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Transaction ID 61756585
Case No. 18-CU-05-360, 18-CE-05-911**

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

SANDRA J. ROBERTS,

Complainant,

and

LYLE T. LEONARD, Deputy Attorney General, Dept. of the Attorney General; AMELIA A. JENKINS, Interim Associate Dean for Academic Affairs University of Hawaii, College of Education; MARY JO NOON, Special Education Department Chair, University of Hawaii, College of Education; SEAN ARAI, State of Hawaii DOE, Personnel Development Branch; and ANDREA ESHELMAN, Hawaii State Teachers Association,

Respondents.

CASE NOS.

18-CU-05-360, 18-CE-05-911

ORDER 3324

PRETRIAL ORDER AND AMENDED NOTICES/NOTICE:
(1) AMENDED NOTICE REGARDING PROTECTION OF SOCIAL SECURITY NUMBERS AND PERSONAL INFORMATION;
(2) NOTICE OF SECOND PREHEARING CONFERENCE;
(3) AMENDED NOTICE OF HEARING ON DISPOSITIVE MOTIONS (4) AMENDED NOTICE OF HEARING ON THE MERITS; AND (5) AMENDED SCHEDULE OF HEARINGS, CONFERENCES, AND DEADLINES

PRETRIAL ORDER AND AMENDED NOTICES/NOTICE: (1) AMENDED NOTICE REGARDING PROTECTION OF SOCIAL SECURITY NUMBERS AND PERSONAL INFORMATION; (2) NOTICE OF SECOND PREHEARING CONFERENCE; (3) AMENDED NOTICE OF HEARING ON DISPOSITIVE MOTIONS; (4) AMENDED NOTICE OF HEARING ON THE MERITS; AND (5) AMENDED SCHEDULE OF HEARINGS, CONFERENCES, AND DEADLINES

At the Pre-Hearing/Settlement Conference held on February 28, 2018 in the above-captioned matter, all parties agreed to waive the requirements of § 377-9(b), Hawaii Revised Statutes (HRS) and § 12-42-46(b), Hawaii Administrative Rules (HAR) mandating that the hearing on the Complaint “be held no less than ten and nor more than forty days after the filing of the Complaint or amendment thereof.”

ACCORDINGLY, NOTICE IS HEREBY GIVEN that the hearing scheduled for March 21, 2018 has been taken off the calendar and the Hawaii Labor Relations Board (Board) issues the following Pretrial Order, Amended Notices, Notice and Amended Schedule as follows.

PRETRIAL ORDER AND AMENDED NOTICES/NOTICE

THE PARTIES ARE HEREBY NOTIFIED AND ORDERED TO COMPLY WITH THIS PRETRIAL ORDER AND NOTICES. The Board may impose appropriate monetary or other sanctions upon parties or attorneys who do not comply with this Pretrial Order and Notices where the parties or attorneys have not shown good cause for failure to comply, or a good faith attempt to comply.

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.

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 file any document electronically with File & ServeXpress or in person at 830 Punchbowl Street, Room 434, Honolulu, Hawaii, 96813. Questions regarding the Board's electronic filing system should be directed to the Board's staff at (808) 586-8616.

All parties have the right to appear in person and to be represented by counsel or any other authorized person in all Board proceedings. 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 within seven (7) days prior to a Board Proceeding. For any other accommodation, please call the Board at (808) 586-8616.

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.

(1) AMENDED 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.

If a party submits a document, which requires redaction of a page(s), the party shall by motion request permission from the Board to withdraw and replace the original document, in its entirety, with a redacted copy of such document, pursuant to HAR § 12-42-8(g)(11), “The Board may permit withdrawal of original documents upon submission of properly authenticated copies to replace such document.”

The Board may impose appropriate monetary or other sanctions upon parties or attorneys who do not comply with this provision where the parties or attorneys have not shown good cause for failure to comply, or a good faith attempt to comply.

(2) NOTICE OF SECOND 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 Second Prehearing Conference on the date listed below and in the Amended Schedule of Deadlines and Hearing Dates (Amended Schedule) herein.

DATE AND TIME: March 12, 2018 at 9:00 a.m.

LOCATION: Board’s Hearing Room – Room 434
830 Punchbowl Street, Honolulu, Hawaii

The Complainant shall file a Prehearing Statement by March 8, 2018 which addresses the foregoing matters with the Board on the date listed in the Amended Schedule set forth below. 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 Second 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 seven (7) days prior to the conference.

(3) NOTICE OF HEARING ON DISPOSITIVE MOTIONS

NOTICE IS HEREBY GIVEN, pursuant to HRS § 89-5(i)(4) and (5) and HAR § 12-42-8(g)(3)(C)(iv) that the Board will conduct a hearing on any dispositive motions filed in this matter at the place, time, date listed below and in the Amended Schedule set forth below:

DATE AND TIME: March 28, 2018 at 9:00 a.m.

LOCATION: Board's Hearing Room – Room 434
830 Punchbowl Street, Honolulu, Hawaii

All parties have the right to and are encouraged to appear in person and to be represented by counsel or any other authorized person. 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 seven (7) days prior to the conference.

(4) AMENDED NOTICE OF HEARING ON MERITS

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 (HOM) on the Complaint at the place, time, date listed below and in the Amended Schedule set forth below. The purpose of the hearing is to receive evidence and arguments on whether Respondent(s) committed prohibited practices as alleged by Complainant(s).

DATE AND TIME: April 6, 2018 at 10:00 a.m.

LOCATION: Board's Hearing Room – Room 434
830 Punchbowl Street, Honolulu, Hawaii

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.

(5) AMENDED SCHEDULE OF HEARINGS, CONFERENCES AND DEADLINES

<u>DATES AND DEADLINES FOR</u>	<u>DATE</u>	<u>TIME</u>
<u>Complainant's Prehearing Statement</u>	<u>03/08/2018</u>	
<u>Second Prehearing Conference</u>	<u>03/12/2018</u>	<u>9:00 a.m.</u>
<u>Dispositive Motions</u>	<u>03/16/2018</u>	
<u>Response to Dispositive Motions</u>	<u>03/23/2018</u>	
<u>Hearing on Dispositive Motions</u>	<u>03/28/2018</u>	<u>9:00 a.m.</u>
<u>Exchange of Witness Lists</u>	<u>04/02/18*</u>	

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 **04/02/2018***

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. Respondents shall use the following to identify their exhibits: Leonard and Arai shall use alphabetical letters A-B-C-D, etc.; Respondents Jenkins and Noon shall use A1-B1-C1-D1, etc.; and Respondent Eshelman shall use A2-B2-C2-D2, etc.

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.

DATES AND DEADLINES (cont'd)

DATE

TIME

Exchange and Filing of Proposed Exhibits

04/02/2018*

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.

*Please note that the Board moved the deadline for exchange of witness lists, exhibit lists, and filing of proposed exhibits from the March 30, 2018 date set at the February 28, 2018 Prehearing Conference because March 30, 2018 is a State holiday. The new deadline for these exchanges is now April 2, 2018.

HEARING ON THE MERITS

04/06/2018

10:00 a.m.

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

DATED: Honolulu, Hawaii, March 5, 2018.

HAWAII LABOR RELATIONS BOARD



Marcus R. Oshiro

MARCUS R. OSHIRO, CHAIR

Sesnita A. D. Moepono

SESNITA A.D. MOEPONO, MEMBER

J.N. Musto

J.N. MUSTO, MEMBER

PRETRIAL ORDER AND NOTICES

CASE NOS. 18-CU-05-360, 18-CE-05-911

Copies sent to:

Sandra Roberts, Self-Represented Litigant

Richard Thomason, Deputy Attorney General

Elisabeth A. Contrades, Associate General Counsel, UOH

Keani Alapa, Esq.