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Case No. CE-01-808/CU-01-317

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

MICHAEL HIKALEA,

Complainant,

and

DEPARTMENT OF ENVIRONMENTAL SERVICES, City and County of Honolulu, DAVID SHIRAIISHI, Department of Environmental Services, City and County of Honolulu; KIRK CALDWELL, Mayor, City and County of Honolulu; HOWARD KAHUE, United Public Workers, AFSCME, Local 646, AFL-CIO; BRANDON MCCONNELL, United Public Workers, AFSCME, Local 646, AFL-CIO; LAURIE SANTIAGO, United Public Workers, AFSCME, Local 646, AFL-CIO; and DAYTON NAKANELUA, United Public Workers, AFSCME, Local 646, AFL-CIO,

Respondents.

CASE NOS.: CE-01-808
CU-01-317

ORDER NO. 3032

ORDER DENYING COMPLAINANT'S APPLICATION FOR DISCOVERY RE DEPOSITION OF LAURIE SANTIAGO, FILED NOVEMBER 26, 2014, AND DENYING COMPLAINANT'S APPLICATION FOR ISSUANCE OF SUBPOENA(S)/SUBPOENA(S) DUCES TECUM, FILED NOVEMBER 26, 2014

ORDER DENYING COMPLAINANT'S APPLICATION FOR DISCOVERY RE DEPOSITION OF LAURIE SANTIAGO, FILED NOVEMBER 26, 2014, AND DENYING COMPLAINANT'S APPLICATION FOR ISSUANCE OF SUBPOENA(S)/SUBPOENA(S) DUCES TECUM, FILED NOVEMBER 26, 2014

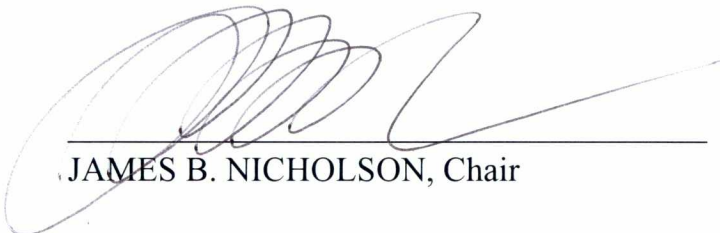
On November 26, 2014, Complainant MICHAEL HIKALEA (Complainant) filed an Application for Discovery Re Deposition of Laurie Santiago, which sought leave to depose said witness, pursuant to Hawaii Revised Statutes (HRS) chapter 377 and Hawaii Administrative Rules (HAR) § 12-41-14. Also on November 26, 2014, Complainant filed an Application for Issuance of Subpoena(s)/Subpoena(s) Duces Tecum, which sought certain documents to be produced before the Hawaii Labor Relations Board (Board) on December 18, 2014, pursuant to HAR §§ 12-41-15 and/or 12-42-8(g)(7).

Pursuant to HAR § 12-42-8(g)(7), which governs prohibited practice proceedings before the Board, the Board “may issue subpoenas to require the attendance of witnesses in this State and the production of books and papers at a hearing held under the provisions of this chapter [42]” (emphasis added). Although Complainant also cited to HAR §§ 14-41-15 and 12-41-14, those sections of the Board’s administrative rules apply to the prevention of unfair labor practices (see Subchapter 2 of Chapter 41), not prohibited practice proceedings.

Accordingly, because Complainant sought the attendance of a witness and the production of documents *other than* “at a hearing held under the provisions of this chapter [42,]” the Board hereby denies Complainant’s Application for Discovery Re Deposition of Laurie Santiago and Application for Issuance of Subpoena(s)/Subpoena(s) Duces Tecum.

DATED: Honolulu, Hawaii, December 1, 2014.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



SESNITA A.D. MOEPONO, Member

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