

2004-2005

ANNUAL REPORT TO

THE HONORABLE LINDA LINGLE

GOVERNOR OF THE STATE OF HAWAII

Presented by

The Hawaii Labor Relations Board

Brian K. Nakamura, Chair

Emory J. Springer, Member

Kathleen Racuya-Markrich, Member

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I. INTRODUCTION

Pursuant to Hawaii Revised Statutes (HRS) ' 89-5(a), the Hawaii Labor Relations Board (HLRB or Board) presents its annual report to the Governor describing its activities for fiscal year 2004 B 2005 (FY 2005) and reflecting the status of the Board on June 30, 2005.

II. MISSION STATEMENT

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 promote the harmonious and cooperative relations between the parties.

In 2002, the Board also acquired jurisdiction to conduct de novo hearings on contests from citations issued by the Director of the Department of Labor and Industrial Relations (DLIR) through the Hawaii Occupational Health and Safety (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 disease arising out of employment.

III. OVERVIEW

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, APersons 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, APersons 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 and 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 from citations or orders of the Director of Labor and Industrial Relations involving occupational health and safety pursuant to HRS ' 396-11.¹

Functions

¹Prior to 2002, the Labor and Industrial Appeals Board of the DLIR (LIRAB) heard contests filed under HRS ' 396-11.

The Board is an agency within the DLIR for administrative and budgetary purposes. The Board exercises quasi-judicial powers with jurisdiction of disputes over 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 primarily agricultural employees and employers and those private employees and employers who are not subject to the jurisdiction of the National Labor Relations Board. 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 the 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.

Board Members

The Board is composed of three members, one of whom is representative of management, one who is representative of labor and the third member, the Chair, who represents the public. 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. The Board is composed of the following:

BRIAN K. NAKAMURA, Chair, appointed July 1, 2000; annual salary \$84,303. Mr. Nakamura was an attorney in private practice who previously served for two years as general counsel for the Hawaii State Campaign Spending Commission and chief counsel for the Senate Judiciary Committee in 1997. From 1993 to 1996, he was the Executive Officer at the UH Hawaii Natural Energy Institute and prior to that time, served as chief of staff and legal officer in the Lieutenant Governor=s Office. Mr. Nakamura also served as U.S. Senator Daniel Inouye=s chief of staff and legal officer in his state office and chief of staff and legal officer in the U.S. Senate Sergeant-At-Arms Office, Washington, D.C., as well as legal counsel and legislative assistant to Senator Inouye in Washington, D.C.

Mr. Nakamura graduated from the University of Hawaii with a Bachelor of Arts degree from the College of Arts and Sciences in political science, a teaching certificate in secondary education from the College of Education, and a Juris Doctor degree from the William Richardson S. School of Law.

CHESTER C. KUNITAKE, Member, initially appointed in February 20, 1997 and reappointed for a full six-year term in 1999. Mr. Kunitake was the Public Policy Officer of the Hawaii Government Employees Association and worked for the union for over 26 years. Mr. Kunitake graduated from the

University of Hawaii with a degree in business administration. Mr. Kunitake serves as the labor representative to the Board. Mr. Kunitake's term expired on June 30, 2005.

EMORY J. SPRINGER, Member, appointed July 1, 2005, annual salary \$80,088. Mr. Springer was a police officer for the County of Hawaii for 20 years. He also served eight years as Chair of SHOPO's Hawaii Chapter and in that capacity participated in representing SHOPO members in grievances and in negotiations.

KATHLEEN RACUYA-MARKRICH, Member, appointed July 1, 2000; annual salary \$80,088. Ms. Racuya-Markrich served as press secretary to Governor Benjamin Cayetano for six years and previously served for seven years as a Deputy Attorney General in the Employment Law Division of the State Department of the Attorney General, representing the public employer and specializing in employment litigation for seven years. Ms. Racuya-Markrich graduated from the William S. Richardson School of Law with a Juris Doctor degree and also with a Bachelor of Science in Foreign Service from Georgetown University, School of Foreign Service. Prior to law school, Ms. Racuya-Markrich worked in Washington, D.C. as a staff aide/secretary to the Administrative Assistant for U.S. Senator Spark Matsunaga and an immigration caseworker. Ms. Racuya-Markrich is the management representative to the Board.

Board Staff

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

Valri Lei Kunimoto, Executive Officer; annual salary \$84,000. The executive officer is 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 may include supervising the other staff members and editing Board publications and decisions.

Sau Lan Leung, Legal Clerk; annual salary \$35,256. The Legal Clerk performs a variety of clerical tasks; types Board decisions, orders, notices and legislative documents; prepares and files court documents, including pleadings, records on appeals, and briefs; and maintains the Board's library.

IV. 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 13 units based upon occupational and compensation plan groupings. These bargaining units, described in HRS § 89-6(a), are as follows:

- (1) Nonsupervisory employees in blue collar positions;
- (2) Supervisory employees in blue collar positions;
- (3) Nonsupervisory 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; and
- (13) Professional and scientific employees, who cannot be included in any of the other bargaining units.

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 13 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

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

Unit	No. of Employees	Exclusive Representative	Date of Initial Certification
01	10, 738 ²	UPW	10/20/71
02	1,046	HGEA	10/20/71
03	15,192	HGEA	04/03/72
04	1,115	HGEA	05/03/72
05	13,277	HSTA	05/21//71
06	861	HGEA	06/10/71
07	3,507	UHPA	11/01/74
08	1,645	HGEA	01/26/73
09	1,336	HGEA	07/10/79
10	2,808	UPW	02/11/72
11	1,828	HFFA	02/04/72

²These figures are from HLRB Informational Bulletin No. 43, dated June 23, 2005, which was compiled from data supplied by the public employers. These figures are current as of December 31, 2004.

12	2,731	SHOPO	07/14/72
13	7,956	HGEA	05/03/72

V. CASES BEFORE THE BOARD DURING FY 2005

Code Used to Designate Cases

Public Sector

Each public sector petition filed with this Board is assigned a case number designated by a three-part code. The first part indicates the type of proceeding; the second part indicates the number of the bargaining unit referred in the petition; and the third part indicates the chronological number in the series for that type of case.

For example, a Case No. CE-05-03@ is interpreted as follows:

CE indicates the case is a prohibited practice complaint against an employer;
05 indicates the case concerns Unit 05; and
03 indicates this is the third case filed in the CE series.

The following code letters represents the types of cases:

<u>Code Letters</u>	<u>Type of Case</u>
R	Representation
RD	Decertification
RA	Clarification or Amendment of Appropriate Bargaining Unit
CE	Prohibited Practice Complaint Against an Employer
CEE	Prohibited Practice Complaint Against an Employee
CU	Prohibited Practice Complaint Against an Exclusive Representative
I	Impasse
DR	Declaratory Ruling
PD	Review of Refunds
PE	Petition for Enforcement of Board Order
RM	Rulemaking

Private Sector

Each private sector petition filed with this Board is assigned a case number designated by a three-part code. The first part indicates the year in which the case was filed; the second part indicates the chronological number for cases filed within the year; and the third part indicates the type of case.

For example, a Case No. 05-1(RD)@ is interpreted as follows:

05 indicates the case has been filed in 2005;
1 indicates this is the first case filed in 2005; and
(RD) indicates the case is a de-certification case.

The following code letters represents the types of cases:

<u>Code Letters</u>	<u>Type of Case</u>
R	Representation
RD	Decertification
RA	Determination of Collective Bargaining Unit
CE	Unfair Labor Practice of Employer
CEE	Unfair Labor Practice of Employee
CU	Unfair Labor Practice of Exclusive Representative
DR	Declaratory Ruling

Occupational Safety and Health

Each contest filed with the Board is assigned a two-part case number. The number following OSAB³ or OSH⁴ designation indicates the year in which the case was filed; the second part indicates the chronological number for cases filed within the year.

For example, a Case No. OSH 2005-1@ is interpreted as follows:

05 indicates the case has been filed in 2005; and
1 indicates this is the first case filed in 2005.

Case Statistics

The following represents the cases filed and pending before the Board in FY 2004:

Type of Case	Pending 6/30/04	Filed	Closed	Pending 6/30/05
Public Sector				
Prohibited Practice against Employer	27	33	30	30
Prohibited Practice against Union	3	9	9	3
Impasse	2	10	12	0
Declaratory Ruling	3	0	1	2
Investigation	1	0	0	1
Rule Making	0	1	1	0
Unit Clarification	0	2	1	1
Decertification	0	1	1	0
Unfair Labor Practice against Employer	0	0	0	0
Unfair Labor Practice against Union	0	0	0	0
Type of Case	Pending 6/30/04	Filed	Closed	Pending 6/30/05
HIOSH Appeals				
Citation	5	26	22	9
Discrimination	9	2	2	9
Total	50	84	79	55

³ Occupational Safety Appeals Board, which is the designation assigned previously by LIRAB.

⁴ Occupational Safety and Health, which is the designation assigned by the Board in 2003.

A total of 84 cases (55 public sector, 1 private sector and 28 HIOSH cases) were filed with the Board during the past fiscal year. The Board closed 79 cases as described in Appendix A. During the past fiscal year, the Board conducted 46 prehearing or status conferences, 46 motions hearings, and 24 days of hearings on the merits of the contested cases before it. The Board issued four decisions relating to collective bargaining and 78 orders, including 48 orders disposing of the cases. The Board also issued four Occupational Safety and Health decisions and 43 orders, including 20 dispositive orders. The Board was also party to 13 court appeals or proceedings.

One measure of the Board's efficiency is whether the case was disposed of within 30 days of submission. During FY2005, the Board closed 50 of the 76 cases or 66% of the cases within 30 days. These cases vary in complexity; some involving issues affecting one employee and others affecting the rights of a large number of employees. Some petitions filed did not result in formal Board decisions because they were either withdrawn by the petitioners or the cases were settled by the parties at some point in the proceedings with the Board's approval. Motions filed with the Board are not counted as separate filings and are disposed of by Order rather than Decision.

Cases Closed During FY 2005

The chart in Appendix A provides information on the cases closed by the Board during FY 2005.

Cases Pending on June 30, 2005

The chart in Appendix B provides information on the cases pending before the Board on June 30, 2005.

Cases on Appeal in the Courts in FY 2005

The chart in Appendix C provides information on the cases in the courts.

VI. PUBLICATIONS

1. 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; and Volume 6 containing Decision Nos. 394 to 445 have been issued. Copies of recent decisions are available on the Board's website at www.hawaii.gov/labor.

The Board also distributes copies of its decisions as they are rendered to the respective parties in interest, the State agencies as required by HRS ' 93-3, the IRC, and the Center for Labor Education and Research.

2. Informational Bulletin: Each year the Board issues an Informational Bulletin which provides, by employing jurisdictions, the number of public employees in each of the 13 collective bargaining units established by HRS ' 89-6(a). The figures are compiled from data supplied by the public employers.

3. Website: The DLIR redesigned its website in 2004 to include the Board's rules and forms, and recent decisions.

VII. CONCLUSION

In reviewing the case activity for labor relations cases for this fiscal year, the Board believes it has continued to meet its goals of fairly administering the provisions of HRS Chapters 89 and 377, credibly and objectively resolving labor-management disputes, and promoting good faith and harmony in labor relations. As all of the bargaining unit contracts, except the Unit 07 contract, will expire on June 30, 2007, most units will begin negotiating in late 2006.

With respect to the HIOSH contests, the Board conducted de novo hearings on the contests of citations and decisions in discrimination cases and endeavors to provide a forum for the fair and efficient adjudication of safety and health contests and balancing the rights of employers while securing the safety of their workers.

Finally, the Board expresses its appreciation to Member Chester C. Kunitake whose term expired on June 30, 2005 and served 8 years as labor's representative on the Board. During that time, Mr. Kunitake generously shared his expertise in civil service and classification matters as well as his views on collective bargaining gained from his many years with the HGEA and in government service.

2004-2005 ANNUAL REPORT TO THE HONORABLE LINDA LINGLE, GOVERNOR OF THE STATE OF HAWAII

Respectfully submitted,

/s/ Brian K. Nakamura
BRIAN K. NAKAMURA, Chair

/s/ Emory J. Springer
EMORY J. SPRINGER, Member

/s/ Kathleen Racuya-Markrich
KATHLEEN RACUYA-MARKRICH, Member

Dated: November 30, 2005
Honolulu, Hawaii

CASE NO.	PARTIES	CONCERNS	DISPOSTION	DATE
OSH 2004-1	DLIR v. Akamai Homes, Inc.	Citation - \$2,100.	Order Approving Stipulation and Settlement Agreement - \$700. Order No. 103.	07/07/04
I-12-92	SHOPO v. Linda Lingle, et al.	Impasse	Order Dismissing Impasse Case. Order No. 2266.	07/16/04
OSH 2004-3	DLIR v. Construction Hawaii.Com, LLC	Citation - \$3,000.	Order Approving Stipulation and Settlement Agreement - \$1,500. Order No. 105.	08/04/04
CE-05-557	Stephanie Stucky v. Linda Lingle, et al.	Contract violation.	Withdrawn. Order No. 2268.	08/04/04
CE-05-564	Stephanie Crowell Stucky v. Linda Lingle, et al.	Contract violation.	Withdrawn. Order No. 2269.	08/04/04
OSH 2003-19	DLIR v. The Home Depot	Citation.	Decision No. 7.	08/04/04
CE-01-562	UPW v. BOR	Refusal to provide information for grievance	Withdrawn. Order No. 2271.	08/11/04
OSH 2004-6	DLIR v. Jas Sellers Construction	Citation	Dismissed for lack of prosecution. Order No. 108.	09/01/04
04-1(RD)	Dominodor Café v. ILWU and Kohala Nursery, Inc.	Decertification petition.	Certification of Election Results and Order Decertifying the International Longshore and Warehouse Union, Local 142, ALF-CIO. Order No. 2272.	09/07/04
OSH 2003-3	DLIR v. Si-Nor, Inc.	Citation.	Decision No. 8.	09/10/04
DR-01-90	Harry Kim and Patricia Engelhard and UPW, HGEA, Maui County and Kathleen N.A. Watanabe	Declaratory Ruling Petition	Findings of Fact, Conclusions of Law, and Order Denying Petition for Declaratory Ruling. Order No. 2278.	09/23/04
OSH 2004-5	DLIR v. Hualalai Hotel Corp., dba Four Seasons Resort Hualalai	Citation \$4,675	Stipulation and Settlement Agreement. \$1,000. Order No. 110.	10/06/04
OSH 2004-10	DLIR v. Trees of Hawaii, Inc.	Citation - \$875	Stipulation and Settlement Agreement. Order No. 112.	10/13/04
CE-02-571a CE-03-571b CE-04-571c CE-13-571d	HGEA v. Jeremy Harris, et al.	Failure to implement interest arbitration award.	Withdrawn. Order No. 2281.	10/20/04
CE-05-561	Stephanie Crowell Stucky v. Linda Lingle, et al.	Violations of contract - master schedule	Dismissed for failure to exhaust contractual remedies. Order No. 2282.	10/21/04
OSH 2003-4	Charles K. Ke-a v. Si-Nor, Inc. and DLIR	Discrimination	Decision No. 9.	10/26/04
CU-03-234	Richard K. Condon v. HGEA, et al.	DFR	Withdrawn. Order No. 2284.	11/04/04

CASE NO.	PARTIES	CONCERNS	DISPOSTION	DATE
CE-12-560	SHOPO v. Jeremy Harris and HPD	Interrogation of officer	Withdrawn. Order No. 2285.	11/05/04
CE-10-577	UPW v. John F. Peyton, Jr., et al.	Refusal to bargain - standards of conduct	Withdrawn. Order No. 2286.	11/12/04
CU-03-214	Poe v. HGEA	Motion to Clarify Decision	Order Clarifying Decision. Order No. 2288.	11/19/04
CE-01-575	UPW v. Claudia Chun, Ed.D., and BOE	Failure to provide information	Withdrawn. Order Granting Withdrawal of Prohibited Practice Complaint, Without Prejudice. Order No. 2290.	12/02/04
CE-05-551	Stephanie Stucky v. Board of Education, et al.	Repudiation of settlement agreement; direct dealing	Decision No. 450.	12/13/04
OSH 2004-14	DLIR v. Sutton Construction Co., Inc.	Citation - \$1250	Stipulation and Settlement Agreement. Order No. 114.	12/13/04
OSH 2004-9	DLIR v. Isemoto Contracting Co., Ltd.	Citation - \$12,000	Stipulation and Settlement Agreement. \$9,000. Order No. 115.	12/15/04
CE-03-573a CE-04-573b CE-13-573c	HGEA v. Linda Lingle, et al.	Failure to negotiate/consult over nonrenewal of contract with Maximus and resumption of duties by eligibility workers after layoff	Order Granting Respondents' Motion to Dismiss Prohibited Practice Complaint filed September 16, 2004. Order No. 2294.	12/16/04
I-01-94	UPW and Linda Lingle, et al.	Impasse	Order Dismissing Impasse case. Order No. 2295	12/17/04
CE-01-572a CE-10-572b	UPW v. John F. Peyton, Jr., et al.	Termination of injured workers	Withdrawn. Order Granting Complainant's Withdrawal of Prohibited Practice Complaint, Without Prejudice. Order No. 2296.	12/20/04
RM-04	UHPA	Rulemaking Petition re: Review of Refunds	Order Granting Petition for Rulemaking. Order No. 2297.	12/21/04
CE-03-583	HGEA v. Dennis Furushima, et al.	Interference and discrimination against employee who filed grievance	Order Approving Stipulation to Dismiss Complaint with Prejudice, Filed on December 17, 2004. Order No. 2299.	12/29/04
CE-01-585	John K. Kauahi v. City and County of Honolulu and Dept. of Environmental Services	Termination.	Withdrawn. Order No. 2301.	01/13/05
CU-05-231	Stephanie Crowell Stucky v. Joan Lee Husted, Rochelle Gregson, Eric Nagamine, and HSTA	DFR - handling of grievance	Order Granting Respondents' Motion for Summary Judgment. Order No. 2302.	01/18/05

CASE NO.	PARTIES	CONCERNS	DISPOSTION	DATE
OSH 2004-4	DLIR v. Avis Rent a Car System, Inc.	Citation - \$900.	Stipulation and Settlement Agreement. \$900. Order No. 119.	01/20/05
OSH 2004-7	DLIR v. Cendant Car Rental Group dba Avis Car Rental	Citation - \$2,475.	Stipulation and Settlement Agreement. \$2,475. Order No. 120.	01/20/05
CE-01-587	Lina Belen v. Department of Parks and Recreation, City and County of Honolulu	Constructive discharge	Dismissed for failure to file particularization. Order No. 2303.	01/31/05
OSH 2004-11	DLIR v. CNL Grand Wailea Resort, Inc.	Citation - \$6,375.	Stipulation and Settlement Agreement. \$6,375. Order No. 123.	02/02/05
OSH 2004-12	DLIR v. Dept. Of Business, Economic Development and Tourism	Citation -	Stipulation and Settlement Agreement. \$0. Order No. 124.	02/07/05
CE-10-588	UPW v. Dr. Chiyome Fukino and Linda Lingle	Failure to provide information	Order Granting Complainant's Motion to Withdraw Complaint, Without Prejudice. Order No. 2308.	02/09/05
CE-10-582	UPW v. John F. Peyton, Jr., et al.	Unilateral change in working conditions re: Corrections Peace Officers Foundation	Order Granting Complainant's Motion to Withdraw Complaint Based on February 3, 2005 Memorandum. Order No. 2309.	02/09/05
CE-05-580	Alan Feuerman v. Department of Education	Violation of contract in not permitting teacher to student teach concurrently	Order Granting Respondent's Motion to Dismiss. Order No. 2311.	02/10/05
CE-01-584	UPW v. Frank Doyle and Jeremy Harris	Failure to provide information	Order Granting Complainant's Motion for Summary Judgment, Filed December 14, 2004. Order No. 2312.	02/14/05
OSH 2003-18	Rene Ann Mateo v. Si-Nor, Inc., and Director, DLIR	Discrimination	Vacated Director's findings of discrimination. Decision No. 10.	02/24/05
CU-05-232 CU-05-233	Stephanie C. Stucky and Joan Lee Husted and Hawaii State Teachers Association; Stephanie C. Stucky v. Joan Lee Husted, Eric Nagamine, Wilbert Holck, Mark Nakashima, and Hawaii State Teachers Association	DFR - Failure to follow contractual procedures in processing grievances	Order Granting Respondents' Motions for Summary Judgment. Order No. 2316.	02/25/05
CE-11-566	HFFA v. Bryan J. Baptiste, Dennis Furushima, Malcolm C. Fernandez, Michael Tresler, and County of Kauai	Unilateral change in working conditions re: Rank-for-Rank Recall Program	Order Granting Complainant's Motion to Withdraw Prohibited Practice Complaint Filed on June 22, 2004 Without Prejudice, Filed on February 24, 2005. Order No. 2317.	03/01/05

CASE NO.	PARTIES	CONCERNS	DISPOSTION	DATE
OSH 2004-8	DLIR v. Research Corporation of the University of Hawaii	Citation - \$14,625	Stipulation and Settlement Agreement. Order No. 127. Withdrawn.	03/02/05
OSH 2005-1	DLIR v. A & W Builders, Inc.	Citation - \$4,050	Stipulation and Settlement Agreement. Order No. 129. \$2,025.	03/21/05
CE-10-592	UPW v. Richard Bissen and Linda Lingle	Refusal to permit union officers to participate in collective bargaining process during work hours without loss of pay	Withdrawn. Order No. 2320.	03/21/05
OSH 2004-21	DLIR v. J & M Blasting and Painting, Inc.	Citation - \$8,000	Stipulation and Settlement Agreement. \$4,000. Order No. 130.	03/29/05
OSH 2004-18	DLIR v. Isemoto Contracting Co., Ltd.	Citation - \$8,000	Stipulation and Settlement Agreement. \$4,000. Order No. 132.	03/31/05
OSH 2004-16	DLIR v. Engle Development and Insulation	Citation - \$300	Stipulation and Settlement Agreement. Order No. 133.	04/01/05
OSH 2004-17	DLIR v. Island Demo, Inc.	Citation - \$7,500	Stipulation and Settlement Agreement. \$7,500. Order No. 135.	04/29/05
OSH 2005-3	DLIR v. Kuhio Motors, Inc.	Citation - \$1,750	Stipulation and Settlement Agreement. \$875. Order No. 136.	04/29/05
OSH 2004-13	DLIR v. Pederson Homes, Inc.	Citation - \$2,250	Stipulation and Settlement Agreement. \$1,125. Order No. 137	04/29/05
CE-02-568a CE-03-568b CE-04-568c CE-09-568d CE-13-568e	HGEA v. Linda Lingle, et al.	Discontinuation of assignment of exempt positions to salary schedule	Withdrawn. Order Granting HGEA/AFSCME's Motion to Withdraw Prohibited Practice Complaint Filed on July 12, 2004, Filed on April 28, 2005. Order No. 2323.	04/29/05
CE-03-377	Poe v. James Takushi	Employer violated contract.	Order Granting Respondent's Motion to Dismiss. Order No. 2324.	04/29/05
OSH 2004-15	DLIR v. Safeway Stores, Inc.	Citation - \$1,700	Stipulation and Settlement Agreement. \$1,000. Order No. 138.	05/04/05
CU-03-235a CU-10-235b	Richard K. Condon v. HGEA, et al.	DFR - refusal to file a grievance	Order Granting Respondents' motions to dismiss. Order No. 2328.	05/24/05
I-01-108	UPW v. Linda Lingle, et al.	Impasse	Order Dismissing Impasse Case. Order No. 2329.	05/26/05

CASE NO.	PARTIES	CONCERNS	DISPOSTION	DATE
I-02-105a I-03-105b I-04-105c I-13-105d I-06-106 I-08-107	HGEA v. Linda Lingle, et al.	Impasse	Order Dismissing Impasse Case. Order No. 2330.	05/26/05
I-09-104	HGEA v. Linda Lingle, et al.	Impasse	Order Dismissing Impasse Case. Order No. 2331.	05/26/05
I-10-110	UPW v. Linda Lingle, et al.	Impasse	Order Dismissing Impasse Case. Order No. 2332.	05/26/05
I-11-103	HFFA v. Linda Lingle, et al.	Impasse	Order Dismissing Impasse Case. Order No. 2333.	05/26/05
CU-03-240	Richard K. Condon v. Sanford Chun, et al.	DFR	Order Granting Respondents' Motion to Dismiss. Order No. 2334.	05/26/05
CU-11-230	Michael Paul Masutani v. HFFA	DFR	Order Granting Respondent's Motion to Dismiss Prohibited Practice Complaint Filed on April 19, 2004. Order No. 2335.	05/26/05
CE-11-570	HFFA v. Bryan J. Baptiste, Dennis Furushima, Malcolm C. Fernandez, and County of Kauai	Unilateral implementation of policy; refusal to bargain	Withdrawn. Order No. 2336.	06/08/05
CE-03-596a CE-09-596b CE-13-596c	HGEA v. Linda Lingle, Lillian B. Koller, Kaleve Tufono-Iosefa, and DHS	Unilateral modification of standby/on-call procedure	Withdrawn. Order No. 2337.	06/08/05
RA-13-217	County of Hawaii and HGEA	Exclusion of Liquor Control Administrative Officer	Position excluded from Unit 13. Decision No. 451.	06/09/05
CU-01-239	Thomas C. Young v. UPW and June Rabago	DFR - internal complaint procedure	Order Granting Respondents' Motion to Dismiss. Order No. 2338.	06/09/05
OSH 2005-2	DLIR v. Aloun Farms	Citation	Stipulation and Settlement Agreement. Order No. 145.	06/22/05
CU-10-238 CE-10-593	Sialele Euta Lightsey v. UPW, PSD, Major J. Manumaleuna, and May Andrade	Unjust termination and DFR	Order Granting Respondents' Motions to Dismiss. Order No. 2339.	06/30/05
CE-03-598	HGEA v. Linda Lingle, Richard T. Bissen, Jr., Frederick "Cappy" Caminos, and PSD	Failure to consult of shift rotation	Order Granting Respondents' Motion to Dismiss. Order No. 2340.	06/30/05

CASE NO.	PARTIES	CONCERNS	DISPOSTION	DATE
CE-01-558	UPW v. Robert Watada, Waiialae Elementary School, Jonathan A. Swanson, Department of Education and Board of Education	Cafeteria at Waiialae School	Order Granting Complainant's Motion to Defer to Arbitral Proceedings. Order No. 2341.	06/30/05
CE-01-594	UPW v. Robert Watada and Patricia Hamamoto	Cafeteria at Waiialae School	Order Granting Complainant's Motion to Defer to Arbitral Proceedings. Order No. 2342.	06/30/05
CE-02-559 CE-03-559 CE-04-559 CE-06-559 CE-08-559 CE-13-559	HGEA v. Linda Lingle	Repudiation of Interest Arbitration Award	Order Granting HGEA's Motion for Summary Judgment. Order No. 2343.	06/30/05
CE-01-538	UPW v. Larry J. Leopardi, Cheryl Okuma-Sepe, Jeremy Harris, Thomas Lenchanko, Cynthia Johanson	Propriety of drug testing employee	Decision No. 452.	06/30/05
CE-03-579	HGEA v. Amador Casupang, Rodney Haraga, and Linda Lingle	Posting of campaign material on union bulletin board	Decision No. 453.	06/30/05

CASE NO.	PARTIES	CONCERNS	STATUS
CE-03-357a CE-10-357b CE-13-357c	UPW, et al. v. Benjamin J. Cayetano, et al.	Privatization of Hale Hauoli, Kauai	Pending order.
CE-01-378a CE-03-378b CE-10-378c CE-13-378d	UPW, et al. v. Benjamin J. Cayetano, et al.	Privatization of Hale Hauoli	Taken under advisement.
INV-01-02 INV-02-02 INV-03-02 INV-04-02 INV-05-02 INV-06-02 INV-07-02 INV-08-02 INV-09-02 INV-10-02 INV-11-02 INV-12-02 INV-13-03	Benjamin J. Cayetano, et al. and UPW, et al.	Board investigation of bargaining unit exclusions	Pending; order to issue.
DR-01-68a DR-02-68b CU-01-137a CU-02-137b (Remanded)	Benjamin J. Cayetano and HGEA, et al.	Arbitration award involving temporary assignment out of the bargaining unit	Pending remand of related case.
CE-01-511a CE-10-511b	UPW v. David Arakawa, et al.	Derogatory materials	Pending decision.
CE-01-532	UPW v. William Takaba, et al.	Contracting out of golf cart maintenance operations	Pending decision.
CE-01-537a CE-02-537b CE-03-537c CE-04-537d CE-06-537e	UPW and HGEA v. Kathleen Watanabe and Linda Lingle	Charter School employees	Pending order.
CE-01-538	UPW v. Larry J. Leopardi, Cheryl Okuma-Sepe, and Jeremy Harris	Failure to comply with arbitration award	Pending decision.

CASE NO.	PARTIES	CONCERNS	STATUS
OSH 2003-8	Sheldon Keliinoi v. Si-nor, Inc. and DLIR	Discrimination	Pending decision.
OSH 2003-9	Samuel Keliinoi v. Si-Nor, Inc. and DLIR	Discrimination	Consolidated with OSH 2003-8.
OSH 2003-10	Geno Akui v. Si-Nor, Inc. and DLIR	Discrimination	Consolidated with OSH 2003-8.
OSH 2003-11	Leigh Westbrook v. Si-Nor, Inc. and DLIR	Discrimination	Consolidated with OSH 2003-8.
OSH 2003-12	Russell Sanborn v. Si-Nor, Inc. and DLIR	Discrimination	Consolidated with OSH 2003-8.
OSH 2003-13	Perry Sua v. Si-Nor, Inc. and DLIR	Discrimination	Consolidated with OSH 2003-8.
OSH 2003-14	Clifford Birgado v. Si-Nor, Inc. and DLIR	Discrimination	Consolidated with OSH 2003-8.
OSH 2003-17	DLIR v. Si-Nor, Inc.	Citation \$50,400	Pending decision.
CE-01-539	UPW v. Patricia Hamamoto and Connections	Termination of charter school employee	Pending disposition of motions.
DR-01-89a DR-10-89b	UPW and HGEA, Maui County, DHRD, Hawaii County, and Keller	Bargaining over Act 253 policies and procedures	Pending.
CE-10-541	UPW v. Sharon Agnew, Melvin Ando, Philip Tuminello, Mark Bennett and Linda Lingle	Use of ACLU investigators at HYCF	Pending hearing on motions.
CE-01-545a CE-10-545b	UPW v. Kathleen Watanbe and Linda Lingle	Refusal to bargain over rules	Pending.
CE-01-546a CE-03-546b CE-04-546c CE-09-546d CE-13-546e	HGEA v. Kathleen Watanabe and Linda Lingle	Failure to negotiate policies	Pending.
CE-01-550	UPW v. Robert Watada, Patricia Hamamoto, Board of Education and Waialae Elementary School Board	Closing of cafeteria	Pending.
CE-01-552a CE-10-552b	UPW v. Kathleen Watanbe and Linda Lingle	Discontinuation of prior practices	Hearing continued.
CE-02-553a CE-03-553b CE-04-553c CE-09-553d CE-13-553e	HGEA v. Linda Lingle and Kathleen Watanabe	Discontinuation of prior practices	Consolidated with CE-01-552, et seq.

CASE NO.	PARTIES	CONCERNS	STATUS
CE-12-555	SHOPO v. Harry Kim	Police Commission investigation	Pending settlement.
CE-01-515 (Remand)	UPW v. Okimoto, et al.	CE-01-515 remanded for more findings	Pending briefing.
CE-03-563	HGEA v. Alan Arakawa	Failure to provide information	Pending order.
CE-01-565a CE-02-565b CE-03-565c CE-04-565d	UPW and HGEA v. Patricia Hamamoto and BOE	Charter School employees	Pending.

CASE NO.	PARTIES	CONCERNS	STATUS
S. Ct. No. 24073 Civil Nos. 00-01-1867-06; 00-01-1868-06; 00-01-2199-07; 00-01-2200-07; 00-01-2349-07 Case Nos. CE-03-237; CE-03-445; CE-04-404; CE-03-416; CE-03-379	Lewis W. Poe v. HLRB and Benjamin J. Cayetano; et seq.	Lewis Poe filed appeals from Order Nos. 1866, 1864, 1885, 1883, 1882, respectively, where Board dismissed his complaints because he failed to exhaust his contractual remedies.	The First Circuit Court consolidated the appeals and affirmed the Board Orders. Lewis W. Poe appealed to the Supreme Court. The Supreme Court affirmed the Circuit Court's order affirming the Board Orders. Judgment and Notice on Appeal filed on 8/5/04.
S. Ct. No. 24237 Civil No. 00-1-2134-07 Case Nos. DR-01-68a, DR-02-68b; CU-01-137a, CU-02-137b	Benjamin J. Cayetano v. HGEA, et al., UPW and HLRB	HGEA filed an appeal from Order No. 1881 where Board dismissed petition and complaint as moot.	The First Circuit Court reversed the Board's Order. The UPW and the Board appealed the Court's order to the Supreme Court. Court affirmed Circuit Court's reversal of Board order on 3/31/05. Pending filing of judgment.
S. Ct. No. 24415 Civil No. 00-1-3460-11 Case No. CE-10-267; consolidated with Civil No. 01-1-0161-01	UPW v. Benjamin J. Cayetano, et al. and HLRB, et al.	UPW appealed Order No. 1947 regarding its motion to enforce the Board's order regarding the Hawaii State Hospital pharmacy.	The First Circuit Court affirmed Order No. 1947 and UPW appealed to the Supreme Court. The Supreme Court affirmed the Circuit Court's order affirming Order No. 1947. Notice and Judgment on Appeal filed on 1/21/05.
Civil No. 01-1-0161-01 Case No. CE-10-267 consolidated with Civ. No. 00-1-3460-11	UPW v. Benjamin J. Cayetano, et al. and HLRB, et al.	UPW filed an appeal from the Board's Order No. 1979 denying attorney's fees in Case No. CE-10-267.	The First Circuit Court affirmed denial of attorney's fees.
S. Ct. 24519 S. P. No. 01-1-0250 SSM	HLRB v. Benjamin Cayetano, et al. and UPW	The Board filed a motion to enforce its orders in Case No. CE-10-267.	The First Circuit Court granted the Board's motion to enforce. The State appealed the Court's order to the Supreme Court.
S. Ct. 25442 Civil No. 02-1-0929-04 Case No. CE-01-465	UPW v. Jeremy Harris, et al. and HLRB, et al.	City and County of Honolulu appealed Decision No. 433 finding prohibited practice in transferring refuse workers.	First Circuit Court affirmed Dec. No. 435 and dismissed appeal. City and County appealed to the Supreme Court. Supreme Court reversed Decision No. 433 and denied UPW's Motion for Reconsideration on 3/21/05. Notice and Judgment on Appeal filed on 3/21/05.
S.C. 25810 Civil No. 02-1-0925-04 Case No. CU-03-186	Lewis W. Poe v. HLRB and HGEA	Lewis W. Poe filed an appeal from Order Nos. 2050 and 2069 dismissing the complaint alleging union wrongfully failed to respond to his request to inspect the collective bargaining agreement within a certain time frame.	First Circuit Court affirmed Board Order Nos. 2050 and 2069. Poe appealed to the Supreme Court. The Supreme Court issued a Summary Disposition Order affirming the Board Orders. Notice and Judgment on Appeal filed on 11/29/04.
Civil No. 03-1-0299-02 Case No. CE-03-208	Lewis W. Poe v. HLRB and HGEA	Lewis W. Poe filed an appeal from Order No. 2144 granting summary judgment in favor of HGEA. Complainant contested the union's failure to include an execution date in the collective bargaining agreement and publication of invalid provision.	First Circuit Court affirmed Order No. 2144. Final Judgment and Notice of Entry of Final Judgment filed on 7/28/03.

CASE NO.	PARTIES	CONCERNS	STATUS
S.C. 26568 Civil No. 03-1-0546-03 Case No. CE-01-500 consolidated with Civ. No. 03-1-0552-03	UPW v. Frank Doyle, et al. and HLRB, et al.	UPW filed appeal from Dec. No. 440 dismissing prohibited practice complaint alleging repudiation of agreement to expand refuse services.	First Circuit Court reversed and modified decision, in part. Judgment and Notice of Judgment on Appeal filed on 9/18/03. UPW filed Motion for Show Cause Order and for Contempt in the First Circuit Court. First Circuit Court denied UPW's motion and UPW appealed to the Supreme Court. Case referred to mediation and then back to the calendary. Pending briefing.
S.C. 26168 Civil No. 03-1-0552-03 Case No. CE-01-500 consolidated with Civil No. 03-1-0546-03.	UPW v. Frank Doyle, et al. and HLRB, et al.	Frank Doyle, et al. filed appeal from Dec. No. 440.	First Circuit Court reversed and modified decision, in part. Judgment and Notice of Judgment on Appeal filed on 9/18/03. Doyle appealed to the Supreme Court. Supreme Court dismissed appeal for lack of jurisdiction by Summary Disposition Order. Judgment entered on 4/18/05.
Civil No. 03-1-1797-09 Case No. CE-01-515	Glenn Okimoto, et al. v. UPW and HLRB.	Okimoto, et al. filed appeal from Dec. No. 443 finding Respondents guilty of prohibited practices.	First Circuit Court remanded case to the Board for further findings on 3/19/04.
Civil No. 04-1-0393-03 OSAB 2002-35	Craig Gomes v. HLRB, Hawaii Electric Company, and DLIR	Gomes filed an appeal from Order No. 87 dismissing his appeal.	First Circuit Court affirmed Board's order. Judgment and Order filed on 6/21/05.
S. Ct. 26905 Civil No. 04-1-0765-04 Case No. 03-3(CE)	Del Monte v. HLRB and ILWU	Del Monte filed an appeal from Dec. No. 447 finding Respondents guilty of prohibited practices.	First Circuit Court affirmed Dec. No. 447. Employer appealed to the Supreme Court. Dismissed S.C. 26905 for failure to file final judgment. Judgment filed; Employer appealed to the Supreme Court in S.C. 27265.