

ORIGINAL

Of Counsel:  
TAKAHASHI and COVERT  
Attorneys at Law

2012 DEC 20 PM 12: 58

HAWAII LABOR  
RELATIONS BOARD

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Attorneys for Complainant

HAWAII LABOR RELATIONS BOARD  
STATE OF HAWAII

In the Matter of	)	Case No. CE-05-783
	)	
HAWAII STATE TEACHERS	)	
ASSOCIATION,	)	
	)	STIPULATION AND ORDER
Complainant,	)	
	)	
and	)	
	)	
HALAU LOKAHI CHARTER	)	
SCHOOL, State of Hawaii; LOCAL	)	
SCHOOL BOARD, Halau Lokahi	)	
Charter School, State of Hawaii;	)	
JUNE NAGASAWA, Chair, Local	)	
School Board, Halau Lokahi Charter	)	
School, State of Hawaii, and LAARA	)	
ALLBRETT, Director, Halau Lokahi	)	
Charter School, State of Hawaii	)	
(2011-024),	)	
	)	
Respondents.	)	

(10:108)

## STIPULATION AND ORDER

COME NOW the HAWAII STATE TEACHERS ASSOCIATION (HSTA, Association, or Complainant) and HALAU LOKAHI CHARTER SCHOOL (School), State of Hawaii and LOCAL SCHOOL BOARD (Board), Halau Lokahi Charter School, State of Hawaii (jointly Employer) by and through their undersigned counsel and stipulate to the following in the above-referenced case:

1. The Hawaii State Teachers Association (HSTA) is an employee organization within the meaning of Section 89-2, Hawaii Revised Statutes (HRS).

2. Halau Lokahi Charter School is a charter school in the State of Hawaii within the meaning of Section 302-1, HRS, and is a public employer with respect to the employees at Halau Lokahi Charter School pursuant to Sections 89-2, HRS and 10.55, HRS, and 302B-1 and 302B-9, HRS, as amended by Act 130, 2012 Hawaii Session Laws.

3. The Local School Board of Halau Lokahi Charter School, pursuant to Sections 302B-1, 302B-7 (c) and 302B-9 (a), HRS, as amended by Act 130, 2012 Hawaii Session Laws, serves as the governing body of Halau Lokahi Charter School with the power to negotiate supplemental agreements with the exclusive representative of their employees and as such is a public employer within the meaning of Section 89-2, HRS.

4. On or about May 21, 1971 the Association was certified as the exclusive bargaining representative of teachers and other personnel of the Department of Education in bargaining unit 5.

5. Pursuant to Act 298, 2006 Hawaii Session Laws, employees of charter schools are assigned to an appropriate bargaining unit as specified in section 89-6, HRS, and for purposes of negotiating a collective bargaining agreement, the employer is determined as provided in section 89-6 (d).

6. Teachers and other personnel of Halau Lokahi Charter School are in bargaining unit 5, represented by HSTA as the exclusive bargaining representative.

7. The terms of the unit 5 collective bargaining agreement between HSTA and the governor, board of education, and superintendent of

education set forth the wages, hours, terms and conditions of employment covering all employees of bargaining unit 5 including employees of public charter schools.

8. Pursuant to Act 298, 2006 Hawaii Session Laws, negotiations for a supplemental agreement covering bargaining unit 5 employees at Halau Lokahi Charter School was conducted between respondents and HSTA, as the exclusive representatives as defined in Chapter 89 for teachers and other personnel of the school in accordance with Section 89-10.55, HRS.

9. Consistent with the above, HSTA and Halau Lokahi Charter School negotiated a supplemental agreement effective July 1, 2007 through June 30, 2009.

10. From on or about the 2007-2008 school year to the 2011-2012 school year a portion of the students of Halau Lokahi Charter School received their education with the School through on-line services provided by employees of Elite Element Academy and/or Educational Innovation Services, LLC.

11. The teachers employed by the on-line service providers Elite Element Academy and Educational Innovation Services, LLC were teaching students of Halau Lokahi School online. Teaching generally has been customarily and historically provided by Unit 5 teachers at Halau Lokahi Charter School.

12. Therefore, beginning with the 2012-2013 school year Halau Lokahi Charter School has conducted on-line education through teachers of Halau Lokahi Charter School.

13. Halau Lokahi Charter School and the Local School Board hereby stipulate and agree to cease and desist from using on-line service providers in the future to provide on-line education of the students at Halau Lokahi Charter School.

14. Within 30 days from the date of the approval of this Stipulation and Order, Halau Lokahi Charter School and the Local School Board agree to send to HSTA the amount of \$1,405.84 representing the dues for two teachers for the 2011-2012 school year.

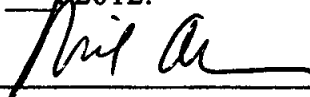
15. No changes in the terms and provision of this Stipulation and Order shall be made, except by mutual agreement of HSTA and Halau Lokahi Charter School and the Local School Board.

16. Neither set of parties shall seek to set aside this Stipulation and Order. Any disputes or violations arising from the terms of this Stipulation and Order will be raised through the grievance procedure as covered in the Unit 5

HSTA and Board of Education agreement or any supplemental agreement between HSTA and the employer.


17. In accordance with the terms and conditions herein, the above-referenced case will be dismissed upon the filing of this Stipulation and Order by the Board.

Dated: Honolulu, Hawaii, December 10, 2012.



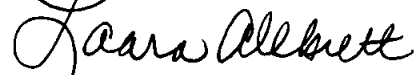
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Wilfred Okabe  
President  
Complainant, Hawaii State Teachers  
Association



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JUNE NAGASAWA  
Chair  
Local School Board  
Halau Lokahi Charter School



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LAARA ALLBRETT  
Director  
Halau Lokahi Charter School

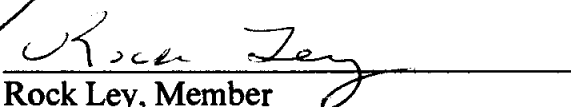
Approved and So Ordered:

ORDER NO. 2870

DATED: DECEMBER 20, 2012



James Nicholson, Chair



Rock Ley, Member



Sesnita Moepono, Member

HAWAII STATE TEACHERS ASSOCIATION and HALAU LOKAHI  
CHARTER SCHOOL, State of Hawaii; LOCAL SCHOOL BOARD; Case No.  
CE-05-783; STIPULATION AND ORDER

10/08

DISTRIBUTION SHEET

CASE NO. CE-05-783 DECISION NO. \_\_\_\_\_ ORDER NO. 2870 DATE SENT 12/20/12

NOTICE

EMPLOYERS

STATE OF HAWAII

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GOVERNOR  
\_\_\_\_\_  
ATTORNEY GENERAL  
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CHIEF NEGOTIATOR  
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DHRD

UNION & ATTORNEYS

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HFFA \_\_\_\_\_ ATTORNEY  
\_\_\_\_\_  
HGEA \_\_\_\_\_ ATTORNEY  
 HSTA H-Takahara Rebecca ATTORNEY  
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SHOPO Coast ATTORNEY  
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UHFA (picked up - ATTORNEY  
\_\_\_\_\_  
UPW \_\_\_\_\_ ATTORNEY

DEPARTMENT OF EDUCATION

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CHAIRMAN, BOARD OF EDUCATION 1  
\_\_\_\_\_  
SUPERINTENDENT 1

UNIVERSITY OF HAWAII

\_\_\_\_\_  
CHAIRMAN, BOARD OF REGENTS 1  
\_\_\_\_\_  
PRESIDENT 2  
\_\_\_\_\_  
General Counsel 1

MISCELLANEOUS

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CITY & COUNTY OF HONOLULU

\_\_\_\_\_  
MAYOR  
\_\_\_\_\_  
DEPT OF HUMAN RESOURCES  
 CORPORATION COUNSEL  
Stere Miyasaka

HLRB

CHAIR  
 BOARD MEMBER  
 BOARD MEMBER  
\_\_\_\_\_  
EXECUTIVE OFFICER  
\_\_\_\_\_  
DECISION FILED  
 ORDER FILE  
 BULLETIN BOARD ME

HAWAII COUNTY

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MAYOR  
\_\_\_\_\_  
DEPT OF PERSONNEL  
\_\_\_\_\_  
CORPORATION COUNSEL

KAUAI COUNTY

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MAYOR  
\_\_\_\_\_  
DEPT OF PERSONNEL  
\_\_\_\_\_  
COUNTY ATTORNEY

OTHER PARTIES IN INTEREST OR ATTORNEYS

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MAUI COUNTY

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MAYOR  
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DEPT OF PERSONNEL  
\_\_\_\_\_  
CORPORATION COUNSEL

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