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Transaction ID 61912519
Case No. 17-CE-10-908, 17-CU-10-359

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

JASMINE L. KAPESI,

Complainant,

and

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

Respondents.

CASE NOS.: 17-CE-10-908
17-CU-10-359

ORDER NO. 3341

PRETRIAL ORDER AND AMENDED
NOTICES/NOTICE: (1) AMENDED
NOTICE REGARDING PROTECTION
OF SOCIAL SECURITY NUMBERS
AND PERSONAL INFORMATION;
AND (2) NOTICE OF HEARING ON
DISPOSITIVE MOTIONS AND
DEADLINES

PRETRIAL ORDER AND AMENDED NOTICES/NOTICE:
(1) AMENDED NOTICE REGARDING PROTECTION OF SOCIAL
SECURITY NUMBERS AND PERSONAL INFORMATION; AND
(2) NOTICE OF HEARING ON DISPOSITIVE MOTIONS AND DEADLINES

On April 4, 2018, the Hawaii Labor Relations Board (Board) held a Hearing on the Merits on the above matter. At the close of Complainant's case, Respondent, United Public Workers, AFSCME, LOCAL 646, AFL-CIO (Union) orally made a motion for a directed verdict and or dismiss complaint for Complainant's failure to establish that she was not discharged for just and proper cause and that the union did not breach its duty of fair representation. The union had previously filed a motion to dismiss complaint for failure to exhaust the grievance procedure. The Board instructed the Union that pursuant to Hawaii Administrative Rule § 12-42-8, the Union will be required to file its motion for directed verdict in writing with the Board and the other parties would be given an opportunity to file a response. The Union asked the Board for time to allow the Court Reporter to provide the Hearing transcript to the Parties and thereafter set the motion hearing, deadlines and related dates.

Accordingly, the Board issues this Pretrial Order and Amended Notices/Notice 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. 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 HEARING ON DISPOSITIVE MOTIONS AND DEADLINES

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: **May 2, 2018 at 9:00 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. 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.

<u>DATES AND DEADLINES FOR</u>	<u>DATE</u>	<u>TIME</u>
<u>Dispositive Motions</u>	<u>04/24/2018</u>	
<u>Response to Dispositive Motions</u>	<u>05/01/2018</u>	
<u>HEARING ON DISPOSITIVE MOTIONS</u>	<u>05/02/2018</u>	<u>9:00 a.m.</u>

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

DATED: Honolulu, Hawaii, April 12, 2018.

HAWAII LABOR RELATIONS BOARD



Marcus R. Oshiro

MARCUS R. OSHIRO, CHAIR


SESNITA A.D. MOEPONO, MEMBER


J.N. MUSTO, MEMBER

Copies sent to:

Jasmine L. Kapesi
Miriam Loui, Deputy Attorney General
Herbert Takahashi, Esq.

JASMINE KAPESI v. PSD & UPW
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AMENDED PRE-TRIAL ORDER AND NOTICES
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