

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

HAWAII GOVERNMENT EMPLOYEES
ASSOCIATION, AFSCME, LOCAL 152,
AFL-CIO,

Exclusive
Representative,

and

NEIL ABERCROMBIE, Governor, State of
Hawaii; KIRK CALDWELL, Mayor, City
and County of Honolulu; WILLIAM KENOI,
Mayor, County of Hawaii; ALAN M.
ARAKAWA, Mayor, County of Maui;
BERNARD P. CARVALHO, JR., Mayor,
County of Kauai; MARK RECKTENWALD,
Chief Justice, the Judiciary, State of Hawaii;
and HAWAII HEALTH SYSTEMS
CORPORATION BOARD,

Employers.

CASE NO. I-02-143

ORDER NO. 2895

ORDER RESCINDING NOTICE
SUBMITTING CASE TO ARBITRATION
PANEL, DATED FEBRUARY 22, 2013

ORDER RESCINDING NOTICE SUBMITTING
CASE TO ARBITRATION PANEL, DATED FEBRUARY 22, 2013

On February 22, 2013, the Hawaii Labor Relations Board (Board) issued a Notice Submitting Case to Arbitration Panel pursuant to Hawaii Revised Statutes (HRS) § 89-11(e)(2), to advise the parties that the instant impasse would be submitted to a three-member arbitration panel. The Board also notified the parties to provide the Board with the name of the party's representative to the panel and if the parties were unable to select a neutral arbitrator to chair the panel on or before March 4, 2013, the Board would request a list of arbitrators from the American Arbitration Association from which the parties would select a chair.

On February 22, 2013, the Board received the attached Memorandum of Agreement (MOA), Alternate Impasse Procedure for Units 2, 3, 4, & 13, dated February 22, 2013.

Based on the foregoing, pursuant to the HRS § 89-11(a),¹ in accordance with the MOA, Alternate Impasse Procedure entered into by the parties, the Board hereby rescinds the Notice Submitting Case to Arbitration Panel, dated February 22, 2013.

DATED: Honolulu, Hawaii, March 7, 2013

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



SESNITA A.D. MOEPONO, Member



ROCK B. LEY, Member

¹HRS § 89-11(a) provides as follows:

§ 89-11 Resolution of disputes; impasses. (a) A public employer and an exclusive representative may enter, at any time, into a written agreement setting forth an alternate impasse procedure culminating in an arbitration decision pursuant to subsection (f), to be invoked in the event of an impasse over the terms of an initial or renewed agreement. The alternate impasse procedure shall specify whether the parties desire an arbitrator or arbitration panel, how the neutral arbitrator is to be selected or the name of the person whom the parties desire to be appointed as the neutral arbitrator, and other details regarding the issuance of an arbitration decision. When an impasse exists, the parties shall notify the board if they have agreed on an alternate impasse procedure. The board shall permit the parties to proceed with their procedure and assist at times and to the extent requested by the parties in their procedure. In the absence of an alternate impasse procedure, the board shall assist in the resolution of the impasse at times and in the manner prescribed in subsection (d) or (e), as the case may be. If the parties subsequently agree on an alternate impasse procedure, the parties shall notify the board. The board shall immediately discontinue the procedures initiated pursuant to subsection (d) or (e) and permit the parties to proceed with their procedure. [Emphasis added.]

HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO,
and NEIL ABERCROMBIE, et al.

CASE NO. I-02-143

ORDER NO. 2895

ORDER RESCINDING NOTICE SUBMITTING CASE TO ARBITRATION PANEL, DATED
FEBRUARY 22, 2013

Copies sent to:

Neil Dietz, OCB

Randy Perreira, HGEA

Neil Abercrombie

Kirk Caldwell

William Kenoi

Alan M. Arakawa

Bernard P. Carvalho, Jr.

Mark Recktenwald

Hawaii Health Systems Corporation Board

Board of Regents

Board of Education

Carol Catanzariti, FMCS

NEIL ABERCROMBIE
GOVERNOR



NEIL DIETZ
CHIEF NEGOTIATOR

2013 FEB 22 PM 4:09

STATE OF HAWAII
OFFICE OF COLLECTIVE BARGAINING
EXECUTIVE OFFICE OF THE GOVERNOR
235 S. BERETANIA STREET, SUITE 1201
HONOLULU, HAWAII 96813-2437

HAWAII LABOR
RELATIONS BOARD

Mr. James Nicholson, Chairman
Hawaii Labor Relations Board
830 Punchbowl St., Room 434
Honolulu, HI 96813

February 22, 2013

ALTERNATE IMPASSE PROCEDURE FOR BARGAINING UNITS 2, 3, 4, 13

Dear Chairman Nicholson,

I take this means of informing the Hawaii Labor Relations Board that the Employer and the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO, as the exclusive representative for employees in bargaining units 2, 3, 4, and 13 have reached agreement on an alternate impasse procedure in accordance with Hawaii Revised Statutes Chapter 89.

A copy of that agreement is enclosed.

Sincerely,

A handwritten signature in dark ink, appearing to read "N. Dietz", written over a horizontal line.

Neil Dietz,
Chief Negotiator

c: Randy Perreira, HGEA
Barbara Kreig, State of Hawaii
Carollee Kubo, City & County of Honolulu
Lance Hiromoto, County of Maui
Ron Takahashi, County of Hawaii
Tom Takatsuki, County of Kauai
Dee Wakabayashi, Judiciary
Annette Anderson, Dept. of Education
Paul Tsukiyama, HHSC
Dwight Takeno, UH

MEMORANDUM OF AGREEMENT
Alternate Impasse Procedure for Units 2, 3, 4, & 13

This MEMORANDUM OF AGREEMENT is entered into this 22nd day of February, 2013 by and between the Hawaii Government Employees Association, AFSCME LOCAL 152, AFL-CIO, hereinafter the "Union", on behalf of Employees in bargaining units 2, 3, 4, & 13, and the State of Hawaii, the Judiciary, the Hawaii Health Systems Corporation, the City and County of Honolulu, the County of Hawaii, the County of Maui, and the County of Kauai, hereinafter the "Employer".

WHEREAS, pursuant to Hawaii Revised Statutes (HRS), Chapter 89-11(e), February 1, 2013 is the date of impasse as declared by the Hawaii Labor Relations Board (HLRB); and

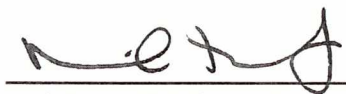
WHEREAS, the parties may at anytime during the impasse period request the assistance from the Federal Mediation and Conciliation Office to assist the parties in a voluntary resolution of the impasse;

NOW THEREFORE, the Union and the Employer mutually agree to the following for bargaining units 2, 3, 4 and 13.

1. The parties agree to extend the twenty (20) day statutory period for mediation until April 15, 2013.
2. If the parties are unable to reach a voluntary resolution on a successor agreement during this extended mediation period, and unless there is a mutual agreement on a subsequent alternate impasse procedure, the appropriate statutory impasse provisions after mediation, specifically Hawaii Revised Statutes (HRS), Chapter 89-11(e) (2) Arbitration, shall apply effective April 16, 2013.
3. The time frames provided in this Memorandum of Agreement may be modified by mutual agreement of the parties.

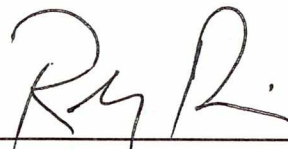
In WITNESS WHEREOF, the parties below by their authorized representative have executed this MEMORANDUM OF AGREEMENT on the date first written above.

FOR THE EMPLOYER:



Neil Dietz, Chief Negotiator
Office of Collective Bargaining
State of Hawaii

FOR THE UNION:



Randy Perreira, Executive Director
Hawaii Government Employees Association
AFSCME Local 152, AFL-CIO