

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

HAWAII STATE TEACHERS
ASSOCIATION,

Complainant,

and

MARY ANN BODE, Principal, Kapaa
Middle School, Department of Education,
State of Hawaii and DANIEL HAMADA,
Complex Area Superintendent, Department of
Education, State of Hawaii,

Respondents.

CASE NO. CE-05-607

ORDER NO. 2590

ORDER CLOSING CASE; EXHIBIT A

ORDER CLOSING CASE

On February 3, 2009, the Hawaii Labor Relations Board (Board) conducted a status/settlement conference on the instant Prohibited Practice Complaint (Complaint). Complainant, by its representatives Raymond Camacho, Deputy Executive Director, Hawaii State Teachers Association (HSTA) and Tom Perry, Uniserv Director, HSTA, and Respondents MARY ANN BODE (Bode), former Principal, Kapaa Middle School (KMS), Department of Education (DOE), State of Hawaii (by telephone) and DANIEL S. HAMADA (Hamada), former Complex Area Superintendent, DOE, State of Hawaii (hereafter collectively referred to as Respondents) appeared with their respective counsel, and agreed in principle to resolve this Complaint.¹

The parties' nonadmission resolution is based on the following assumptions:

1. There is no admission of fault by either Complainant or Respondents.
2. It is the HSTA's understanding based on representations that lead to this settlement that Ms. Bode retired effective November 1, 2007, with no

¹The parties agreed to have the Board draft the language of the documents memorializing the understanding of the parties.

intent to return to work for the DOE at KMS and has not acted on any personnel matters affecting KMS teachers in Unit 05 represented by the HSTA who were involved in this Complaint since January 7, 2007. She has no intention to act, and will not act in the future on personnel matters or decisions affecting the KMS teachers represented by the HSTA in this proceeding.

3. It is also HSTA's understanding that Mr. Hamada is currently the Assistant Superintendent, Office of Curriculum, Instruction, and Student Support, DOE, State of Hawaii and has not acted since the filing of the Complaint in this case on any personnel matters affecting KMS teachers in Unit 05 represented by the HSTA who were involved in this Complaint. He has no intention to act, and will not act in the future on personnel matters or decisions affecting the KMS teachers represented by the HSTA in this proceeding.

The parties thereupon agreed to resolve the Complaint by having Respondents immediately post a copy of a Notice drafted by the Board which is attached as Exhibit A, informing the employer and employees of the rights and the requirements of Hawaii Revised Statutes (HRS) Chapter 89, in conspicuous places in and about its offices at KMS, including all places where notices to employees/bargaining unit 05 members are customarily posted, and maintain the posted notice for 60 consecutive days from the initial date of posting.

Based upon the foregoing, the Board hereby closes this case.

DATED: Honolulu, Hawaii, February 19, 2009

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



EMORY J. SPRINGER, Member



SARAH R. HIRAKAMI, Member

HAWAII STATE TEACHERS ASSOCIATION, Complainant, and MARY ANN BODE,
Principal, Kapaa Middle School, Department of Education, State of Hawaii, et al.
CASE NO. CE-05-607
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Copies sent to:

Herbert R. Takahashi, Esq.
Julian White, Deputy Attorney General

NOTICE

The Hawaii Labor Relations Act (Act) gives public employees the following rights:

- **Form, join or assist a union**
- **Choose representatives to bargain with employers on your behalf**
- **Act together with other employees for your benefit and protection**
- **Choose not to engage in any of these protected activities.**

The Employer WILL NOT expel, discriminate or otherwise retaliate against members of the Hawaii State Teachers Association for engaging in concerted, protected activity.

The Employer WILL NOT retaliate against members for filing charges with the Hawaii Labor Relations Board.

The Employer WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed by HRS § 89-3, as amended.

The Employer WILL NOT prohibit employees from discussing their wages, hours, and terms and conditions of employment with each other through e-mail or other established means of communications, consistent with Department of Education Policies and Procedures.

The Employer WILL NOT discriminate or otherwise retaliate against employees for filing grievances.

The Hawaii Labor Relations Board is an independent State agency created in 1970 to enforce HRS Chapter 89. The Board conducts hearings and remedies prohibited practices by employers, employees, and unions. To find out more about your rights under the Act and how to file a complaint, you may obtain information from the Board's website at www.hawaii.gov/labor/hlrb or by calling the Board's office at (808) 586-8610.