

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-09-150

ORDER NO. 2940

ORDER APPOINTING MEDIATOR; AND
NOTICE OF STATUS CONFERENCE

ORDER APPOINTING MEDIATOR

By letter dated August 20, 2013, and received by the Hawaii Labor Relations Board (Board) on August 20, 2013, the HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA), via its Executive Director Randy Perreria, informed the Board that “the parties have reached impasse in negotiations over the collective bargaining agreement for Unit 09 which expires on June 30, 2013.” The letter further stated that HGEA notified the Employer of its desire to initiate negotiations on April 8, 2013, and exchanged written proposal on June 17, 2013.

On August 21, 2013, the Board received a letter from Neil Dietz, Chief Negotiator, Office of Collective Bargaining, State of Hawaii. The letter stated that the Employer “does not concur with HGEA’s pronouncement. The Employer was not consulted in regards to a state of impasse or a mutual declaration of impasse in regards to the BU 0 negotiations.” The letter further states that collective bargaining proposals were exchanged by the parties on June 17, 2013; that on June 26, 2013, the parties met to discuss those proposals and scheduled a date for negotiations; and that August 28, 2013, is the first date scheduled for negotiations.

Hawaii Revised Statutes (HRS) § 89-11 provides, in relevant part:

An impasse over the terms of an initial or renewed agreement and the date of impasse shall be as follows:

- (1) More than ninety days after written notice by either party to initiate negotiations, either party may give written notice to the board that an impasse exists. The date on which the board receives notice shall be the date of impasse[.]

Further, HRS § 89-11(e) provides, in relevant part:

If an impasse exists between a public employer and the exclusive representative of . . . bargaining unit (9), registered professional nurses . . ., the board shall assist in the resolution of the impasse as follows:

- (1) Mediation. During the first twenty days after the date of impasse, the board shall immediately appoint a mediator, representative of the public from a list of qualified persons maintained by the board, to assist the parties in a voluntary resolution of the impasse.

Accordingly, pursuant to the letter from HGEA that was received by the Board on August 20, 2013, and HRS § 89-11(c)(1), the date of impasse is August 20, 2013. Because the Board “shall” immediately appoint a mediator pursuant to HRS § 89-11(e)(1), **the Board hereby appoints Federal Mediator CAROL CATANZARITI** to assist the parties in a voluntary resolution of the impasse.

NOTICE OF STATUS CONFERENCE

Pursuant to HRS § 89-5(i)(5), the Board shall “[h]old such hearings and make such inquiries, as it deems necessary, to carry out properly its functions and powers”; accordingly, NOTICE IS HEREBY GIVEN that the Board will conduct a Status Conference in this matter on **September 6, 2013, at 9:00 a.m.**, in the Board’s hearing room located in Room 434 at 830 Punchbowl Street, Honolulu, Hawaii, 96813.

All parties have a right to appear in person and to be represented by counsel or other representative. Any party residing on a neighbor island may appear telephonically at the Status Conference; any neighbor island party who wants to appear telephonically shall call the Board at the above telephone numbers to make the necessary arrangements prior to the date of the Status Conference.

Auxiliary aids and services are available upon request by calling Ms. Nora Ebata of the Board at (808) 586-8610, (808) 586-8847 (TTY), or 1(888) 569-6859 (TTY neighbor islands). A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodation.

DATED: Honolulu, Hawaii, August 22, 2013.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



SESNITA A.D. MOEPONO, Member



ROCK B. LEY, Member

Copies sent to:

Randy Perreira, HGEA
Neil Abercrombie
Kirk Caldwell
William Kenoi
Alan M. Arakawa
Bernard P. Carvalho, Jr.
Mark Recktenwald
Hawaii Health Systems Corporation Board
Neil Dietz, OCB
Carol Catanzariti, FMCS (also via email)