

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of )  
HAWAII FIRE FIGHTERS ASSOCIATION, )  
LOCAL 1463, IAFF, AFL-CIO, )  
Complainant, )  
and )  
JERRY MATSUDA, Airports Administrator, )  
Department of Transportation, State of Hawaii )  
and DEPARTMENT OF TRANSPORTATION, )  
State of Hawaii, )  
Respondents. )

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CASE NO. CE-11-459  
ORDER NO. 1973  
ORDER APPOINTING HEARINGS  
OFFICER; NOTICE OF PREHEAR-  
ING CONFERENCE AND HEARING  
ON PROHIBITED PRACTICE COM-  
PLAINT

ORDER APPOINTING HEARINGS OFFICER; NOTICE OF PREHEARING  
CONFERENCE AND HEARING ON PROHIBITED PRACTICE COMPLAINT

On November 20, 2000, the HAWAII FIRE FIGHTERS ASSOCIATION, LOCAL 1463, IAFF (HFFA or Union) filed a prohibited practice complaint against JERRY MATSUDA, Airports Administrator, Department of Transportation, State of Hawaii and DEPARTMENT OF TRANSPORTATION, State of Hawaii (collectively State) with the Hawaii Labor Relations Board (Board). The HFFA contends that the State fraudulently and intentionally misled the HFFA's Business Manager and Union members on the use of its physical fitness test. The HFFA alleges that the Union also filed a class grievance on the issue which was denied by the State. The HFFA contends that the State's misrepresentation and its continued application of the test to disqualify firefighters violates Hawaii Revised Statutes (HRS) §§ 89-13(a)(1) through (8).

Pursuant to HRS § 89-5, the Board hereby appoints Valri Lei Kunimoto to serve as the hearings officer in this case.

NOTICE IS HEREBY GIVEN that the hearings officer, pursuant to HRS §§ 89-5(b)(4) and (5) and Hawaii Administrative Rules (HAR) § 12-42-47, will conduct a prehearing conference on the above-entitled prohibited practice complaints on December 22, 2000 at 8:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii. The purpose of the prehearing conference is to arrive at a settlement or clarification

of issues, to identify and exchange witness and exhibit lists, if any, and to the extent possible, reach an agreement on facts, matters or procedures which will facilitate and expedite the hearing or adjudication of the issues presented. The parties shall file a Prehearing Statement which addresses the foregoing matters with the hearings officer two days prior to the prehearing conference.

NOTICE IS ALSO GIVEN that the hearings officer will conduct a hearing, pursuant to §§ 89-5(b)(4) and 89-14, HRS, and Administrative Rules §§ 12-42-49 and 12-42-8(g) on the instant complaint on January 2, 2001 at 9:30 a.m. in the Board's hearing room. The purpose of the hearing is to receive evidence and arguments on whether Respondents committed prohibited practices as alleged by the Complainant. The hearing may continue from day to day until completed.

The parties shall submit to the hearings officer four copies of all exhibits identified and offered into the record. Additional copies for opposing counsel shall also be provided.

All parties have the right to appear in person and to be represented by counsel or other representative.

Auxiliary aids and services are available upon request, call Mrs. Kato 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.

DATED: Honolulu, Hawaii, December 11, 2000.

HAWAII LABOR RELATIONS BOARD

  
BRIAN K. NAKAMURA, Chair

  
CHESTER C. KUNITAKE, Member

  
KATHLEEN RACUYA-MARKRICH, Member

Copies sent to:

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Joyce Najita, IRC