

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

HAWAII STATE TEACHERS ASSOCIATION,

Petitioner,

and

DEPARTMENT OF EDUCATION, State of
Hawaii,

Intervenor.

CASE NO. RA-05-238

ORDER NO. 2979

ORDER GRANTING HSTA'S
MOTION TO AMEND PETITION
FOR CLARIFICATION OR
AMENDMENT OF
APPROPRIATE BARGAINING
UNIT; NOTICE OF HEARING
AND DEADLINES

ORDER GRANTING HSTA'S MOTION TO AMEND PETITION FOR
CLARIFICATION OR AMENDMENT OF APPROPRIATE BARGAINING UNIT

On June 27, 2013, the Hawaii Labor Relations Board (Board) held a status conference on the above matter. The parties agreed that Petitioner, Hawaii State Teachers Association (Petitioner), would amend its Petition for Clarification or Amendment of Appropriate Bargaining Unit (Petition) in Case No. RA-05-238 reflecting the remaining issue regarding on-line education after normal school hours. Thereafter, the parties continued to negotiate an agreement regarding on-line education. On July 17, 2013, Petitioner filed with the Board HSTA'S MOTION TO AMEND PETITION FOR CLARIFICATION OR AMENDMENT OF APPROPRIATE BARGAINING UNIT (Motion to Amend the Petition). On April 1, 2014, Petitioner filed with the Board HSTA'S MOTION FOR BOARD TO CONVENE STATUS CONFERENCE ON OR ABOUT MAY 1, 2014, TO RESUME THE TRIAL IN RA-05-238.

A Status Conference was held by the Board on May 12, 2014 and Petitioner was represented by Rebecca Covert, Esq. and Intervenor, Department of Education, State of Hawaii, (Intervenor), was represented by Richard Thomason, Deputy Attorney General. At the Status Conference, the Board orally granted Petitioner's Motion to Amend the Petition and there was no opposition from the Intervenor. Petitioner's counsel stated that she will file the amended petition by May 16, 2014. The parties agreed to work together regarding the information and witnesses covered by Petitioner's applications for subpoena duces tecum and subpoena. Petitioner also

agreed to file a revised Witness List containing the names of the witnesses to testify at the hearing and the order the witnesses will testify by August 15, 2014.

On May 15, 2014, Petitioner filed its Amended Petition for Clarification or Amendment of Appropriate Bargaining Unit.

The Board establishes the following deadlines and dates for the hearing on the merits.

ACCORDINGLY, NOTICE IS HEREBY given that the Board will conduct a hearing on the merits, pursuant to Hawaii Administrative Rules § 12-42-8(g), at **9:00 a.m. on August 26, 28, and 29, 2014**, in the Board's hearing room located at Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

The deadlines for the hearing on the merits are as follows:

1. Deadline to Exchange An Amended Witness List: 8/15/14

The witness list shall include, in the interest of judicial economy, a brief but meaningful summary or general statement of the nature of the testimony expected, and the order in which the witnesses are expected to be called. The summary or general statement for each witness shall include sufficient information for the Board to determine whether the testimony will be irrelevant, immaterial, or unduly repetitious to any other witness testimony; see, Hawaii Revised Statutes § 91-10(1) and Hawaii Administrative Rules § 12-42-8(g)(8)(B).

2. Deadline to Exchange New Exhibit Lists: 8/15/14

If Petitioner plans on introducing new exhibits, then Petitioner's exhibits shall be marked using numbers (e.g., 1, 2, 3, etc.) and Respondent's exhibits shall be marked using letters of the alphabet (e.g. A-B-C-, etc.).

3. Deadline for copies of new exhibits shall be provided to the Board as follows: 8/25/14 at Noon

a. If a party is utilizing the File & ServeXpress eFiling system to file their proposed new exhibits; then the party shall provide to the Board one (1) hard copy of their exhibits for use by the witness on

the day of the hearing; or

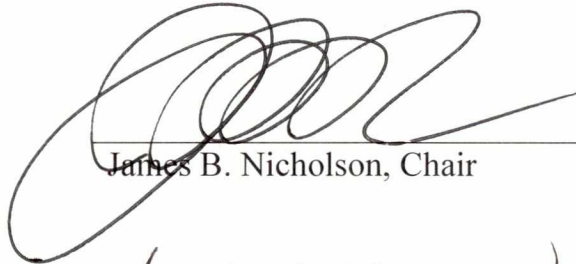
b. If a party is not utilizing the File & ServeXpress eFiling system, then said party shall provide to the Board its proposed new exhibits as follows: one (1) set each for the Board and the witness, and one (1) pdf copy of the exhibits in one file and bookmarked, or in individual files.

All parties have the right to appear in person and to be represented by counsel or other representative.

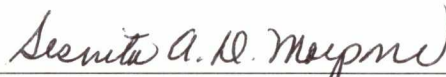
Auxiliary aids and services are available upon request by calling Ms. Nora Ebata of the Board at (808) 586-8610, (808) 586-8847 (TTY), or 1 (888) 569-6859 (TTY neighbor islands). A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodation.

DATED: Honolulu, Hawaii, May 16, 2014.

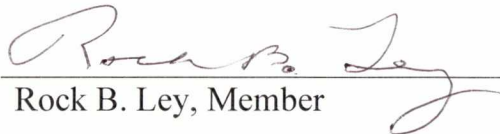
HAWAII LABOR RELATIONS BOARD



James B. Nicholson, Chair



Sesnita A.D. Moepono, Member



Rock B. Ley, Member

Copies sent to:
Rebecca Covert, Esq.
Richard Thomason, Deputy Attorney General