

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

HAWAII STATE TEACHERS
ASSOCIATION,

Complainant,

and

BOARD OF EDUCATION, Department of
Education, State of Hawaii; KATHERINE
TOLENTINO, Principal, Honoka`a
Elementary School, Department of
Education, State of Hawaii; and SHANE
SAIKI, Personnel Regional Officer,
Department of Education, State of Hawaii,

Respondents.

CASE NO. CE-05-658

ORDER NO. 2669

ORDER CLOSING CASE; EXHIBIT A

ORDER CLOSING CASE

On October 12, 2009, the Hawaii Labor Relations Board (Board) conducted a Status/Settlement Conference on the instant Prohibited Practice Complaints (Complaints). Complainant, by its representatives Ray Camacho, Deputy Executive Director, Hawaii State Teachers Association (HSTA), Toni Symons, UniServ Director, West Hawaii, HSTA, Susan Bitler, UniServ Director, Leeward, HSTA, and on behalf of Respondents, Kalei Rapoza, Department of Education (DOE), Labor Relations, appeared with their respective counsel, and agreed in principal to resolve Complaints, Case Nos. CE-05-672, CE-05-658, CE-05-666, CE-05-668 and CU-05-266.

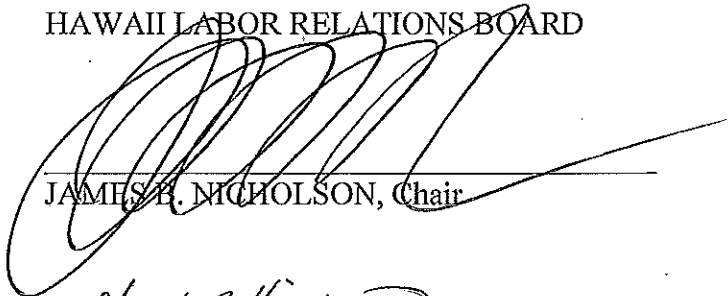
The parties' non-admission resolution is based on the following assumptions:

1. There is no admission of fault by either Complainant or Respondents.
2. It is also the HSTA's understanding that Katherine Tolentino, currently the School Renewal Specialist (SRS) for Honoka`a Complex/Kohala Complex, DOE, State of Hawaii, has no intention to act, and will not act in the future on personnel matters or decisions affecting Honoka`a Elementary School personnel, as it relates to performance or discipline.

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

DATED: Honolulu, Hawaii, December 18, 2009

HAWAII LABOR RELATIONS BOARD

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

JAMES E. NICHOLSON, Chair

A handwritten signature in black ink, appearing to read 'Sarah R. HiraKami', written in a cursive style.

SARAH R. HIRAKAMI, Member

Copies sent to:

Danny J. Vasconcellos, Esq.
James E. Halvorson, 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 Hawaii Revised Statutes (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/hlrh or by calling the Board's office at (808) 586-8610.