

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; BOARD OF EDUCATION,  
Department of Education, State of Hawaii;  
and KATHRYN MATAYOSHI,  
Superintendent, Department of Education,  
State of Hawaii,

Employers.

CASE NO. I-06-146

ORDER NO. 2900

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 28, 2013, the Board received the attached Memorandum of Agreement (MOA), Alternate Impasse Procedure for Unit 06, dated February 28, 2013.

Based on the foregoing, pursuant to the HRS § 89-11(a),<sup>1</sup> 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 11, 2013.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



SESNITA A.D. MOEPONO, Member



ROCK B. LEY, Member

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<sup>1</sup>HRS § 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-06-146

ORDER NO. 2900

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

Copies sent to:

Neil Dietz, OCB

Randy Perreira, HGEA

Neil Abercrombie

Board of Education

Kathryn Matayoshi,

Carol Catanzariti, FMCS



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION  
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

2013 FEB 28 AM 11:02

February 28, 2013

HAWAII LABOR  
RELATIONS BOARD

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

Re: Alternate Impasse Procedure for Bargaining Unit 06

Dear Mr. Nicholson:

In accordance with Hawaii Revised Statutes Chapter 89, the Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO, as the exclusive representative for Bargaining Unit 06 employees and the Employer have agreed upon an alternate impasse procedure.

Enclosed is a copy of the agreement.

Sincerely,

Randy P. Perreira  
Executive Director



FILED February 28, 20 13

11:02 A.M.

HAWAII LABOR RELATIONS BOARD  
STATE OF HAWAII

## MEMORANDUM OF AGREEMENT

By N. Ebnin Alternate Impasse Procedure for Unit 6

This MEMORANDUM OF AGREEMENT is entered into this 28<sup>th</sup> day of February, 2013 by and between the Hawai'i Government Employees Association, AFSCME LOCAL 152, AFL-CIO, hereinafter the "Union", on behalf of Employees in bargaining Unit 6, and the Department of Education, and the State of Hawaii, 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 unit 6 PLM

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

FOR THE UNION:

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