2015-02	Pretrial Order
646	4/8/2015	DLIR v. Henkels & McCoy, Inc.	2015-3	Granting Complainant Director of Labor and Industrial Relations' Motion to Move Initial Conference/Settlement Conference; Notice of Continued Initial Conference/Settlement Conference
647	4/8/2015	DLIR v. Henkels & McCoy, Inc.	2015-4	Granting Complainant Director of Labor and Industrial Relations' Motion to Move Initial Conference/Settlement Conference; Notice of Continued Initial Conference/Settlement Conference
648	4/13/2015	DLIR v. Wal-Mart Stores, Inc.	2014-17	Stipulation and Settlement Agreement; Exhibit A; Approval and Order
649	4/28/2015	DLIR v. David's Custom Roofing and Painting, Inc.	2014-36	Granting Motion to Cancel Initial/Settlement Conference
650	5/6/2015	DLIR v. Protech Roofing, LLC	2014-13	Stipulation and Settlement Agreement; Approval and Order
651	5/15/2015	DLIR v. C & S Wholesale Grocers, Inc. dba Hawaii Logistics, LLC	2015-6	Granting Director's May 7, 2015 Motion to Move Initial Conference/Settlement Conference; Notice of Continued Initial/Settlement Conference
652	5/18/2015	DLIR v. Kennedy Construction Corporation	2015-5	Pretrial Order
653	5/27/2015	DLIR v. Elemental Energy LLC dba Sunetric	2014-33	Granting Respondent's Non-Hearing Motion to Continue Third Continued Initial Conference; Notice of Fourth Continued Initial Conference/Settlement Conference
654	5/20/2015	DLIR v. State of Hawaii, Dept of Health-Hawaii State Hospital	2014-16	Granting Respondent's Non-Hearing Motion to Reschedule Initial Conference/ Settlement Conference; Notice of Continued Initial Conference/Settlement Conference

**Attachment 7: Orders Issued in Chapter 396 (HIOSH) Cases FY 2015**

ORDER NO.	DATE	CASE NAME	CASE NO.	DESCRIPTION
655	6/1/2015	DLIR v. Certified Construction, Inc.	2013-32	Granting Director's Oral Motion to Dismiss the Contest; and Directing Director to Prepare Finds of Fact, Conclusions of Law, and Order Dismissing the Contest
656	6/10/2015	DLIR v. David's Custom Roofing and Painting, Inc.	2014-36	Stipulation and settlement agreement
657	6/16/2015	DLIR v. C & S Wholesale Grocers, Inc. dba Hawaii Logistics, LLC	2015-6	Stipulation and Settlement Agreement
658	6/16/2015	DLIR v. Randall B. Lau	2015-7	Stipulation and Settlement Agreement
659	6/19/2015	DLIR v. World Wide Window Cleaning, Inc.	2015-09	Motion to continue
660	6/19/2015	DLIR v. Trane US, Inc.	2015-8	Pre-trial order
661	6/19/2015	DLIR v. Certified Construction, Inc.	2013-32	Findings of Fact, Conclusions of Law & Order Denying R's Mtn to Cont Trial & Dmissing
662	6/23/2015	DLIR v. DJ's Construction, Inc.	2015-10	Pre-trial order
663	6/24/2015	DLIR v. Penthouse Pacific Construction, Ltd.	2015-11	Granting R's 5/26/15 Non-Hrg Mtn to Resch IC/SC; Notice of Reschd IC/SC
664	6/26/2015	DLIR v. Hunt Building Company, Ltd.	2015-2	Stipulation and Settlement Agreement Approval and Order

**Attachment 8: Decisions Issued in Chapter 396 (HIOSH) Cases FY 2015**

<b>DEC. NO.</b>	<b>DATE</b>	<b>CASE NAME</b>	<b>CASE NO.</b>
27	6/18/2015	Stephen Roddy v. Life Port Hawaii Co., Ltd & DLIR	2013-17
28	6/18/2015	James Stone v. Hawai Air Ambulance & DLIR	2011-10

## Attachment 9: Cases on Appeal

### CASES ON APPEAL AT ICA OR HAWAII SUPREME COURT

#### HIOSH CASES:

##### **OSH 2011-10 - Stone v. Air Ambulance Hawaii (Hawaii Life Flight)**

This case involved a pilot who was terminated, due in part to his safety complaints regarding refueling trucks and other issues. Some complaints fell under HIOSH jurisdiction, and some fell under the federal OSHA jurisdiction. Mr. Stone filed retaliation claims with both HIOSH and OSHA. HIOSH denied the claim, and Mr. Stone appeal to the Board. The Board found in favor of Mr. Stone and awarded him back pay and additional compensation in lieu of reinstatement, for an award somewhere around \$760,000. The Board further ordered that any request for fees and costs be done by motion filed no later than 10 days after issuance of Decision No. 28. The Board also ordered Air Ambulance to pay a penalty to the DLIR.

**Civil No. 15-1-1410-07 RAN** – Air Ambulance appealed Decision No. 28, even though the motion for fees and costs was still pending before the Board. However, their appeal was one day late. The Board filed a motion to dismiss the appeal, asserting that Decision No. 28 was a “final decision and order in a contested case” or at least a “preliminary ruling of the nature that deferral of review pending entry of a subsequent final decision would deprive appellant of adequate relief” such that the time to appeal under HRS § 91-14 began to run. The circuit court agreed and dismissed the appeal. Mr. Stone moved for entry of judgment against Air Ambulance (because such a judgment would be their mechanism for recovery). The circuit court agreed, and granted the motion.

Judgment was entered on Oct. 13, 2015.

**CAAP-15-0000717** – On October 2, 2015, Air Ambulance appealed the circuit court’s orders to the ICA (before entry of judgment). The record from the circuit court has not yet been transmitted to the ICA. Some of the issues before the ICA will include whether the court had authority to grant Mr. Stone’s motion (the Board did not take a position on that motion), and whether the appeal was untimely, or, as Air Ambulance argued, merely premature because of the pending motion for attorneys’ fees that was still before the Board. Air Ambulance might also raise the issue of whether former Chair Nicholson (who signed Decision No. 28) was no longer a holdover at the time the decision was signed.

## PROHIBITED PRACTICE CASES

### **CE-05-669** – HSTA v. Board of Education

This case involves the HSTA's requests for information from the DOE when a civil rights complaint is lodged against a teacher by a student (or parent), but before any discipline is imposed. The Board held that the HSTA did not meet its burden under the balancing test as to why the HSTA's need for information such as the student's home address and the investigator's name and contact information, outweighed the DOE's need to keep such information confidential during the investigation stage.

**Civil No. 14-1-2050-09 RAN** – The circuit court affirmed the Board's decision. The Board took no position on the appeal, as it was not a party in interest.

**CAAP-15-0000656** – On September 3, 2015, the HSTA appealed to the ICA. The record on appeal has not yet been transmitted by the circuit court, so briefing has not commenced yet.

### **CE-01-500** – UPW v. Timothy Houghton

This case involved the automation of trash collection. The UPW was concerned about layoffs resulting from automation, and filed a prohibited practice complaint because the City did not fulfill its promise to restore and expand refuse collection on Oahu. The Board held that the City violated its agreement with the UPW; however, the Board also held that the "frustration of purpose" doctrine applied because the City was precluded from transferring employees to other baseyards. In a separate prohibited practice complaint (CE-01-465), the Board held that the City could not unilaterally transfer employees, and that transfers were subject to mutual agreement. That decision was the bases for the Board's conclusion of "frustration of purpose" in CE-01-500. On appeal, the circuit court overturned that part of the Board's decision, and held that the "frustration of purpose" doctrine did not apply. Additionally, the Hawaii Supreme Court later issued its Hannemann decision in CE-01-465, which held that transfers fell under "management rights" and were not subject to mutual agreement. Thus, there was no longer a "frustration of purpose" preventing the City from complying with its promise in CE-01-500.

Earlier this year, the UPW moved the circuit court for an extension on the court's order, to give the UPW more time to secure compliance from the City. The City argued that the 10-year time to enforce a judgment of the court had already run, and thus the UPW's motion was untimely. The circuit court agreed with the City, and the UPW appealed to the ICA. The Board took no position before the circuit court on whether the court should extend the ten year period.

If the UPW prevails, there is a possibility that the matter of the City's compliance *may* end up before the Board again.

**CAAP-15-0000420** – The UPW appealed the circuit court’s denial of its motion to extend the 10-year period. The appeal is currently in the briefing stage (the UPW filed its Opening Brief on September 24, and the Board filed its Notice of No Answering Brief on September 29).

**CU-05-305** – The Educational Laboratory v. HSTA

This case involves the parties’ disagreement over a salary schedule that was supposed to be attached as “Exhibit 1” to the collective bargaining agreement. The HSTA failed to file a timely answer to the prohibited practice complaint. However, the parties also submitted extensive briefing in support of or opposition to the parties’ motions to dismiss and for summary judgment. After reviewing the entire record, the Board found that there was simply no meeting of the minds over what constituted “Exhibit 1” and therefore there was no prohibited practice.

**Civil No. 14-1-0967-04 RAN** – The HSTA appealed the Board’s decision because it asserts it was adversely affected by the Board’s finding of “no meeting of the minds” in the companion grievance that HSTA had filed, which was then pending before an arbitrator. Ultimately, the arbitrator held that he was not bound by the Board’s findings or conclusions. The Board asserted that the HSTA was not “aggrieved” by the Board’s decision, and therefore lacking standing to appeal; alternatively, that the decision was correct on the merits. The circuit court agreed that the HSTA was not aggrieved, and confirmed the Board’s decision.

**CAAP-15-0000166** – The HTSA asserts that it was aggrieved by the Board’s decision; that the circuit court was incorrect to confirm the Board’s decision after finding the HSTA lacked standing; and that the Board’s decision was wrong on the merits. The briefing before the ICA is complete, and we are just waiting for the oral argument to be set.

**CAAP-14-0001019** – Stephanie C. Stucky v. Dwight Takeno

Because I was conflicted out in this case, Linda has been keeping an eye on the status of this appeal (the Board took no position and filed no brief).

## **CASES ON APPEAL IN CIVIL COURT**

### **HIOSH CASES:**

#### **OSH 2013-17 – Stephen C. Roddy v. Life Port Hawaii Co., Ltd. dba The Oahu Club**

This case involves a maintenance worker who was fired for reporting safety violations. The Board found in favor of Mr. Roddy (who eventually ended up homeless after his termination, and after the employer filed criminal charges against him for allegedly chasing and threatening his supervisor, although Mr. Roddy was acquitted of the charge). The Board awarded Mr. Roddy somewhere in the \$100,000 ballpark.

**Civil No. 15-1-1358 RAN** – The Board submitted the record on appeal and the Board’s answer to appellant’s statement sometime at the end of July or beginning of August. The DLIR filed their answer to the appeal on August 7, 2015. There hasn’t been any further development in this case as far as I am aware. The parties may have been trying to settle. Neither party was represented by counsel, but both now have counsel at the circuit court level. There was some question as to whether the Oahu Club paid Mr. Roddy according to the Board’s Decision No. 27 (an appeal doesn’t stay the decision, and we are not aware of any motion to the Board or to the circuit court for a stay).

#### **OSH 2014-6 – DLIR v. Maryl Group Construction (#14-11)**

**Civil No. 14-1-2263 RAN**

### **PROHIBITED PRACTICE CASES**

#### **DR-05-106 (#14-21) – Hawaii State Teachers Association, Petitioner**

**Civil No. 14-1-1716-08 RAN** –