



**EFiled: Mar 12 2018 09:45AM HAST**  
**Transaction ID 61789994**  
**Case No. 17-CE-01-902**

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

UNITED PUBLIC WORKERS, AFSCME,  
LOCAL 646, AFL-CIO

Complainant,

and

CHRISTINA KISHIMOTO,  
Superintendent, Department of Education,  
State of Hawaii,

Respondent.

CASE NO. 17-CE-01-902

ORDER NO. 3326

ORDER GRANTING IN PART  
AND DENYING IN PART  
MOTION TO EXTRACT AND  
REPLACE DOCUMENTS  
PERSONAL INFORMATION AND  
REPLACE WITH REDACTED  
VERSIONS

**ORDER GRANTING IN PART AND DENYING IN PART  
MOTION TO EXTRACT AND REPLACE DOCUMENTS  
PERSONAL INFORMATION AND REPLACE WITH REDACTED VERSIONS**

On February 26, 2018, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (Complainant) filed its MOTION TO EXTRACT AND REPLACE DOCUMENTS PERSONAL INFORMATION AND REPLACE WITH REDACTED VERSIONS (Complainant's Motion) with the Hawaii Labor Relations Board (Board) pursuant to Hawaii Administrative Rule (HAR) § 12-42-8(g)(3)(C). Complainant's motion contains specific pages of a document and states, ". . . extract and replace certain pages from the foregoing documents containing personal information or information in which an individual may have a privacy interest and replace with redacted versions. Specific pages of various documents are attached to the Motion."

No response was received from the Respondent CHRISTINA KISHIMOTO.

HAR § 12-42-8(g)(10) provides:

(10) Amendment of documents:

(A) Any document filed in a proceeding may be amended, in the discretion of the board, at any time prior to the issuance of a final order thereon.

(B) If such document is not in substantial conformity with the applicable rules of the board as to the contents thereof, or is otherwise insufficient, the board, on its own initiative or upon motion of a party, may strike or dismiss such document, or require its amendment. A party moving for amendment of a document shall file a motion for leave to amend together with the proposed amended document.

(C) If amended, the document shall be effective as of the date of the original filing, if it relates to the same proceeding.

and

HAR § 12-42-8(g)(11) Retention of documents by the board provides:

(A) All documents filed with or presented to the board shall be retained in the files of the board.

(B) The board may permit the withdrawal of original documents upon submission of properly authenticated copies to replace such documents.

HAR § 12-42-8(g)(10) allows for any document to be amended at the discretion of the Board at any time prior to the issuance of a final order and requires a party to file a motion for leave to amend together with the proposed amended document. HAR § 12-42-8(g)(11) authorizes the Board, in its discretion, to permit the withdrawal of original documents upon submission of properly authenticated copies to replace such documents. The rules address amending (i.e. redacting) and replacing the entire document. A proper motion pursuant to these rules would include a request to amend the entire document with the amended document attached pursuant to HAR § 12-42-8(g)(10) and a request to withdraw and replace the entire original document with the amended document pursuant to HAR § 12-42-8(g)(11).

Based on the above, the Board HEREBY denies the Motion, in part, for failure to comply with HAR §§ 12-42-8(g)(10) and (11). The Board recognizes Complainant's efforts to redact information that is confidential or an individual may have a privacy interest. Accordingly, the Board further grants the Motion, in part, and allows the Complainant to withdraw the original documents (i.e. Complainant's pre-hearing statement, filed on November 1, 2017 and the Complainant's motion for summary judgment, filed on November 13, 2017) and substitute redacted versions of these documents.

UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO v. CHRISTINA  
KISHIMOTO, Superintendent, Department of Education, State of Hawaii  
CASE NO. 17-CE-01-902  
ORDER GRANTING IN PART AND DENYING IN PART MOTION TO EXTRACT AND  
REPLACE DOCUMENTS PERSONAL INFORMATION AND REPLACE WITH  
REDACTED VERSIONS  
ORDER NO. 3326

DATED: Honolulu, Hawaii \_\_\_\_\_ March 12, 2018 \_\_\_\_\_.

HAWAII LABOR RELATIONS BOARD



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MARCUS R. OSHIRO, Chair



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SESNITA A.D. MOEPONO, Member



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J.N. MUSTO, Member

Copies sent to:

Herbert Takahashi, Esq.  
Henry S. Kim, Deputy Attorney General