

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY,

Petitioner,

and

BOARD OF REGENTS, University of
Hawaii,

Intervenor.

CASE NO. RA-07-232

ORDER NO. 2791

ORDER GRANTING PETITIONER
UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY'S
MOTION TO SUPPLEMENT RECORD

ORDER GRANTING PETITIONER UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY'S MOTION TO SUPPLEMENT RECORD

On March 10, 2011, Petitioner UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY (UHPA) filed Petitioner's Motion to Supplement Record with the Hawaii Labor Relations Board (Board). UHPA requested that the Board allow Petitioner to supplement the record of the Petition for Unit Clarification with Exhibits "A-N" and the Declaration of Ruth Horie (Horie), a faculty librarian, at the University of Hawaii at Manoa Hamilton Library. UHPA represents, *inter alia*, that Exhibits "A-N" contain pertinent information that has become recently available, viz., after the submission of the parties' post-hearing briefs.

On April 4, 2011, Intervenor BOARD OF REGENTS, University of Hawaii (BOR) filed Intervenor Board of Regents, University of Hawaii's Opposition to Petitioner's Motion to Supplement Record Filed March 10, 2011 with the Board. The BOR opposed UHPA's Motion to Supplement Record stating, *inter alia*, that 1) through its Motion UHPA is revisiting arguments and issues that have already been presented both at hearing and in its post-hearing brief, and, as such, no new information is being presented; 2) UHPA's arguments are presented out of context and are inapplicable to the core issues before the Board; and 3) the Declaration by Horie contains assertions which lack foundation and evidentiary support as Ms. Horie has not established that she is properly qualified to make any judgments regarding classification regarding faculty and APT positions.

On April 7, 2011, Petitioner UHPA filed Petitioner's Reply to Intervenor UH's Opposition to Petitioner's Motion to Supplement Record with the Board. UHPA

responded to the objections the BOR raised in its Opposition to Petitioner's Motion to Supplement Record Filed on March 10, 2011, regarding, *inter alia*, Ms. Horie's qualifications to attest to the information contained in her declaration; and the timeliness and relevance regarding the contents of Exhibits "A-N".

On May 4, 2011, the Board issued a Notice of Hearing on Petitioner's Motion to Supplement Record, Filed on March 10, 2011, informing the parties that a hearing on the above-referenced motion would be held on May 17, 2011 at 9:00 a.m. in the Board's hearing room.

On May 17, 2011, the Board conducted a hearing on the Motion. The parties had full opportunity to present argument to the Board.

Based upon a review of the foregoing, the Board finds good cause to grant UHPA's Motion to Supplement Record, which includes, *inter alia*, Exhibits "A-N" and Declaration of Ruth Horie. The Board finds that the materials are relevant to this proceeding and were unavailable prior to the filing of the post-hearing briefs in this case. Thus, the Board will permit UHPA to supplement the record and accord due weight to Petitioner's motion, exhibits and declaration.

DATED: Honolulu, Hawaii, May 23, 2011.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



NORMAN K. KATO II, Member

Copies sent to:

Linda M. Aragon, Esq.
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