



EFiled: Mar 16 2018 08:55AM HAST
Transaction ID 61811537
Case No. 17-CE-03-903

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

CASE NO. 17-CE-03-903

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

ORDER NO. 3329

Complainant,

and

KIRK CALDWELL, Mayor, City and County
of Honolulu; ERNEST Y.W. LAU, P.E.,
Manager and Chief Engineer of the Board of
Water Supply; ELLEN KITAMURA, Deputy
Manager and Chief Engineer of the Board of
Water Supply, CAROLEE KUBO, Director,
Department of Human Resources, City and
County of Honolulu; and NOEL ONO,
Assistant Director, Department of Human
Resources, City and County of Honolulu,

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

Respondents.

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

On November 27, 2017, Complainant HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 52, AFL-CIO (Complainant or party) and Respondents KIRK CALDWELL, Mayor, City and County of Honolulu; ERNEST Y.W. LAU, P.E., Manager and Chief Engineer of the Board of Water Supply; ELLEN KITAMURA, Deputy Manager and Chief Engineer of the Board of Water Supply, CAROLEE KUBO, Director, Department of Human Resources, City and County of Honolulu; and NOEL ONO, Assistant Director, Department of Human Resources, City and County of Honolulu (Respondents or party and collectively parties) filed with the Hawaii Labor Relations Board (Board) a STIPULATION TO WAIVE 40-DAY REQUIREMENT IN HAW. REV. STAT. SECTION 377-9(B), CONTINUE DEADLINE TO ANSWER COMPLAINT ON PROHIBITED PRACTICE COMPLAINT, FILED ON NOVEMBER 17, 2017, AND CONTINUE HEARING ON PROHIBITED

PRACTICE COMPLAINT, FILED ON NOVEMBER 17, 2017 AND PREHEARING DEADLINES, which, among other things, agreed: to waive the 40-day requirement for a hearing set forth in Hawaii Revised Statutes (HRS) § 377-9(b) (Stipulation to Waive The 40-Days); that the Hearing on the Merits (HOM) and all other prehearing deadlines be continued until such time as the Board schedules a new hearing date and deadlines at a Prehearing Conference continued to December 15, 2017; and that both parties reserve the right to move to reschedule the HOM and reset all prehearing deadlines. The Board issued Order No. 957 approving the Stipulation to Waive The 40-Days.

On December 15, 2017, the Board issued a Notice of a Status Conference to be held on February 13, 2018 at 9:00 a.m. in the Board Hearing Room 434, 830 Punchbowl Street; Honolulu, HI.

On December 15, 2017, the Board issued another Notice that the HOM would also be held on April 17-20, 2018 at 9:00 a.m. in the Board Hearing Room.

At the February 13, 2018 Pre-Hearing/Settlement Conference held in this matter, the Board rescheduled the HOM set for April 17-20, 2018 to May 7-10, 2018 and established other new hearing dates and deadlines in this case as set forth below.

ACCORDINGLY, **NOTICE IS HEREBY GIVEN** that the HOM scheduled for April 17-20, 2018 has been taken off the calendar and rescheduled to May 7-10, 2018 at 9:00 a.m., and the 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) AMENDED 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: April 9, 2018 at 9:00 a.m.

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

(3) NOTICE OF PRETRIAL CONFERENCE

NOTICE IS HEREBY GIVEN that pursuant to Hawaii Revised Statutes (HRS) §89-5(i)(4) and (5), and HAR § 12-42-47, the Board will hold a pretrial conference

DATE AND TIME: April 30, 2018 at 9:00 a.m.

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

The parties shall be prepared to discuss, among other things, the exhibits filed in this matter or anticipated to be introduced at hearing, including any exhibits that may raise confidentiality issues. The parties shall be prepared to further discuss any document that has been filed under seal in this matter, the scope of confidential or personal information contained in such document that requires protection from public disclosure, and the narrow tailoring of methods to protect that information, such as sealing or redaction of documents. The parties shall be prepared to discuss, raise, and present their position regarding the presentation of the anticipated evidence (witnesses, exhibits) to be introduced at the HOM, and any stipulations, evidentiary issues, or objections thereto.

(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 an 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: May 7-10, 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>Discovery Cutoff</u>	<u>03/12/2018</u>	
<u>Dispositive Motions</u>	<u>03/26/2018</u>	
<u>Response to Dispositive Motions</u>	<u>04/02/2018</u>	
<u>HEARING ON DISPOSITIVE MOTIONS</u>	<u>04/09/2018</u>	<u>9:00 a.m.</u>
<u>Exchange of Witness Lists</u>	<u>04/23/2018</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*, HRS § 91-10(1).

Exchange of Exhibit Lists **04/23/2018**

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 alphabetical letters A-B-C-D. 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

04/23/2018

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.

PRETRIAL CONFERENCE

04/30/2018

9:00 a.m.

HEARING ON THE MERITS

**05/07-
5/10/2018**

9:00 a.m.

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

DATED: Honolulu, Hawaii, March 16, 2017.

HAWAII LABOR RELATIONS BOARD



MARCUS R. OSHIRO, CHAIR



SESNITA A.D. MOEPONO, MEMBER



I.N. MUSTO, MEMBER

Copies sent to:

Debra A. Kagawa, Esq.
Molly Stebbins, Deputy Corporation Counsel