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Transaction ID 61825973
Case No. 17-CU-10-357, 17-CE-10-
906**

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

JONATHAN TAUM

Complainant,

and

UNITED PUBLIC WORKERS, AFSCME,
LOCAL 646, AFL-CIO and DEPARTMENT
OF PUBLIC SAFETY, State of Hawaii,

Respondents.

CASE NOS. 17-CU-10-357
17-CE-10-906

ORDER NO. 3331

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

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

On January 26, 2018, the Hawaii Labor Relations Board (Board) issued Order No. 3318 that, *inter alia*, continued Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO's (UPW) motion for summary judgment to allow Complainant to conduct discovery; canceled the hearing on the merits (HOM) scheduled for January 29, 2018 to a date to be determined pending the Board's consideration of UPW's Motion for Summary Judgment; and scheduled a motion hearing to hear oral arguments on the UPW's Motion for Summary Judgment for March 15, 2018.

At the March 15, 2018 motion hearing held in this matter, the Board rescheduled the HOM for April 11-12, 2018 in Hilo, Hawaii and established other deadlines in this case as set forth below.

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 approval 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 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: April 11, 2018 at 10:00 a.m.
April 12, 2018 at 8:30 a.m.

LOCATION: Hilo International Airport Conference Room on
the 2nd Floor (adjacent to the Airport Manager's Office)
Hilo, Hawaii

DATE AND TIME: April 17, 2018 at 8:30 a.m.
April 18, 2018 at 8:30 a.m.

LOCATION: Hawaii Labor Relations Board, Board Hearing 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.

(3) AMENDED SCHEDULE OF HEARINGS, CONFERENCES AND DEADLINES

DATES AND DEADLINES FOR

DATE

TIME

Exchange of Witness Lists

04/04/2018

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 of any other witness testimony; *see*, HRS § 91-10(1).

DATES AND DEADLINES (cont'd)

DATE

TIME

Exchange of Exhibit Lists

04/04/2018

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. Respondent UPW shall use alphabetical letters A-B-C-D. Respondent Employer shall use alphabetical letters followed by the number 1, i.e. A1-B1-C1, 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.

Exchange and Filing of Proposed Exhibits

04/04/2018

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.

HEARING ON THE MERITS in Hilo, Hawaii

04/11/2018

10:00 a.m.

04/12/2018

08:30 a.m.

Each party shall bring to the Hearing on the Merits two printed copies of each of its exhibits, properly marked for identification, for use by the witnesses and the Board. The party so designated shall bring two copies of the Board Exhibit 1, the applicable collective bargaining agreements, and any Joint exhibits agreed to by the parties.

Should any party require visual or audio equipment to present any exhibit, that party shall be responsible for assuring that equipment is available and functioning during the scheduled Hearing on the Merits in Hilo, Hawaii.

HEARING ON THE MERITS in Honolulu, Hawaii

04/17/2018

08:30 a.m.

04/18/2018

08:30 a.m.

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

DATED: Honolulu, Hawaii, March 21, 2018.

HAWAII LABOR RELATIONS BOARD



MARCUS R. OSHIRO, CHAIR



SESNITA A.D. MOEPONO, MEMBER



J.N. MUSTO, MEMBER

Copies sent to:

Ted H.S. Hong, Esq.

Herbert R. Takahashi, Esq.

Henry S. Kim, Deputy Attorney General