



STATE OF HAWAII

**EFiled: Oct 27 2017 04:41PM HAST**  
**Transaction ID 61294671**  
**Case No. 16-I-14-164**

HAWAII LABOR RELATIONS BOARD

In the Matter of

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

Exclusive Representative,

and

DAVID Y. IGE, Governor, State of Hawaii;  
KIRK CALDWELL, Mayor, City and County of  
Honolulu; BERNARD P. CARVALHO, JR.,  
Mayor, County of Kauai; ALAN ARAKAWA,  
Mayor, County of Maui; and HARRY KIM,  
Mayor, County of Hawaii,

Employers.

CASE NO.: 16-I-14-164

ORDER NO. 3299

NOTICE AND ORDER ACCEPTING  
HGEA'S CORRESPONDENCE DATED  
OCTOBER 26, 2017, AS A MOTION FOR  
THE BOARD TO REQUEST A NEW LIST  
OF NAMES OF POTENTIAL  
ARBITATORS FROM THE AAA, AND  
SETTING A HEARING ON THE MOTION

**NOTICE AND ORDER ACCEPTING HGEA'S CORRESPONDENCE  
DATED OCTOBER 26, 2017, AS A MOTION FOR THE BOARD  
TO REQUEST A NEW LIST OF NAMES OF POTENTIAL  
ARBITATORS FROM THE AAA, AND SETTING A HEARING ON THE MOTION**

On October 26, 2017, the Board received from the Hawaii Government Employees Association (HGEA) correspondence dated October 26, 2017, a copy of which is attached. The correspondence stated, in part:

The HGEA is willing to select from the second panel of arbitrators provided by the AAA. If the employers continue to oppose the second AAA list, the HGEA requests that the HLRB write the AAA for a third list of qualified interest arbitrators from whom a neutral chair can be selected by the parties in accordance with HRS 21 89-11(e)(2)(A). Because time is of the essence on the selection of a neutral Chair, the HGEA requests that the request for a third panel occur no later than the end of business on October 27, 2017.

Because the correspondence from the HGEA requests action by the Board, i.e., to request another list of names from the AAA, the Board accepts the correspondence as a motion.

HGEA and DAVID Y. IGE, et al.

CASE NO. 16-I-14-164

NOTICE AND ORDER ACCEPTING HGEA'S CORRESPONDENCE DATED OCTOBER 26, 2017, AS A MOTION FOR THE BOARD TO REQUEST A NEW LIST OF NAMES OF POTENTIAL ARBITRATORS FROM THE AAA, AND SETTING A HEARING ON THE MOTION

Accordingly, the Board hereby notifies the parties that pursuant to Hawaii Administrative Rules (HAR) § 12-42-8(g)(3)(C)(iii), a party may file a response to the motion no later than close of business on **November 2, 2017**. Further, the parties are hereby notified that the Board will hold a hearing on the motion at **2:00 p.m., on November 6, 2017**, in the Board's hearing room located at 830 Punchbowl Street, Room 434, Honolulu, Hawaii, 96813. Any party or party representative not residing on the island of Oahu may appear telephonically by calling the Board at (808) 586-8616, (808) 586-8847 (TTY) or 1(888) 569-6859 (TTY neighbor islands) prior to the hearing to make arrangements. A party or party representative may request reasonable accommodation and necessary auxiliary aids and services by calling the Board at these same numbers at least five days prior to the needed accommodation.

DATED: Honolulu, Hawaii, October 27, 2017.

HAWAII LABOR RELATIONS BOARD

*Marcus Oshiro*

MARCUS R. OSHIRO, Chair



*Sesnita A.D. Moepono*

SESNITA A.D. MOEPONO, Member

*J.N. Musto*

J.N. MUSTO, Member

Copy with attachment to:

Randy Perreira, Executive Director, HGEA

Mr. James Nishimoto, Director, Department of Human Resources Development, State of Hawaii

Ms. Carolee C. Kubo, Director, Department of Human Resources, City and County of Honolulu

Ms. Janine Rapozo, Director, Department of Human Resources, County of Kauai

David Underwood, Director, Department of Personnel Services, County of Maui

Wil Okabe, Managing Director, County of Hawaii



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**  
AFSCME Local 152, AFL-CIO

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

**EFiled: Oct 26 2017 02:59PM HAST**  
**Transaction ID 61289898**  
**Case No. 16-I-14-164**

2017 OCT 26 AM 11:24

October 26, 2017

HAWAII LABOR  
RELATIONS BOARD

Honorable Marcus Oshiro, Chairperson  
Mr. JN Musto, Member  
Ms. Sesnita Moepono, Member  
Hawaii Labor Relations Board  
830 Punchbowl Street, Suite 434  
Honolulu, Hawaii 96813

Re: Hawaii'i Government Employees Association, AFSCME Local 152, AFL-CIO) (Bargaining Unit 14) v State of Hawaii'i et al. (Case No. 16-1-14-164)

Dear Chair Oshiro, and Members Musto and Moepono:

I am writing in response to Mr. Nishimoto's letter dated October 25, 2017.

I wrote my October 25, 2017, letter to the American Arbitration Association (AAA), because it was clear that the panel of arbitrators provided by AAA did not consist of qualified interest arbitrators as required by HRS §89-11(e)(2)(A). AAA has agreed that the list provided did not consist of qualified interest arbitrators. However, AAA did not consult with the employers or with the HLRB before providing a second list.

The second list provided by AAA consists of five arbitrators, all of whom are qualified and experienced as interest arbitrators. Three of the persons on the second AAA list had been selected by the HGEA, other labor organizations and the employers in prior Hawaii'i interest arbitration proceedings.

Mr. Nishimoto correctly states that one of the parties to an HRS §89-11 interest arbitration proceeding does not have the unilateral right to obtain a new arbitration list. The Hawaii'i Labor Relations Board does have that right where, as here, a list has been provided by AAA by mistake that consists of persons who are not qualified as interest arbitrators.

The HGEA is willing to select from the second panel of arbitrators provided by the AAA. If the employers continue to oppose the second AAA list, the HGEA requests that the HLRB write the AAA for a third list of qualified interest arbitrators from whom a neutral chair can be selected by the parties in accordance with HRS §89-11(e)(2)(A). Because time is of the essence on the selection of a neutral Chair, the HGEA requests that the request for a third panel occur no later than the end of business on October 27, 2017.

Sincerely,

Randy Perreira, Executive Director, HGEA  
888 Mililani Street, Suite 601  
Honolulu, Hawaii 96813  
(808) 543-0011

cc: James Nishimoto, Chief Negotiator  
State of Hawaii  
Carolee Kubo, City and County of Honolulu  
Janine Repozo, County of Kauai  
Will Okabe, County of Hawai'i  
David Underwood, County of Maui