



STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

EFiled: Feb 17 2017 02:47PM HAST
Transaction ID 60230924
Case No. OSH 2016-51

In the Matter of

DIRECTOR, DEPARTMENT OF
LABOR AND INDUSTRIAL
RELATIONS,

Complainant,

and

ARMSTRONG BUILDERS, LLC,

Respondent

CASE NO. OSH 2016-51

ORDER NO. 880

ORDER GRANTING COMPLAINANT
DIRECTOR OF LABOR AND
INDUSTRIAL RELATIONS' MOTION
TO CONTINUE TRIAL AND
ASSOCIATED DEADLINES AND
SECOND NOTICE OF DE NOVO
HEARING AND DEADLINES

**ORDER GRANTING COMPLAINANT DIRECTOR OF LABOR AND
INDUSTRIAL RELATIONS' MOTION TO CONTINUE TRIAL AND ASSOCIATED
DEADLINES AND SECOND NOTICE OF DE NOVO HEARING AND DEADLINES**

On February 15, 2017, Complainant filed COMPLAINANT DIRECTOR OF LABOR AND INDUSTRIAL RELATIONS' MOTION TO CONTINUE TRIAL ASSOCIATED DEADLINES (Motion) with the Hawaii Labor Relations Board (Board) stating that the parties have agreed to an informal settlement and Complainant has transmitted a draft of the settlement agreement. Accordingly, the parties request continuing the *de novo* hearing and associated deadlines and the Board hereby GRANTS the Motion.

SECOND NOTICE OF DE NOVO HEARING

NOTICE IS HEREBY GIVEN that, pursuant to Hawaii Revised Statutes (HRS) §§ 91-9, 396-11, and 396-11.5, the Board will conduct a *de novo* Hearing in the above-entitled matter in the Board's hearing room located at 830 Punchbowl Street, Room 434, Honolulu, Hawaii, 96813 on the following date and may be continued by the Board until completed.

Hearing Date: April 13, 2017 at 9:00 a.m.

Parties, party representatives, and witnesses may not appear telephonically at the *de novo* hearing and must appear in person. The parties should be aware that the Board is located in a secured State of Hawaii building, and that any party, representative, counsel,

witness, or other person attending the hearing will need to present a government-issued identification for entry.

Deadlines

Deadline Date

1) Discovery Cutoff Date.

3/16/2017

All **discovery** will be completed by this date. **Discovery will be controlled by the Hawaii Rules of Civil Procedure.**

2) Application for Subpoenas

03/23/2017

Application for the issuance of subpoenas. If subpoenas are issued, the Board requests that parties send a courtesy copy to all opposing parties and file the proof of service with the Board by the next business day following service.

3) Exchange of Witness List

04/06/2017

The witness list shall include, in the interest of judicial economy, a brief but meaningful summary or general statement of the nature of the testimony expected, and the order in which the witnesses are expected to be called. The summary or general statement for each witness shall include sufficient information for the Board to determine whether the testimony will be irrelevant, immaterial, or unduly repetitious to any other witness testimony; see, Hawaii Revised Statutes § 91-10(1).

4) Deadline for Parties to Exchange Exhibit Lists:

04/06/2017

The HIOSH investigative report shall be marked as Complainant's Exhibit 1. In identifying exhibits, Complainant shall use numerical designations 1-2-3-4, etc. to identify its exhibits and Respondent shall use alphabetical letters A-B-C-D, etc. to identify its exhibits.

If the parties have agreed to submit proposed Joint Exhibits, then the Exhibits shall be marked with a J and then a number, i.e. J-1, etc.

5) Deadline to file & exchange copies of Proposed Exhibits.

04/06/2017

- a. The parties shall use the File & ServeXpress eFiling system to file their proposed exhibits before or by 4:30 p.m. on the deadline day. The exhibits shall be filed in a searchable portable document format (PD) with each exhibit treated as a separate PDF file not exceeding 15 megabytes and identified by exhibit number.
- b. If there are Joint Exhibits, the parties shall designate one party to file these exhibits, who shall comply with the above requirements.

All submissions shall be filed on or before 4:30 p.m. on the deadline date.

Due to budget restraints the Board **WILL NOT PROVIDE A COURT REPORTER** for any proceedings before the Board. All matters will be tape recorded as the official record and available upon request. The parties may agree to retain a court reporter at their own expense and designate the transcripts as the official record. If a party retains a court reporter and cites to the transcript in any filing submitted to the Board, then the party shall provide to the Board a full and complete copy of the entire transcript.

Hereafter, this Notice shall control the course of proceedings including any scheduled de novo hearing date, and may not be amended except by the Board, or by a written request by a party with written consent of the parties (stipulation) and approved by the Board, or by an order granting a motion filed with the Board.

The Parties are hereby notified that:

It is a violation of (1) Hawaii Revised Statutes Chapter 487J to, among other things, intentionally communicate or otherwise make available to the general public an individual's entire social security number and (2) Hawaii Revised Statutes Chapter 487N to transmit personal information that is not encrypted or redacted (as the terms "personal information", "redacted" and "encrypted" are defined in Hawaii Revised Statutes Section 487N-1).

Before any pleadings, correspondence or other documents (Documents) are filed/submitted (whether electronically or manually) to the Board, it is the submitting party's responsibility to make certain that all social security numbers and personal information are redacted or encrypted in accordance with the requirements of

Hawaii Revised Chapters 487J and 487N, as the same may be amended from time to time.

Once filed or submitted, to maintain the integrity of its records and files (especially in the event of an agency appeal), the Board will not redact or encrypt or otherwise modify such Documents.

If submitted to the Board without redaction or encryption or without being otherwise sealed, then the parties are deemed to have waived any privacy right, whether state or federal, which he may have to said records or information.

Any party may retain counsel if the party so desires and an individual may appear on the individual's own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation or trust or association may represent the corporation, trust or association.

Auxiliary aids and services are available upon request; call Nora Ebata at (808) 586-8610, (808) 586-8847 (TTY), or 1 (888) 569-6859 (TTY neighbor islands). A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodation.

If the parties reach a settlement agreement, then the party appealing the citation may file a motion to withdraw the appeal or the parties may file a stipulation withdrawing and closing the case.

DATED: Honolulu, Hawaii, _____ February 17, 2017 _____.

HAWAII LABOR RELATIONS BOARD



Sesnita A.D. Moepono
SESNITA A.D. MOEPONO, Member

J.N. Musto
J.N. MUSTO, Member

OSH 2016-51 DIRECTOR, DLIR and ARMSTRONG BUILDERS, LLC.
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NOVO HEARING AND DEADLINES

NOTICE TO EMPLOYER

Within five (5) calendar days prior to the hearing date, you are required to post a copy of this Notice at or near where citations under the Hawaii Occupational Safety and Health Law are posted and you are required to deliver a copy of this Notice to a duly recognized representative of the employees, if any.

Copies sent to:
Doris Dvonch, Deputy AG
John McGuire