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Transaction ID 61702363
Case No. 18-CU-13-361

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

HAROLD J.L. MAU,

Complainant,

and

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

Respondent.

CASE NO(S).

18-CU-13-361

ORDER NO. 3322

NOTICE TO RESPONDENT OF
PROHIBITED PRACTICE
COMPLAINT; PRETRIAL ORDER:
NOTICE OF PREHEARING
CONFERENCE AND NOTICE OF
HEARING ON THE MERITS OF
THE PROHIBITED PRACTICE
COMPLAINT

NOTICE TO RESPONDENT OF PROHIBITED PRACTICE COMPLAINT;
PRETRIAL ORDER: NOTICE OF PREHEARING CONFERENCE AND NOTICE
OF HEARING ON THE MERITS OF THE PROHIBITED PRACTICE COMPLAINT

A Prohibited Practice Complaint was filed with the HAWAII LABOR RELATIONS BOARD (Board) by the above-named Complainant on: February 15, 2018

The use of singular, plural, masculine, feminine, and neuter pronouns shall include the others as the context may require. As part of the Board's paperless goal, any party may e-file any document with the Board's File & ServeXpress or any party may file an original of any document at the Board's office at 830 Punchbowl Street, Room 434, Honolulu, Hawaii, 96813.

The parties should be aware that the Board is located in a secured State of Hawaii building, and that any party, representative, counsel, or other person attending a proceeding will need to present a government-issued identification for entry.

PART I

NOTICE TO RESPONDENT OF PROHIBITED PRACTICE COMPLAINT

PURSUANT TO HAWAII REVISED STATUTES (HRS) § 377-9(b) AND HAWAII ADMINISTRATIVE RULE (HAR) § 12-42-42: NOTICE IS HEREBY GIVEN TO RESPONDENT(S) that the above-named COMPLAINANT(S) filed a prohibited practice complaint with the Board, a copy of which is attached, alleging that you have engaged in or are engaging in prohibited practices in violation of HRS Chapter 89.

YOU ARE DIRECTED to file a written answer to the complaint within ten (10) days after service of the complaint. One copy of the answer shall be served on each party, and the original with certificate of service on all parties shall be filed with the Board no later than 4:30 p.m. on the tenth day after service of the complaint. If you fail to timely file and serve an answer, such failure shall constitute an admission of the material facts alleged in the complaint and a waiver of hearing. (HAR § 12-42-45(g))

Hereafter, this document shall control the course of proceedings and may not be amended except by the Board, or by a written request by a party with written consent of the parties (stipulation) and approved by the Board, or by an order granting a motion filed with the Board.

PART II
PRETRIAL ORDER

PART II-A

NOTICE REGARDING PROTECTION OF SOCIAL SECURITY NUMBERS AND PERSONAL INFORMATION

Before a party files or submits any pleading, correspondence or other document (Documents) to the Board, whether electronically or manually, the party shall make certain that all social security numbers and personal information are redacted or encrypted. "Personal information" shall include social security numbers, home addresses, dates of birth, bank account numbers, medical and health records, and any other information in which a person has a significant privacy interest. To the extent any personal information is relevant to the Board's consideration of this case, the submitting party shall submit the confidential information by means of a Confidential Information Form that substantially conforms to Form 2 of the Hawaii Court Records Rules, as amended.

PART II-B

NOTICE OF PREHEARING CONFERENCE

PURSUANT TO HRS § 89-5(i)(4) and (i)(5), and HAR § 12-42-47:
NOTICE IS HEREBY GIVEN that the Board will conduct a Prehearing Conference on the date listed below and in the Schedule of Deadlines and Hearing Dates (Schedule) herein.

PREHEARING CONFERENCE

DATE AND TIME: March 7, 2018 at 9:00 a.m.

LOCATION: HLRB Hearing Room - 830 Punchbowl St., Room 434
Honolulu, Hawaii.

The parties shall file a Prehearing Statement which addresses the foregoing matters with the Board on the date listed in the Schedule herein. Complainant's alleged violations are contained in the attached Complaint.

All parties shall appear at the Prehearing Conference at the date and time designated. The purpose of the Prehearing Conference is to clarify the issues, if any, and to the extent possible, reach an agreement on facts, matters or procedures which will facilitate and expedite the hearing or adjudication of the issues presented, and to establish deadlines for prehearing briefing, to identify witnesses, file applications for the issuance of subpoenas, exchange witness and exhibit lists and file proposed exhibits, and such other matters as may raise.

All parties have the right to appear in person and to be represented by counsel or any other authorized person. However, the Board encourages the parties to have a representative, who is familiar with the dispute, appear at the Prehearing Conference.

Auxiliary aids and services are available upon request to parties and representatives with disabilities. For TTY, dial 711; then, ask for (808) 586-8616, the Hawaii Labor Relations Board. For any other reasonable accommodation, or to make arrangements to appear telephonically where permitted by the Board, call the Board at (808) 586-8616 within 7 days prior to the conference.

PART II-C

NOTICE OF HEARING ON MERITS OF THE PROHIBITED PRACTICE COMPLAINT

NOTICE IS HEREBY GIVEN, pursuant to HRS §§ 377-9, 89-5(i)(3), (4), (5), and 89-14, and HAR §§ 12-42-46 and 12-42-49 that the Board will conduct a hearing on the merits (Hearing) on the instant complaint at the place, time, date listed below and in the Schedule of herein. The purpose of the hearing is to receive evidence and arguments on whether Respondent(s) committed prohibited practices as alleged by Complainant(s).

HEARING ON THE MERITS

DATE AND TIME: March 27, 2018 at 9:00 a.m.

LOCATION: HLRB Hearings Room - 830 Punchbowl St., Room 434, Honolulu,
Hawaii.

NOTICE OF HEARING ON THE PROHIBITED PRACTICE COMPLAINT

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All parties have the right to appear in person and to be represented by counsel or any other authorized person in all Board proceedings. A party, representative, or witness must appear in person at a hearing on the merits. Auxiliary aids and services are available upon request to the parties and representatives with disabilities. For TTY, dial 711, then ask for (808) 586-8616, the Hawaii Labor Relations Board. For any other reasonable accommodation call the Board at (808) 586-8616.

PART II-D

SCHEDULE OF DEADLINES AND HEARING DATES

DEADLINES & HEARING DATES FOR:

TIME

A Party's Prehearing Statement

02/27/2018

Prehearing Conference

03/07/2018

9:00 a.m.

Dispositive Motions

03/13/2018

Response to Dispositive Motion

03/20/2018

Exchange of Witness Lists

03/13/2018

The witness lists 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).

Exchange of Exhibit Lists

03/13/2018

The full applicable collective bargaining agreement(s) shall be provided to the Board by the exclusive representative or employer and marked as Board Exhibit 1 or Board Exhibit 1a, 1b, 1c, etc. In identifying exhibits, Complainant shall use numerical designations 1-2-3-4, etc. to identify its exhibits and Respondent shall use alphabetical letters A-B-C-D, etc. to identify its exhibits.

If the parties have agreed to submit proposed Joint Exhibits, then the Exhibits shall be marked with a J and then a number, i.e. J-1, etc.

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(cont'd) DEADLINES & HEARING DATES FOR:

	DATE	TIME
<u>Exchange and Filing of Proposed Exhibits</u>	03/13/2018	

The parties are encouraged to use the File & ServeXpress eFiling system to file their proposed exhibits before or by 4:30 p.m. (HST) on the deadline day. The exhibits shall be combined and filed in a searchable portable document format (PDF) not exceeding 10 megabytes with each exhibit bookmarked. If the single pdf file exceeds 10 megabytes, then each exhibit shall be filed in separate files not to exceed 10 megabytes. Alternatively, a party may file exhibits in person or by mail to the Board; the date of receipt by the Board shall be deemed the date of filing.

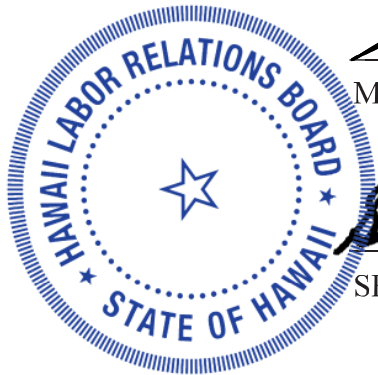
If there are Joint Exhibits, the parties shall designate one party to file these exhibits, who shall comply with the above requirements.

<u>Pre-Trial Conference</u>	3/20/2018	9:00 a.m.
<u>Hearing on the Merits and Oral Arguments on Dispositive Motion, if any</u>	3/27/2018	9:00 a.m.

All submissions shall be filed on or before **4:30 p.m.** on the deadline date.

DATED: Honolulu, Hawaii, February 16, 2018.

HAWAII LABOR RELATIONS BOARD





MARCUS R. OSHIRO, Chair



SESNITA A.D. MOEPONO, Member



J.N. MUSTO, Member

Copies sent to:

Above-named Respondent(s)

Above-named Complainant(s)