



**HAWAI'I LABOR RELATIONS BOARD**

**ANNUAL REPORT TO  
THE HONORABLE NEIL ABERCROMBIE  
GOVERNOR OF THE STATE OF HAWAI'I**

**2010-2011**

*PRESENTED BY THE HAWAI'I LABOR RELATIONS BOARD*

JAMES B. NICHOLSON, Chair  
SESNITA A.D. MOEPONO, Member  
ROCK B. LEY, Member

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## **I. EXECUTIVE SUMMARY**

The Hawai'i Labor Relations Board (HLRB or Board) is a quasi-judicial agency that administers the provisions of Hawai'i 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 employees and 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 conducts hearings to decide complaints filed by public and private sector 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.

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

The Board also decides contests and appeals of decisions rendered by the DLIR Director, through the Hawai'i Occupational Safety and Health Division (HIOSH) under HRS Chapter 396. Its mission under 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 injuries and illnesses arising from employment. These cases typically involve employer contests of citations and penalties issued and appeals in discrimination cases involving the reporting of health and safety violations.

In FY 2011, a total of 47 public sector employment cases, 1 private sector employment case, and 40 HIOSH cases were filed with the Board. The Board conducted 64 prehearing or status conferences, 30 motion hearings, 15 days of hearings, and closed 72 cases. The Board issued 1 decision and 79 orders relating to collective bargaining, including 32 orders closing cases. The Board also issued 44 HIOSH orders, including 30 dispositive orders. In addition, the Board was party to 29 court proceedings where decisions or orders were appealed.

This fiscal year has presented continuing challenges for the parties involved in collective bargaining in the public sector due in large part to the recession. During FY 2011, all of the bargaining units except for Unit 07, UH faculty, were at impasse in their negotiations. By the close of FY 2011, of the 12 remaining bargaining units with contracts which expired on June 30, 2011, only six bargaining units, 02, 03, 04, 06, 08, and 13, had entered into and ratified a successor collective bargaining agreement and the remaining six bargaining units, 01, 05, 09, 10, 11 and 12, had not reached an agreement.

The Board is concerned about its backlog of cases. There were 95 cases pending at the close of FY 2009; 90 cases pending at the close of FY 2010; and 96 cases pending at the close of FY 2011. In addition, due to reduced operating expenses, the Board did not engage the services of a court reporter to transcribe its proceedings, making it more difficult to draft decisions from the audio recordings. The growing backlog of cases highlights the Board's pressing need to restore professional staff positions to assist in researching the complex issues presented, promulgating administrative rules and drafting decisions and orders.

## **II. INTRODUCTION**

Pursuant to HRS § 89-5(a), the Board presents its annual report to the Governor describing its activities for fiscal year 2011 and reflecting the status of the Board on June 30, 2011.

## **III. 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 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.

## **IV. OVERVIEW**

### **Governing Constitutional Provisions and Statutes**

Private employees in the State of Hawai'i 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 Hawai'i 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 Hawai'i 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 Hawai'i 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 Hawai'i, 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 Hawai'i 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 Hawai'i, 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.<sup>1</sup>

## **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 Hawai'i and community college system, employees of the Hawai'i 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 Hawai'i, 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.

## **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

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<sup>1</sup>Prior to 2002, the Labor and Industrial Appeals Board of the DLIR (LIRAB) heard contests filed under HRS § 396-11. The Board did not receive additional funding or positions when the HIOSH appeals were transferred to the Board.

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:

**JAMES B. NICHOLSON**, Chair, appointed July 1, 2007; annual salary \$86,046. Mr. Nicholson graduated from Saint Louis School in Honolulu, Hawai'i 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 Hawai'i State Bar in 1986. During his professional career he was a Union representative for the Kansas City Chiefs; Management negotiator for the Hawai'i 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.

**SARAH R. HIRAKAMI**, Member, representative of management, appointed July 1, 2006; annual salary \$81,590. 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 Department of the Attorney General, State of Hawai'i. Prior to becoming an attorney, Ms. Hirakami worked as an engineer. Ms. Hirakami graduated from the University of Hawai'i with a Bachelor of Science degree from the College of Engineering, and received a Juris Doctorate degree from the William S. Richardson School of Law with a certificate in Environmental Law. Ms. Hirakami resigned from the Board effective June 13, 2011.

**NORMAN K. KATO II**, Member, representative of labor, appointed May 1, 2010; annual salary \$81,590. Mr. Kato served as General Counsel for the State of Hawai'i Organization of Police Officers (SHOPO) from 1999-2010. During his tenure at SHOPO, he was actively involved in a broad range of labor-related activities, which included providing legal advice and counsel to SHOPO's State Board of directors, staff and members; participating in negotiations of the SHOPO master collective bargaining agreement and supplemental agreements with public sector employers, handled grievances, served as an advocate for SHOPO in arbitrations involving promotions, transfers, contract interpretation and disciplinary cases ranging from suspensions to discharge; represented SHOPO and its members before the federal and state courts, and various state and local agencies, boards and commissions. Prior to that, Mr. Kato was in private practice. Mr. Kato graduated from Damien Memorial High School, and from the University of Hawai'i at Manoa with a Bachelor of Arts degree in Political Science. He received his Juris Doctorate from the William S. Richardson School of Law, and was admitted to the Hawaii State Bar in 1992. Mr. Kato's appointment ended on June 30, 2011.

**SESNITA A.D. MOEPONO**, Member, representative of management, appointed on an interim basis from June 15, 2011 – June 30, 2011 with a term to begin on July 1, 2011; annual salary \$81,590. Ms. Moepono graduated from Punahou School, University of Hawai'i 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 Hawai'i State Bar Association. Ms. Moepono has had a solo private legal practice since 1998. 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 has also served as the Chair of the Liliha Neighborhood Board 2003-2007, Vice-Chair of the Honolulu Planning Commission 1994-2004, and a member of the Downtown Business Association, Kupuna Caucus, the Honolulu Committee on Aging and the Lanakila Multi-Purpose Committee, among others.

**ROCK B. LEY**, Member, representative of labor, appointed and confirmed for a five-year term beginning July 1, 2011. Mr. Ley previously served as the hearings officer for the Labor & Industrial Relations Appeals Board. 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 Hawai'i. 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 Hawai'i State Bar in 1986.

### **Board Staff<sup>2</sup>**

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. The staff is composed of the following:

**VALRI LEI KUNIMOTO**, Executive Officer; annual salary \$88,348. Ms. Kunimoto 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 may include supervising the other staff members; drafting and editing Board publications and decisions; and responding to inquiries from the public. Ms. Kunimoto has served as the Executive Officer with the Board since April 1981 under Board Chairs Mack Hamada, Bert Tomasu, and the late Brian Nakamura. She graduated with distinction from the University of Hawai'i with a Bachelor of Arts degree in Psychology and received a Juris Doctorate degree from Hastings College of the Law, University of California. Prior to working with the Board, Ms. Kunimoto served briefly as a law clerk with Chief Justice William S. Richardson, Supreme Court of Hawai'i. Thereafter, she served as deputy attorney general in the administration division, advising and representing then Department of Personnel Services and other executive departments in arbitrations, administrative hearings, and litigation regarding administrative law and personnel issues.

**NORA A. EBATA**, Secretary IV; SR 18L. Ms. Ebata provides clerical services for the Chair and Board members. 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; serves as a clerk in Board proceedings; and responds to public inquiries.

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<sup>2</sup> The Board has one permanent position (Secretary IV) and five temporary positions. The five temporary positions include three Board member positions, the executive director and the legal clerk. All five positions have been continuously filled for at least the past 10 years. During the 2011 Legislature, the Board requested the Legislature to convert the five temporary positions to permanent positions to accurately reflect the tenure of these positions, but the request was denied.

**SAU LAN LEUNG**, Legal Clerk; SR 14. Ms. Leung performs a variety of clerical tasks; types from a draft, finalizes and distributes Board decisions, orders, notices and legislative documents; prepares and files court documents, including pleadings, records on appeal, and briefs; and maintains the Board's library. Ms. Leung also serves as a clerk in Board proceedings, responds to public inquiries, and when requested, serves as an interpreter for the department.

## **V. 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) 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 Hawai'i and the community college system;
- (8) Personnel of the University of Hawai'i 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	Hawai'i Fire Fighters Association, Local 1463, IAFF, AFL-CIO
HGEA	Hawai'i Government Employees Association, AFSCME, Local 152, AFL-CIO
HSTA	Hawai'i State Teachers Association
SHOPO	State of Hawai'i Organization of Police Officers
UHPA	University of Hawai'i 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.

<b>Unit</b>	<b>No. of Employees</b>	<b>Exclusive Representative</b>	<b>Date of Initial Certification</b>
01	8,328	UPW	10/20/71
02	788	HGEA	10/20/71
03	13,875	HGEA	04/03/72
04	823	HGEA	05/03/72
05	12,486	HSTA	05/21/71
06	782	HGEA	06/10/71
07	3,768	UHPA	11/01/74
08	2,067	HGEA	01/26/73
09	1,453	HGEA	07/10/79
10	2,877	UPW	02/11/72
11	1,811	HFFA	02/04/72
12	2,741	SHOPO	07/14/72
13	7,229	HGEA	05/03/72

These figures are from HLRB Informational Bulletin No. 49, dated June 30, 2011 that was compiled from data supplied by the public employers. These figures are current as of December 31, 2010 but do not include charter schools.

**VI. CASES BEFORE THE BOARD DURING FY 2011**

**Case Statistics**

The following represents the cases filed and pending before the Board in FY 2011:

<b>Type of Case</b>	<b>Pending 6/30/10</b>	<b>Filed</b>	<b>Closed</b>	<b>Pending 6/30/11</b>
<b>Collective Bargaining</b>				
<b><i>Public/Private Sector</i></b>				
Prohibited Practice against Employer	70	20	27	63
Prohibited Practice against Union	13	13	12	14
Impasse	1	12	0	13
Declaratory Ruling	4	0	2	2
Investigation	0	0	0	0
Rule Making	0	0	0	0
Unit Clarification	2	2	1	3
Representation	0	0	0	0
Unfair Labor Practice against Employer	0	1	0	1
Unfair Labor Practice against Union	0	0	0	0
Collective Bargaining Sub-total	90	48	42	96
<b>Type of Case</b>	<b>Pending 6/30/010</b>	<b>Filed</b>	<b>Closed</b>	<b>Pending 6/30/11</b>
<b><i>HIOSH Appeals</i></b>				
Citation	5	39	30	14
Discrimination	2	1	0	3
HIOSH Appeals Sub-total	7	40	30	17
<b>Total</b>	<b>97</b>	<b>88</b>	<b>72</b>	<b>113</b>

In FY 2011, a total of 47 public sector employment cases, and 1 private sector employment case were filed with the Board. These cases vary in complexity; some involving issues affecting one employee and others affecting the rights of a large number of employees. Also, 40 HIOSH cases were filed with the Board.

The Board conducted 64 prehearing or status conferences, 30 motion hearings, and 15 days of hearings, and closed 72 cases. The Board issued 1 decision relating to collective bargaining and 79 orders relating to collective bargaining, including 32 orders disposing of the cases. The Board also issued 44 HIOSH orders, including 30 dispositive orders. In addition, the Board was party to 29 court proceedings where decisions or orders were appealed.

### **Cases Closed During FY 2011**

The chart in Appendix A provides information on the cases closed by the Board during FY 2011.

### **Cases Pending on June 30, 2011**

The chart in Appendix B provides information on the cases pending before the Board on June 30, 2011.

### **Court Cases in FY 2011**

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

## **VII. PUBLICATIONS**

1. **HLRB Decisions**: The Board, working with the Industrial Relations Center (IRC), University of Hawai'i, 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 have been issued. Copies of recent decisions are available on the Board's website at [www.hawaii.gov/labor](http://www.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.

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

## **VIII. 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 administering the provisions of HRS Chapters 89 and 377. The Board has worked diligently to encourage the settlement of disputes brought before it by broaching settlement issues early at the prehearing conference, encouraging the parties with authority to resolve the controversy to attend the initial conferences, involving individual Board Members to assist the parties in settlement discussions, and addressing various groups of public sector and private sector practitioners and stakeholders at conferences to explain the Board's processes and its work to improve the relationships between the unions and the employers. In many cases, the parties were able to resolve their disputes and the Board credits the parties for their efforts and reasonableness in reaching a settlement.

The Board is concerned about its backlog of cases. There were 95 cases pending at the close of FY 2009; 90 cases pending at the close of FY 2010; and 96 cases pending at the close of FY2011. In addition, due to reduced operating expenses, the Board does not engage the services of a court reporter to transcribe its proceedings making it more difficult to draft decisions from the audio recordings. The growing backlog of cases highlights the Board's pressing need to restore professional staff positions to assist in researching the complex issues presented, promulgating administrative rules and drafting decisions and orders.

This fiscal year has presented continuing challenges for the parties involved in collective bargaining in the public sector due in large part to the local and national fiscal constraints. During FY 2011, all of the bargaining units except for Unit 07, UH faculty, were at impasse in their negotiations. By the close of FY 2011, of the 12 remaining bargaining units with contracts which expired on June 30, 2011, only six bargaining units, 02, 03, 04, 06, 08, and 13, had entered into and ratified a successor collective bargaining agreement and the remaining six bargaining units, 01, 05, 09, 10, 11 and 12, had not reached an agreement.

With respect to the HIOSH contests, the Board conducted de novo hearings on the contests of citations. The Board strives to provide a forum for the fair and efficient adjudication of safety and health contests by balancing the rights of employers while securing the safety of their workers. As evidenced by the closed cases in Appendix A, the parties were successful in settling a number of contests. The Board commends the parties for their reasonableness in resolving their disputes.

This fiscal year also presented special challenges due to the departures of Board Members Hirakami and Kato at the close of the fiscal year. Ms. Hirakami's departure was unanticipated as she had been confirmed for an appointment to end on June 30, 2012. The Board expresses its appreciation for the insights and diligence Ms. Hirakami brought to the Board with her self-effacing sense of humor and forthright and objective legal analysis. Ms. Hirakami resigned from the Board to join the Administration Division of the Attorney General's Office to advise and represent the Hawai'i Employer-Union Health Benefits Trust Fund. The Board also acknowledges Mr. Kato for his service as a Board member. Mr. Kato came to the Board at a difficult time after the passing of former Member Emory Springer and brought his unique

perspective on the collective bargaining law from his many years representing the membership of SHOPO. His familiarity with the collective bargaining process and public employment made his transition from advocate to Board member an easy one. Mr. Kato returned to SHOPO to his former position as general counsel. The Board wishes both former Board members long and continued prosperous careers.

Respectfully submitted,

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JAMES B. NICHOLSON, Chair

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SESNITA A.D. MOEPONO, Member

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ROCK B. LEY, Member

DATED: December 9, 2011

Cases Closed During FY 2011

Case No.	Parties	Concerns	Disposition
CE-07-758	UHPA v. BOR	Settlement of grievance	Order No. 2717 Granting Complainant's Motion to Withdraw Prohibited Practice Complaint, Filed on June 21, 2010 issued on 7/1/10.
CE-11-748	HFFA v. Charmaine Tavares, Jeffrey A, Murray, Robert M. Shimada and County of Maui	Denial of training.	Order No. 2718 Approving Stipulation to Withdraw Prohibited Practice Complaint Filed on January 28, 2010 With Prejudice, Filed on June 1, 2010 issued on 7/1/10.
CE-03-727 CU-03-279	Erik David Barnes v. City and County of Honolulu; Keala Watason; Jim Howe; Ralph Goto; HGEA; Nora Nomura; Bob Doi, and Carolee Kubo	Termination and DFR	Order No. 2719 Findings of Fact, Conclusions of Law, and Order Granting Respondent HGEA/AFSCME's Motion to Dismiss and/or for Summary Judgment and City Respondents' Motion for Summary Judgment, or in the Alternative, Motion to Dismiss issued on 7/6/10.
OSH 2010-8	DLIR v. Industrial Group, LLC	Citation - \$375	Order No. 398 Approving Withdrawal of Contest issued on 7/9/10.
DR-07-101	BOR and UPW and UHPA	Duty to bargain in good faith	Order No. 2722 Granting Motion to Withdraw Petition for Declaratory Ruling, Filed on June 29, 2010, issued 7/12/10.
OSH 2009-43	DLIR v. C & S Wholesale Grocers, Inc.	Citation - \$1,100	Order No. 399 Approving Stipulation and Settlement Agreement issued on 7/13/10. \$935.
DR-01-100a DR-02-100b DR-03-100c DR-04-100d DR-05-100e DR-06-100f DR-07-100g DR-08-100h DR-09-100i DR-10-100j DR-11-100k DR-12-100l DR-13-100m	UPW and Ted H.S. Hong and City and County of Honolulu, Intervenors	Disqualification of arbitrator	Order No. 2723 Dismissing Petition for Declaratory Ruling issued on 7/13/10.

Cases Closed During FY 2011

Case No.	Parties	Concerns	Disposition
CE-01-716a CE-10-716b (Remanded)	UPW v. Linda Lingle and Marie Laderta	Refusal to permit informational meetings	Order No. 2726 Granting Complainant's Motion to Approve Settlement, Filed on July 12, 2010 issued on 7/22/10.
CE-10-744	UPW v. Elizabeth A. Char, M.D. and Mufi Hannemann	Failure to select arbitrator	Order No. 2729 re: Remedies issued on 8/13/10.
CE-10-746	UPW v. Elizabeth A. Char, M.D. and Mufi Hannemann	Failure to provide information	Order No. 2731 re: Remedies issued on 8/13/10.
CE-04-764 CU-04-295	David Tong v. Hawaii Housing Finance and Development Corporation, Department of Business, Economic Development and Tourism, State of Hawaii; David Tong v. HGEA	Termination and DFR	Order No. 2734 Granting Complainant's Withdrawal of Prohibited Practice Complaints issued on 8/30/10.
CE-10-763	Melita Among v. Clayton Frank	Staffing at correctional facility	Order No. 2735 Granting Complainant's Withdrawal of Prohibited Practice Complaint, Filed on September 13, 2010 issued on September 15, 2010.
CE-11-760	HFFA v. Charmaine Tavares, Jeffrey A, Murray and Derrick Arruda	Change in working conditions - TA to check equipment	Order No. 2736 Stipulated Order Closing Case issued on 9/22/10.
CE-12-765	Shelly L. Rodrigues v. Matthew S.K. Pyun; Kauai Police Commission; Kauai Police Department; Darryl Perry; Scott Yagihara; Alejandro Quibilan; Sherwin Perez; Randolph Chong Time, Sr.; Brandy Ledesman; Gordon Isoda, and Malcolm Fernandez	Court reversed arbitration award	Order No. 2737 Dismissing Complaint issued on 9/23/10.
CE-01-762a CE-10-762b	UPW v. Diana M. Niles-Hansen and Annette Anderson	Failure to consult or negotiate over reduction-in-force policy	Order No. 2798 Dismissing Complaint issued on 9/23/10.

Cases Closed During FY 2011

Case No.	Parties	Concerns	Disposition
OSH 2010-14	DLIR v. Bolton, Inc.	Citation - \$525	Order No. 402 Approving Amended Stipulation and Settlement Agreement issued on 9/28/10. \$525.
CU-05-288 CE-05-743	Robert Brett v. Wilfred Okabe, Ray Camacho, David Forrest, Eric Nagamine, Dwight Takeno, Roger Takabayashi, and HSTA; Robert Brett v. Patricia Hamamoto, Lindsay Ball, Bruce Anderson, Julie Lindberg, Jeri balick, Richard Paul, Gary Davidson and Judy Tanaka	DFR and termination	Order No. 2740 Granting Respondents' Motions to Dismiss or in the Alternative Granting Summary Judgment in Favor of Respondents issued on 9/29/10.
RA-13-237	Marie C. Laderta	To exclude Airports Administrator	Decision No. 478 Findings of Fact, Conclusions of Law and Order issued on 10/5/10.
OSH 2010-15	DLIR v. David's Custom Roofing and Painting, Inc.	Citation - \$3,000.	Order No. 403 Approving Stip and Settlement Agreement issued on 10/13/10. \$0.
OSH 2010-20	DLIR v. B.E.S.T. Farms, Inc.	Citation - \$1,050.	Decision No. 405 Approving Stipulation to Withdraw Citation Issued on July 12, 2010 issued on 10/28/10.
OSH 2010-22	DLIR v. Ross Dress for Less, Inc.	Citation - \$1,500.	Order No. 407 Approving Stipulation and Settlement Agreement issued on 11/16/10. \$900.
OSH 2010-17	DLIR v. Kennedy Construction Corporation	Citation - \$1,125.	Order No. 408 Approving Stipulation and Settlement Agreement issued on 11/16/10. \$675.
OSH 2008-11	DLIR v. Hawaiian Electric Company, Inc.	Citation - \$10,875	Order No. 409 Approving Stipulation and Settlement Agreement issued on 11/30/10. \$2,850.
OSH 2008-7	Dean Powell v. Paul Brown's Spa Olakino & Salon and DLIR	Discrimination	Order No. 410 Approving Compromise and Settlement Agreement and Withdrawal of Appael issued on 12/8/01.
OSH 2010-27	DLIR v. Island Wide Roofing, Inc.	Citation - \$375.	Order No. 411 Approving Stipulation and Settlement Agreement issued on 12/9/10. \$300.
OSH 2010-19	DLIR v. Sure Steel, Inc.	Citation - \$6,000.	Order No. 413 Approving Stipulation and Settlement Agreement issued on 12/20/10. \$6,000.



Cases Closed During FY 2011

Case No.	Parties	Concerns	Disposition
CE-11-756	HFFA v. Charmaine Tavares, Frank Pikrone, Fire & Public Safety Commission and Jeffrey A. Murray	Failure to consult - survey.	Order No. 2755 Stipulated Order Closing Case issued on 12/21/10.
OSH 2010-30	DLIR v. Trend Builders LLC	Citation - \$1,875.	Order No. 414 Approving Stipulation and Settlement Agreement issued on 12/22/10. \$1,125.
OSH 2010-23	DLIR v. Maui Master Builders, Inc.	Citation - \$1,250.	Order No. 416 Dismissing Contest issued on 12/28/10.
2010-1	Vinh Alkire-Clemen	Workers compensation	Order No. 2757 Dismissing Complaint issued on 1/5/11.
CE-11-759 CU-11-293	Joseph N. Souza III v. Honolulu Fire Department, City and County of Hnolulu and Hawaii Fire Fighters Association, Local 1463	Denial of right to union representation and DFR	Order No. 2759 Granting Respondents' Motion to Dismiss or in the Alternative Granting Summary Judgment in Favor of Respondents; Denying Complainant Joseph N. Souza, III's Motion for Leave to File First Amended Prohibited Practice Complaint; Granting Respondents' Motion to Strike Josph N. Souza III Written Oral Argument for the Scheduling Conference, in Lieu of Any Violative Attempt, Solicitation or Incitement to Improperly Convene Any Hearing to Dismiss Prohibitive (sic) Practice Complaint; the Sworn Affidavit of Joseph N. Souza III and Kristen L. Souza; (Prohibitive (sic) Practice Complainant with Rights and Redress of Injury Enforceable; Workers' Compensation Claimant with Rights and Redress of Injury Enforceable issued on 1/7/11.
CU-09-261 CE-09-651	Linda K. Hadley v. HGEA and Hawaii Youth Correctional Facility	DFR and harrassment	Order No. 2761 Approving Stipulation for Dismissal With Prejudice of Complainant's Complaint Against Respondent Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO, Filed on January 18, 2011 issued on 1/20/11.

Cases Closed During FY 2011

Case No.	Parties	Concerns	Disposition
CE-03-774	Hector E. Maldonado v. Michael Hoffman	Termination	Order No. 2762 Dismissing Complaint issued on 1/24/11.
CE-01-717a CE-10-717b	UPW v. Linda Lingle, Marie Laderta, Mufi Hannemann, Charmaine Tavares, Bernard P. Carvalho, Jr., William Kenoi, Thomas Keller, and Thomas M. Driskill, Jr.	Unilateral implementation of changes to the contributions for the Employer-Union Trust Fund	Order No. 2775 Granting Complainant's Motion to Withdraw Complaint, Filed on January 31, 2011 issued on 2/3/11.
CE-01-754 CU-01-292	UPW v. Linda Lingle and Marie Laderta	Unilateral implementation of MOA without approval fo cost items	Order No. 2777 Granting Complainant's Motion to Withdraw Complaint in Case No. CE-01-754 and to Dismiss Case No. CU-01-292, Filed on January 31, 2011 issued on 2/11/11.
OSH 2010-13	DLIR v. Honolulu Builders, LLC	Citation - \$41,000	Order No. 420 Approving Stipulation and Settlement Agreement issued on 2/24/11. \$7,500.
CU-01-301	Brian K. Tom v. UPW	DFR - overtime and deductions	Order No. 2781 Granting Complainant's Withdrawal With Prejudice of Prohibited Practice Complaint, issued on 3/3/11.
OSH 2010-37	DLIR v. Dorvin D. Leis Co., Inc.	Citation - \$675	Order No. 423 Approving Stipulation and Settlement Agreement issued on 3/3/11. \$0.
OSH 2011-1	DLIR v. Bolton, Inc.	Citation - \$1,125.	Order No. 424 Approving Stipulation and Settlement Agreement issued on 3/21/11. \$1,125.
OSH 2010-28	DLIR v. Ocean Pacific Builders, Inc.	Citation -\$2,100.	Order No. 425 Approving Stipulation and Settlement Agreement issued on 3/22/11. \$1,785.
OSH 2010-25	DLIR v. Leeward Roofing & General Contracting	Citation - \$46,200	Order No. 426 Approving Stipulation and Settlement Agreement issued on 4/29/11. \$8,400
CE-07-708	UHPA v. BOR	Discrimination	Order No. 2785 Closing Case issued on 4/11/11.
CE-10-771 CU-10-299	Roy Reyes v. UPW and PSD	Termination and DFR	Order No. 2787 Granting Motions to Dismiss Complaint issued on 4/14/11.
OSH 2010-38	DLIR v. HC Retail LLC dba Honolulu Coffee Co.	Citation - \$2,450	Order No. 428 Granting Complainant Director of Labor and Industrial Relations' Motion to Dismiss Respondent's Contest, Filed on January 12, 2011 issued on 4/15/11.

Cases Closed During FY 2011

Case No.	Parties	Concerns	Disposition
OSH 2010-32	DLIR v. CF Builders	Citation - \$2,250	Order No. 429 Granting Director of Labor's Motion to Dismiss Appeal, Filed On December 29, 2010 issued on 4/15/11.
CE-01-770 CU-01-298	Richard S. Dancil v. Kula Hospital and UPW	Discharge nad DFR	Order No. 2788 Granting Respondents' Motions to Dismiss Complaint issued on 4/26/11.
CE-13-767	Genbao Gao v. Mark J. Bennett and Department of the Attorney General	Discharge	Order No. 2789 Granting Respondents' Motion to Dismiss Prohibited Practice Complaint Filed on August 30, 2010 issued on 4/27/11.
OSH 2010-21	DLIR v. Hirako Farms, Inc.	Citation - \$375	Order No. 430 Approving Stipulation to Withdraw Citation Issued on July 19, 2010, issued on 5/2/11.
OSH 2011-5	DLIR v. Hawaiian Dredging Construction Company, Inc.	Citation - \$15,000	Order No. 431 Approving Stipulation and Settlement Agreement issued on 5/2/11. \$3,000.
OSH 2010-12	DLIR v. Bridgestone Retail Operations, LLC	Citation - \$5,300	Order No. 432 Approving Stipulation and Settlement Agreement issued on 5/9/11. \$1,800.
OSH 2010-31	DLIR v. AES Hawaii, Inc.	Citation - \$875	Order No. 433 Approving Stipulation and Settlement Agreement issued on 5/16/11. \$400.
CE-10-768 CU-10-297	Jerome P. Nakachi, Jr. v. PSD, Clayton Frank, Michael Hoffman, Wanda Craig, Nolan Espinda, Carrie Ann Teramoto, Marjorie Pennebacker, UPW, Dayton Nakanelua, and Jamilyn Makaehu	Improper discharge and DFR	Order No 2790 Granting UPW's Motion to Dismiss and/or for Summary Judgment and Dismissing Prohibited Practice Complaint issued on 5/18/11.
OSH 2010-35	DLIR v. Exclusive Island Roofing	Citation - \$375	Order No. 434 Approving Stipulation to Withdraw Citation Issued on October 15, 2010 issued on 5/23/11.
OSH 2011-8	DLIR v. Big Island Mechanical & Construction, LLC	Citation - \$3325	Order No. 435 Withdrawal of Citation Issued on January 13, 2011 and Order issued on 5/23/11,
CE-07-777	UHPA v. BOR	Refusal to comply with settlement agreement	Order No. 2792 Granting Complainant's Motion to Withdraw Prohibited Practice Complaint, Filed on May 24, 2011 issued on 5/25/11.

Cases Closed During FY 2011

Case No.	Parties	Concerns	Disposition
CE-01-732 CU-01-281	Joseph Kua, Jr. v. Bernard Carvalho; Edmond Renaud; Cystal Fujikawa; Ryan Nishikawa; Ken Morikawa; Patric Shimamoto; Patrick Labuguen; Robert Cremer; Henry Kupihea; Malcolm Fernandez; Thomas Takatsuki; Dayton Nakanelua; UPW; Leilani Mindoro and Trina Horner	Failure of due process and collusion	Order No. 2793 Granting Respondents' Motions to Dismiss Complaint issued on 5/25/11.
OSH 2011-3	DLIR v. Hawaiian Electric Company, Inc.	Citation - \$35,000	Order No. 433 Approving Stipulation and Settlement Agreement issued on 6/3/11. \$5,000.
CU-10-300	Chris Kuwada v. UPW	DFR and failure to communicate	Order No. 2794 Granting UPW's Motion to Dismiss and/or for Summary Judgment, and Denying the UPW's Motion to Dismiss Complaint without Oral Argument or Testimony and/or for Costs and Attorney's Fees issued on 6/8/11.
OSH 2010-16	DLIR v. Allied Builders System	Citation - \$53,200	Order No. 438 Approving Stipulation and Settlement Agreement issued on 6/9/11. \$8,000.
CE-05-675	Kaeo Kawaa v. Lydia Trinidad	Performance evaluation; grievance	Order No. 2795 Granting Respondent's Motion to Dismiss issued on 6/13/11.
OSH 2010-34	DLIR v. Gentry Homes, Ltd.	Citation - \$750	Order No. 439 Approving Withdrawal of Citation Issued on October 12, 2010 and Order issued on 6/20/11.
OSH 2010-36	DLIR v. JDH Construction, LLC	Citation - \$3,750	Order No. 440 Approving Withdrawal of Citation Issued on October 21, 2010 and Order issued on 6/20/11.

CASES PENDING JUNE 30, 2011

<b>Case No.</b>	<b>Parties</b>	<b>Concerns</b>	<b>Status</b>
CE-03-357a CE-10-357b CE-13-357c	UPW, et al. v. Benjamin J. Cayetano, et al.	Privatization of Hale Hauoli, Kauai	Taken under advisement.
CE-01-378a CE-03-378b CE-10-378c	UPW, et al. v. Benjamin J. Cayetano, et al.	Privatization of Hale Hauoli	Taken under advisement.
CE-01-537a CE-02-537b CE-03-537c	UPW and HGEA v. Kathleen Watanabe and Linda Lingle	Charter School employees	Taken under advisement.
DR-01-89a DR-10-89b	UPW and HGEA, Maui County, DHRD, Hawaii County, and Richard Keller	Bargaining over Act 253 policies and procedures	Pending.
CE-01-545a CE-10-545b	UPW v. Kathleen Watanabe and Linda Lingle	Refusal to bargain over rules	Pending.
CE-01-546a CE-03-546b CE-04-546c	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 Watanabe and Linda Lingle	Discontinuation of prior practices	Pending.
CE-02-553a CE-03-553b CE-04-553c	HGEA v. Linda Lingle and Kathleen Watanabe	Discontinuation of prior practices	Consolidated with CE-01-552, et seq.

CASES PENDING JUNE 30, 2011

<b>Case No.</b>	<b>Parties</b>	<b>Concerns</b>	<b>Status</b>
CE-01-565a CE-02-565b CE-03-565c	UPW and HGEA v. Patricia Hamamoto and BOE	Charter School employees	Motion taken under advisement.
CE-01-576	UPW v. Larry J. Leopardi, Frank Doyle, and Jeremy Harris	Failure to negotiate and provide information	Motion taken under advisement.
CE-01-581	UPW v. Frank Doyle and Jeremy Harris	Request for Information	Motion taken under advisement.
CE-01-605a CE-10-605b	UPW v. Marie Laderta and Valerie Pacheco	Settlement agreements in workers' compensation cases	Taken under advisement.
CE-01-609	UPW v. Hawaii Health Systems Corporation - Hilo Medical Center	Failure to provide information	Taken under advisement.
CE-02-632a CE-03-632b CE-04-632c	HGEA v. Linda Lingle, Chiyome Fukino and Mark Fridovich	Failure to negotiate/consult of smoke free Hawaii State Hospital	Taken under advisement.
CE-03-635a CE-04-635b	HGEA v. Linda Lingle and Iwalani D. White	Failure to negotiate/consult over relocation of Sheriff's desks	Taken under advisement.
CE-05-637	HSTA v. Department of Education	Student medication	Taken under advisement.
CE-01-639a CE-03-639b CE-04-639c	HGEA v. Linda Lingle, Chiyome Fukino and Mark Fridovich	Failure to bargain over no smoking policy	Motion to dismiss pending.

CASES PENDING JUNE 30, 2011

Case No.	Parties	Concerns	Status
CE-01-647	UPW v. City and County of Honolulu, Kenneth Nakamatsu, and Clifford Lum	Request for Information - private contracts	Pending discussions.
CE-01-627 On Remand	UPW	UPW filed Motion to Amend Order No. 2432	Taken under advisement.
OSH 2007-22	DLIR v. Hilton Hotels Corporation	Citation \$2,625.	Taken under advisement.
CE-01-650	UPW v. Mufi Hannemann and Kenneth Nakamatsu	Failure to provide information	Pending.
CE-01-558	UPW v. Watada, et al.	Union filed motion to reopen proceedings	Pending review of court order.
CE-01-594	UPW v. Watada, et al.	Union filed motion to reopen proceedings	Pending review of court order.
CE-01-661	HSTA v. Patricia Hamamoto, BOE, Linda Lingle, and Marie Laderta	Step movements	Motions pending.
CE-01-634	UPW v. Clifford Lum, Randall Y.S. Chung, Herbert S.K. Kaopua, Samuel T. Hata, Ally J. Park, Rodney K. Haraga, Laverne Higa, Board of Water Supply, and Mufi Hannemann	CMMS	Motions taken under advisement.

CASES PENDING JUNE 30, 2011

<b>Case No.</b>	<b>Parties</b>	<b>Concerns</b>	<b>Status</b>
CE-05-667	HSTA v. Board of Education, Patricia Hamamoto, and Susan H. Kitsu	Harassment policy	Motion hearing scheduled.
CE-05-669	HSTA v. Board of Education and Susan H. Kitsu	Denial of information	Motions pending.
CU-05-265	Patricia Hamamoto, Board of Education, Linda Lingle, and Marie Laderta v. HSTA	Failure to withdraw step movements charge	Motion taken under advisement.
CE-07-674	UHPA v. BOR	Limitation on summer school classes	Motions taken under advisement.
CU-05-266	Patricia Hamamoto, Board of Education, Linda Lingle, and Marie Laderta v. HSTA	Filing of CE-05-668.	Motion taken under advisement.
CE-05-677	HSTA v. Jennifer Kehe	Refusal to provide information.	Motion taken under advisement.
CU-05-267	Linda Lingle and Marie Laderta v. HSTA and Ray Camacho	Refusal to negotiate drug testing procedures.	Proceedings stayed pending court appeal.
RA-07-232	UHPA v. BOR	Faculty Librarians	Taken under advisement.
CE-12-696	SHOPO v. Mufi Hannemann, Boisse Correa, and C&C	Restriction of policy authority	Motion taken under advisement; mediation scheduled.



CASES PENDING JUNE 30, 2011

<b>Case No.</b>	<b>Parties</b>	<b>Concerns</b>	<b>Status</b>
CU-01-271a CU-10-271b	Marie Laderta v. UPW	Yamasaki arbitration	Resolved; pending withdrawal of complaint.
OSH 2009-1	James R. Murray v. Shell Vacation Club and DLIR	Discrimination	Pending decision.
I-01-120	UPW v. Linda Lingle, et al.	Impasse - Unit 08.	Pending.
CE-01-539 Remand	UPW v. Patricia Hamamoto and Connections	Termination	Motion taken under advisement.
CE-03-703a CE-04-703b	HGEA v. Linda Lingle and Darwin Ching	Opening of Kaneohe office	Motion taken under advisement.
CE-10-705	UPW v. Elizabeth Char and Donald Gates	Third Man permanent position	Motion taken under advisement.
CE-01-706	UPW v. Mufi Hannemann	Refusal to sign grievance settlement	Motion taken under advisement.
OSH 2009-10	DLIR v. International Roofing & Building Construction, Inc.	Citation - \$42,000	Taken under advisement.
CE-13-709	HGEA v. Department of Taxation	Outsourcing	Motion taken under advisement.

CASES PENDING JUNE 30, 2011

Case No.	Parties	Concerns	Status
CE-01-710a CE-10-710b	UPW v. Linda Lingle, Marie Laderta and Mufi Hannemann	Breach of ground rules and retaliatory layoffs	Taken under advisement.
CE-01-715a CE-10-717b	UPW v. Linda Lingle and Marie Laderta	Refusal to bargain	Motions taken under advisement.
CE-01-717a CE-10-717b	UPW v. Linda Lingle, Marie Laderta, Mufi Hannemann, Charmaine Tavares, Bernard P. Carvalho, Jr., William Kenoi, Thomas Keller, and Thomas M. Driskill, Jr.	Unilateral implementation of EUTF contributions	Motions taken under advisement.
CE-10-719	UPW v. Chiyome Fukino, Mari Laderta, and Linda Lingle	Not recognizing grievance.	Taken under advisement.
CE-01-720a CE-10-720b	UPW v. Marie Laderta	Refusal to bargain - layoffs	Order to issue.
CE-10-721	UPW v. Elizabeth Char, Kenneth Nakamatsu, and Mufi Hannemann	EMT training academy	Order to issue on motion.
CE-10-722	UPW v. Elizabeth Char, Kenneth Nakamatsu, and Mufi Hannemann	Physical ability testing	Motion taken under advisement.
OSH 2009-36	DLIR v. Coastal Construction Co., Inc.	Fall protection	Taken under advisement.

CASES PENDING JUNE 30, 2011

<b>Case No.</b>	<b>Parties</b>	<b>Concerns</b>	<b>Status</b>
CE-01-724	UPW v. Jeffrey S. Cudiamat, Kenneth Nakamatsu, and Mufi Hannemann	Expiration of supplemental agreements	Hearing continued.
CE-11-725	HFFA v. Charmaine Tavares, Jeffrey A. Murray, and Robert M. Shimada	Discrimination	Motion taken under advisement.
CE-01-712a CE-10-712b	UPW v. Linda Lingle	Order No. 2633	Further proceedings to be scheduled.
CE-02-728a CE-03-728b CE-04-730c	HGEA v. Linda Lingle, Brennon Morioka, and Guy Kunitake	HGEA steward use of email	Postponed per agreement of parties.
CE-02-730a CE-03-730b CE-04-730c	HGEA v. Vincent S. Lee	Use of email	Order to issue.
RA-05-236	HSTA v. HGEA and DOE	Tech coordinators	Hearing to be rescheduled.
CU-01-282	Matthew M. Taamu v. UPW, Dayton Nakanelua, and Eddie Akau	DFR	Order to issue.
CU-05-283	Stephanie C. Stucky v. HSTA	DFR	Motion taken under advisement.
CE-02-736a CE-03-736b CE-04-736c	HGEA v. Linda Lingle and Darwin Ching	Failure to consult - state to federally funded positions	Taken under advisement.

CASES PENDING JUNE 30, 2011

Case No.	Parties	Concerns	Status
CE-10-737 CE-10-284	Jonathan Taum, Chad Ross, Carl L. Kahawai, Quincy G.K. Pacheco, Bradford J. Leialoha, Julieann L. Salas v. State of Hawaii and UPW	DFR - HCCC	Taken under advisement.
CE-05-742	HSTA v. Georgina K. Kawamura, Ralph Schultz, Linda Lingle, BOR, Patricia Hamamoto	Refusal to sign VEBA MOA	Hearings to be scheduled.
CE-01-747	UPW v. Aaron Ueno and Dr. Chiyome Fukino	Information request	Parties attempting to resolve.
CE-03-749a CE-04-749b	HGEA v. Linda Lingle, Clayton Frank and Chiyome Fukino	Contracting out of security	Motion taken under advisement.
CU-04-291	Susan Siu v. Randy Perreira and HGEA	DFR	Taken under advisement.
CE-05-751	HSTA v. Linda Lingle and Marie Laderta	Repudiation of furlough agreement	Motion taken under advisement.
CE-05-752	HSTA v. Stephen Schatz	Investigation - request for complaint	Motion taken under advisement.
CE-10-753	UPW v. Chiyome Fukino and Marie Laderta	Information for grievance	Motion taken under advisement.

CASES PENDING JUNE 30, 2011

Case No.	Parties	Concerns	Status
CE-10-718 Remand	UPW v. Marie Laderta	Selection of employer representative for arbitration panel	Motions to be scheduled.
CE-10-761	UPW v. Michael Fujioka and Marie Laderta	Reimbursement of workers compensation expenses	Hearing to be rescheduled.

COURT CASES IN FY 2011

<p>No. 28424 Civ. 06-1-0485-03 OSH 2003-17</p>	<p>Si-Nor, Inc. v. DLIR and HLRB; DLIR v. Si-Nor, Inc.</p>	<p>Appeal from Dec. No. 9.</p>	<p>Pending decision.</p>
<p>CAAP No. 10-0000116 No. 27962 Civ. No. 05-1-1388 Civ. No. 05-1-1391 Case No. CE-01-538</p>	<p>UPW v. City and County of Honolulu, et al., and HLRB</p>	<p>UPW and City filed appeals from Dec. No. 452; cases consolidated.</p>	<p>First Circuit Court affirmed Dec. No. 452. UPW and City filed appeals to the appellate court. Memorandum Opinion issued by Intermediate Court of Appeals on 3/19/10 affirming in part and reversing in part; Order of Correction filed on 4/7/10; Judgment on appeal filed on 4/7/10. City appealed to ICA. Stipulation to Withdraw Appeal filed on 2/28/11. ICA approved stipulation on 3/7/11.</p>
<p>No. 28802 Civ. 07-1-0529-03 Case No. CE-01-627</p>	<p>UPW v. Kenneth Nakamatsu</p>	<p>UPW filed an appeal from Order No. 2432 granting motion for summary judgment.</p>	<p>Case was consolidated with Civ. 07-1-0612-04. Court remanded to Board in light of ICA's order for stay of Dec. 452. Judgment filed 10/10/07. UPW appealed Order to ICA. ICA issued Summary Disposition Order vacating Judgment of Remand of Circuit Court and the case is remanded to the circuit court with instructions to remand the case to the Board for reconsideration and further proceedings in light of the Court's decision in 27962. Judgment on Appeal entered on 7/21/10. First Circuit Court issued Order Granting Complainant-Appellant's Motion to Amend Remand Order and for Reconsideration of HLRB Order No. 2432 Filed July 27, 2010 issued on 11/18/10.</p>

COURT CASES IN FY 2011

Civ. 07-1-0612-04 Case No. CE-01-627	UPW v. Kenneth Nakamatsu	City filed an appeal from Order No. 2432 granting UPW's motion for summary judgment.	Consolidated with Civ. 07-1-0529-03.
No. 29037 Civ. 07-1-0708-04 Case No. 06-5(CE)	Del Monte Fresh Produce (Hawaii), Inc.; Edward C. Littleton; Stacie Sasagawa; Tim Ho; Dixon Suzuki; and Del Monte Fresh Produce Company v. ILWU and HLRB	Del Monte filed an appeal from Dec. No. 464 finding Respondents guilty of prohibited practices.	First Circuit Court affirmed Board Decision No. 464, dated March 21, 2007, on 2/1/08. Judgment and Notice of Judgment filed on 2/1/08. Del Monte filed appeal to ICA. ICA affirmed First Circuit Court on November 21, 2011.
No. 29382 Civ. 07-1-1265-07 Case Nos.: DR-01-93a, DR-10-93b	Linda Lingle v. UPW and HGEA	State filed an appeal from Dec. 470 pertaining to subpoenas of union records.	First Circuit Court reversed the Board. UPW filed appeal to ICA. Judgment filed on 1/4/08. UPW filed appeal to ICA. ICA dismissed appeal for lack of appellate jurisdiction on 6/2/08. UPW filed judgment and appeal to ICA. Pending decision.
S.P. 07-1-0054	HLRB v. Patricia Hamamoto and UPW	Petition to Enforce	Third Circuit Court issued Order Granting Petition for Enforcement on 12/14/07; Court filed Judgment and Notice of Judgment on 12/14/07. To be withdrawn.
Civ. 08-1-0023 Case No. CU-10-248	PSD v. UPW and HLRB	State filed an appeal from Order No. 2478 dismissing a prohibited practice charge against the Union for violating an arbitration award.	First Circuit Court remanded to Board (6/30/08). Pending submission of order.
Civ. 08-1-2277-11 Case No. DR-05-99	HSTA v. Valerie Biven, et al. and HLRB	HSTA appealed Order No. 2554 regarding drug testing.	First Circuit Court affirmed Board Order No. 2554 on 1/19/11; pending filing of judgment.

COURT CASES IN FY 2011

<p>29908 Civ. 08-1-2667 Case No. OSH 2007-20</p>	<p>DLIR v. Permasteelisa Cladding Technologies, et al.</p>	<p>DLIR filed appeal from Decision No. 24.</p>	<p>First Circuit Court affirmed Board Decision No. 24 on 5/29/09. Judgment and Notice of Judgment filed on 5/29/09. DLIR filed appeal to ICA on 6/24/09. ICA affirmed First Circuit Court on 5/31/11. Employer filed Request for Costs on 6/22/11; Final Judgment issued on 6/23/11.</p>
<p>29941 Civ. 09-1-0118-01 Case Nos.: CU-09-261 CE-09-651</p>	<p>Linda K. Hadley v. Hawaii Youth Correctional Facility and HLRB</p>	<p>Hadley filed appeal from Order No. 2567 dismissing complaint against State.</p>	<p>First Circuit Court affirmed Board Order No. 2567. Judgment and Notice of Entry of Judgment issued on 6/15/09. Hadley appealed to ICA. Stipulation for Dismissal with Prejudice of the Appeal filed on September 29, 2010.</p>
<p>30003 Civ. 09-1-0475-02 Case No. CU-05-267</p>	<p>HSTA v. Linda Lingle, et al.</p>	<p>HSTA filed appeal from Order No. 2573 denying Respondents' motion to dismiss and denying Complainants' motion for summary judgment; and notice of hearing regarding drug testing.</p>	<p>First Circuit Court orally granted motion to dismiss, in part on 7/16/09. HSTA filed appeal to ICA. ICA dismissed for lack of jurisdiction on 12/6/09. HSTA filed Judgment and appeal to ICA. Pending briefing.</p>
<p>30023 Civ. 09-1-0501-03 Case No. DR-01-95</p>	<p>UPW v. Patricia Hamamoto, Reshela Dupuis, Wendy Lagareta, and Marie Laderta</p>	<p>UPW filed appeal from Order No. 2585 denying in part and granting in part Intervenors' motion to dismiss and/or for summary judgment; findings of fact, conclusions of law, and declaratory order regarding charter schools.</p>	<p>First Circuit Court issued Order Affirming Hawaii Labor Relations Board Order No. 2585, Dated February 2, 2009. Judgment and Notice of Judgment filed on 8/19/09. UPW appealed to ICA. Pending decision.</p>
<p>Civ. 09-1-2309-10 Case No. CE-10-718</p>	<p>UPW v. Marie Laderta and HLRB</p>	<p>UPW filed appeal of Order No. 2644 granting Respondent's motion to dismiss and/or for summary judgment; denying Complainant's oral motion to strike Respondent's reply memorandum, and denying Complainant's motion to amend complaint.</p>	<p>First Circuit Court filed Decision and Order Reversing HLRB Order No. 2644, dated 10/1/09 and remanding case for further proceedings issued on 5/21/10. State submitted Judgment. Case reassigned to Judge Edwin C. Nacino on 3/7/11.</p>



COURT CASES IN FY 2011

<p>No. 30444 Civ. 09-1-2488-10 Case Nos.: CU-10-278; CE-10-726</p>	<p>State, et al. v. Dayton Nakanelua</p>	<p>State filed appeal from Order No. 2640 granting in part, Complainant State of Hawaii's motion for interlocutory relief.</p>	<p>First Circuit Court affirmed Order No. 2640 on 4/1/10. UPW appealed to ICA. Pending decision.</p>
<p>Civ. 09-1-2711-11 Case Nos.: CE-01-716a, CE-10-716b</p>	<p>Linda Lingle, et al. v UPW; UPW cross-appeal</p>	<p>State filed appeal from Order No. 2653 granting Complainant's motion for interlocutory relief and cross motion for summary judgment; denying Respondents' motion to dismiss, or in the alternative, partial dismissal of motion for interlocutory relief; and denying Respondents' motion for summary judgment; UPW filed cross appeal.</p>	<p>First Circuit Court affirmed in part, and remanded 89-13(a)(1) violation and remedies to Board on 5/4/10. Court issued Amended Decision and Order Affirming Hawaii Labor Relations Board Order No. 2653 Dated October 21, 2009. Final Judgment and Notice of Entry of Final Judgment issued on 11/15/10.</p>
<p>CAAP-10-0000166 Civ. 09-1-0323-02 Case Nos.: CU-10-278, CE-10-726</p>	<p>UPW v. Linda Lingle.</p>	<p>UPW filed appeal from Order No. 2686 granting in part and denying in part UPW's motion to dismiss or in the alternative for summary judgment in CE-10-278; granting in part UPW's motion for summary judgment in CE-10-726; and denying the State's motion to set the interest arbitration dates in CE-10-278 and CE-10-726.</p>	<p>Consolidated with Civ. 07-1-0502-03. First Circuit Court issued Order Affirming Board Order No. 2686, Dated February 9, 2010 on 9/10/10. Final Judgment and Notice of Judgment on Appeal filed on 11/10/10. UPW filed appeal to ICA. Case consolidated with No. 30568 (Board not a party). Taken under advisement.</p>

COURT CASES IN FY 2011

<p>Civ. 10-1-0323-02 Civ. 10-1-0502-03 Case Nos.: CU-10-278, CE-10-726</p>	<p>State of Hawaii, HHSC, Judiciary and Laderta v. UPW, et al.</p>	<p>State filed appeal of Order No. 2686 granting in part and denying in part UPW's motion to dismiss or in the alternative for summary judgment in CE-10-278; granting in part UPW's motion for summary judgment in CE-10-726; and denying the State's motion to set the interest arbitration dates in CE-10-278 and CE-10-726.</p>	<p>Consolidated with Civ. 10-1-0323-02. First Circuit Court issued Order Affirming Board Order No. 2686, dated February 9, 2010 on 11/10/10. Final Judgment and Notice of Final Judgment issued on 11/10/10.</p>
<p>29410 Civ. No. 07-1-0456 Case No. CE-01-558 Civ. No. 07-1-0457 Case No. CE-01-594</p>	<p>UPW v. Robert Watada, State of Hawaii, Waialae Elementary School, and Jonathan A. Swanson and HLRB; UPW v. Robert Watada, Department of Education, Patricia Hamamoto and HLRB</p>	<p>UPW filed appeal from Order Nos. 2424, denying motion to reopen the record of proceedings on Robert Watada and Waialae Elementary School and 2425, denying motion to reopen the record of proceedings on Robert Watada and Waialae Elementary School.</p>	<p>First Circuit Court affirmed Board Orders; Judgment filed on 10/6/08; ICA reversed Board orders, vacated First Amended Final Judgment and remanded for further proceedings; Judgment on Appeal issued on 7/19/10. UPW filed Motion to Reverse Circuit Court Order Affirming HLRB Order 2424 and 2425 and for Remand to Board on 7/22/10.</p>
<p>Civ. No. 10-1-1615-07 Case Nos. CE-01-717a and CE-10-717b</p>	<p>Linda Lingle, Marie Laderta, Thomas R. Keller, Thomas M. Driskill, Jr. v. UPW and HLRB</p>	<p>State filed appeal from Order No. 2721 denying Respondents' motion to dismiss and/or for summary judgment for lack of jurisdiction on the ground of mootness and motion for stay of proceedings pending resolution of Respondents' pending motion to dismiss and/or motion for summary judgment filed on June 1, 2010 and notice of rescheduled hearing.</p>	<p>First Circuit Court denied State's appeal filed on 7/28/10 and granted UPW's motion to dismiss appeal for lack of jurisdiction on 11/24/10.</p>

COURT CASES IN FY 2011

<p>Civil No. 10-1-1930-09 Case No. CE-10-746</p>	<p>UPW v. Elizabeth A. Char, M.D., and Mufi Hannemann and HLRB</p>	<p>UPW filed appeal from Order No. 2730 regarding remedies.</p>	<p>First Circuit Court issued Decision and Order Reversing and Modifying HLRB Order No. 2730 and Remanding Case with Instructions for Further Agency Proceedings in CE-10-744 on 3/24/11.</p>
<p>Civil No. 10-1-1931-09 Case No. CE-10-744</p>	<p>UPW v. Elizabeth A. Char, M.D., and Mufi Hannemann and HLRB</p>	<p>UPW filed appeal from Order No. 2729 regarding remedies.</p>	<p>First Circuit Court issued Decision and Order Reversing and Modifying HLRB Order No. 2729 and Remanding Case with Instructions for Further Agency Proceedings in CE-10-746 on 3/24/11.</p>
<p>Civil No. 10-1-1963-09 Case No. CE-10-744</p>	<p>Elizabeth A. Char and Mufi Hannemann v. UPW and HLRB</p>	<p>City filed an appeal from Order No. 2729 regarding remedies.</p>	<p>Consolidated with Civil No. 10-1-1931-09.</p>

COURT CASES IN FY 2011

<p>Civil No. 10-1-1964-09 Case No. CE-10-746</p>	<p>Elizabeth A. Char and Mufi Hannemann v. UPW and HLRB</p>	<p>City filed an appeal from Order No. 2730 regarding remedies.</p>	<p>Consolidated with Civil No. 10-1-1930-09.</p>
<p>Civ. 08-1-0023-01 Case No. CU-10-248</p>	<p>PSD and UPW and HLRB</p>	<p>PSD filed appeal from Order No. 2478 granting UPW's motion to defer to circuit court's final judgment and/or for dismissal of the complaint.</p>	<p>Court remanded to Board to resolve Complaint. Pending order. Reassigned to Judge Edwin Nacino on 3/7/11.</p>
<p>Civil 09-1-2309-10 Case No. CE-10-718</p>	<p>UPW v. Marie Laderta and HLRB</p>	<p>UPW filed appeal from Order No. 2644 granting Respondent's motion to dismiss and/or for summary judgment; denying Complainant's oral motion to strike Respondent's Reply Memorandum; and denying Complainant's motion to amend complaint.</p>	<p>Decision and Order Reversing HLRB Order No. 2644, dated 10/1/09 and remanding case for further proceedings issued on 5/21/10; State submitted judgment.</p>

COURT CASES IN FY 2011

<p>30301 Civ. No. 09-1-0475</p>	<p>HSTA and Raymond Camacho v. HLRB, Linda Lingle, and Marie Laderta</p>	<p>HSTA filed appeal from Order No. 2573 denying motion to dismiss and denying Complainant's motion for summary judgment and notice of hearing (drug testing).</p>	<p>First Circuit Court granted Agency-Appellees Hawaii Labor Relations Board, et al.'s Joinder in Complainants-Appellees Linda Lingle and Marie Laderta's Motion to Dismiss Appeal Filed February 26, 2009, Filed on June 4, 2009. HSTA filed appeal to the ICA. Pending Briefing.</p>
<p>Civ. 10-1-2248-10 CE-01-762a CE-10-762b</p>	<p>UPW v. Diane M. Niles-Hansen, et al.</p>	<p>UPW filed appeal from Order No. 2738 dismissing prohibited practice complaint.</p>	<p>Court issued Decision and Order Reversing HLRB's Order No. 2738 and Remanding Case for Further Proceedings on 3/30/11.</p>
<p>Civ. 11-1-1077-05 Case No. CE-13-767</p>	<p>Genbao Gao v. HLRB and Department of the Attorney General</p>	<p>Gao filed appeal from Order No. 2789 granting Respondents' motion to dismiss prohibited practice complaint.</p>	<p>Pending briefing.</p>