

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. INV-01-01/S-01-54
)	
BENJAMIN J. CAYETANO, Governor,)	ORDER NO. 1965
State of Hawaii; JEREMY HARRIS, Mayor,)	
City and County of Honolulu; JAMES)	ORDER GRANTING IN PART, AND
APANA, Mayor, County of Maui; STEPHEN)	DENYING IN PART, UPW'S
YAMASHIRO, Mayor, County of Hawaii;)	MOTION TO PERMIT DEPOSI-
and MARYANNE KUSAKA, Mayor, County)	TIONS
of Kauai,)	
)	
Public Employers,)	
)	
and)	
)	
UNITED PUBLIC WORKERS, AFSCME,)	
LOCAL 646, AFL-CIO,)	
)	
Exclusive)	
Representative.)	

ORDER GRANTING IN PART, AND DENYING
IN PART, UPW'S MOTION TO PERMIT DEPOSITIONS

On November 24, 2000, the Exclusive Representative UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW), by and through its attorney, filed a Motion to Permit Depositions by Exclusive Representative with the Hawaii Labor Relations Board (Board).

The UPW requested leave to take the depositions of all witnesses previously identified by UPW, but excluded by Board Order No. 1961, issued on November 22, 2000. In Order No. 1961, the Board pared down the number of UPW's identification of witnesses to allow 22 out of 52 listed to testify and scheduled them to appear before closing arguments scheduled on December 14, 2000. Given the 22 witnesses pending, the Board finds unreasonable the UPW's request for an additional 27 witnesses for deposition. In addition to the 27 persons listed, the UPW seeks to depose two (John Hunt and Scott Kimata) about petitioner's request for essential positions at the Hanapepe Health Center. The Board finds it unnecessary to hear from these persons in light of petitioner's withdrawal of its request for essential workers for Hanapepe Health Center.


Nevertheless, the Board notes the majority of the witnesses UPW is asking to depose are members of bargaining unit 1. The Board will allow the taking of depositions

limited to 15 minutes for each person listed by UPW in bargaining unit 1. The petitioner has the equal opportunity to attend and cross examine the deponent for 15 minutes. If petitioner waives cross examination for any person in bargaining unit 1, the UPW may instead submit affidavits of those witnesses, in lieu of a deposition on or before the date set for closing arguments on/or before December 14, 2000.


After reviewing the motion and record, the Board hereby denies in part and grants in part the UPW's motion to permit depositions with leave to depose only those witnesses listed who are in bargaining unit 1 or submit affidavits in lieu of a deposition.

DATED: Honolulu, Hawaii, November 27, 2000.

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair


CHESTER C. KUNITAKE, Member


KATHLEEN RACUYA-MARKRICH, Member

Copies sent to:

Herbert R. Takahashi, Esq.
Janice T. Kemp, Deputy Attorney General
Joyce Najita, IRC