

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

UNITED PUBLIC WORKERS, AFSCME,
LOCAL 646, AFL-CIO,

Complainant,

and

JEREMY HARRIS, Mayor, City and County
of Honolulu; CHERYL OKUMA-SEPE,
Director, Department of Human Resources,
City and County of Honolulu; and FRANK
DOYLE, Refuse Collection and Disposal
Division Chief, Department of Environmental
Services, City and County of Honolulu,

Respondents.

CASE NO. CE-01-465

ORDER NO. 2047

ORDER GRANTING, IN PART, AND
DENYING, IN PART, RESPONDENT
JEREMY HARRIS, MAYOR, CITY
AND COUNTY OF HONOLULU'S
MOTION TO REVOKE SUBPOENA
DUCES TECUM ISSUED NOVEM-
BER 13, 2001

ORDER GRANTING, IN PART, AND DENYING, IN PART, RESPONDENT
JEREMY HARRIS, MAYOR, CITY AND COUNTY OF HONOLULU'S
MOTION TO REVOKE SUBPOENA DUCES TECUM ISSUED NOVEMBER 13, 2001

On November 27, 2001, Respondent JEREMY HARRIS (HARRIS), Mayor, City and County of Honolulu, by and through his counsel, filed a Motion to Revoke Subpoena Duces Tecum issued November 13, 2001 with the Hawaii Labor Relations Board (Board). HARRIS moved the Board for an order revoking the subpoena duces tecum directing him to appear before the Board on November 28, 2001 at 11:00 a.m. to testify and bring requested documents. HARRIS contends that the subpoena does not reasonably relate to any matter under investigation, inquiry, or hearing; the subpoena does not describe with sufficient particularity the evidence sought; or the evidence sought is privileged under the law or the provisions of the Board's Administrative Rules. In addition, HARRIS argues that he has no unique personal knowledge relevant to the matter and the subpoena would unduly interfere with his official duties. HARRIS further argues that an executive privilege applies to his testimony. HARRIS contends that Sandra MacFarlane and Jonathan Shimada attended all relevant meetings and either or both of them can provide all of the testimony that he would be able to provide.

On November 28, 2001, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed a Memorandum in Opposition to the instant motion with the Board. The UPW contends that there is no executive privilege recognized

UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO v. JEREMY HARRIS, Mayor,
City and County of Honolulu, et al.
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MAYOR, CITY AND COUNTY OF HONOLULU'S MOTION TO REVOKE SUBPOENA
DUCES TECUM ISSUED NOVEMBER 13, 2001



CHESTER C. KUNITAKE, Member



KATHLEEN RACUYA-MARKRICH, Member

Copies sent to:

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