

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. OSH 2004-13
)	
DIRECTOR, DEPARTMENT OF LABOR)	ORDER NO. 121
AND INDUSTRIAL RELATIONS,)	
)	PRETRIAL ORDER
Complainant,)	
)	
vs.)	
)	
PEDERSON HOMES, INC.,)	
)	
Respondent.)	
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PRETRIAL ORDER

Pursuant to the representations by the respective parties at an initial conference held by the Hawaii Labor Relations Board (Board) on January 11, 2005, IT IS HEREBY ORDERED THAT:

1. The issues to be determined are:

a. Citation 1, Item 1a - 29 CFR 1926.451(b)(1)

- (i) Whether Respondent violated 29 CFR 1926.451(b)(1) as described in Citation 1, Item 1a, issued on September 29, 2004?
- (ii) Whether the characterization of the violation as "Serious" is appropriate? If not, what is the appropriate characterization?
- (iii) Whether the imposition and amount of the \$750.00 penalty is appropriate? If not, what is the appropriate penalty?

b. Citation 1, Item 1b - 29 CFR 1926.451(c)(2)

- (i) Whether Respondent violated 29 CFR 1926.451(c)(2) as described in Citation 1, Item 1b, issued on September 29, 2004?
- (ii) Whether the characterization of the violation as "Serious" is appropriate? If not, what is the appropriate characterization?

- c. Citation 1, Item 1c - 29 CFR 1926.451(g)(1)
 - (i) Whether Respondent violated 29 CFR 1926.451(g)(1) as described in Citation 1, Item 1c, issued on September 29, 2004?
 - (ii) Whether the characterization of the violation as “Serious” is appropriate? If not, what is the appropriate characterization?
- d. Citation 1, Item 1d - 29 CFR 1926.452(c)(2)
 - (i) Whether Respondent violated 29 CFR 1926.452(c)(2) as described in Citation 1, Item 1d, issued on September 29, 2004?
 - (ii) Whether the characterization of the violation as “Serious” is appropriate? If not, what is the appropriate characterization?
- e. Citation 1, Item 2 - 29 CFR 1926.451(e)(1)
 - (i) Whether Respondent violated 29 CFR 1926.451(e)(1) as described in Citation 1, Item 2, issued on September 29, 2004?
 - (ii) Whether the characterization of the violation as “Serious” is appropriate? If not, what is the appropriate characterization?
 - (iii) Whether the imposition and amount of the \$750.00 penalty is appropriate? If not, what is the appropriate penalty?
- f. Citation 1, Item 3 - 29 CFR 1926.454(c)
 - (i) Whether Respondent violated 29 CFR 1926.454(c) as described in Citation 1, Item 3, issued on September 29, 2004?
 - (ii) Whether the characterization of the violation as “Serious” is appropriate? If not, what is the appropriate characterization?
 - (iii) Whether the imposition and amount of the \$750.00 penalty is appropriate? If not, what is the appropriate penalty?

2. Discovery and other deadlines are:

Named and unnamed live witness
identification; discovery cutoff

March 23, 2005

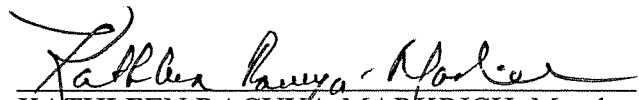
3. Trial is scheduled on April 25, 2005 at 9:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.
4. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, January 28, 2005.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


CHESTER C. KUNITAKE, Member


KATHLEEN RACUYA-MARKRICH, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees at least five working days prior to the trial date.

Copies sent to:

Shannon Weber-Bogar
J. Gerard Lum, Deputy Attorney General