

STATE OF HAWAI'I
HAWAI'I LABOR RELATIONS BOARD

In the Matter of

KENDERSON CASPILLO,

Complainant,

and

DEPARTMENT OF TRANSPORTATION,
State of Hawai'i; and UNITED PUBLIC
WORKERS, AFSCME, LOCAL 646, AFL-
CIO,

Respondents.

CASE NOS.: 17-CE-01-899
17-CU-01-355

ORDER NO. 3643

ORDER GRANTING, IN PART, AND
DENYING, IN PART, REQUEST
REGARDING TRANSCRIPTS AND
POST-HEARING BRIEF DEADLINE

**ORDER GRANTING, IN PART, AND DENYING, IN PART,
REQUEST REGARDING TRANSCRIPTS AND POST-HEARING BRIEF DEADLINE**

On June 9, 2020, Mr. Lowell K.Y. Chun-Hoon, Esq. (Mr. Chun-Hoon), counsel for Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW), delivered a letter to the Hawai'i Labor Relations Board (Board) about the instant case. Among other things, the letter informed the Board that UPW had decided to rest its case and present no further witnesses; accordingly, a date for post-hearing briefs to be submitted could be established. The letter further informed the Board that UPW and Respondent DEPARTMENT OF TRANSPORTATION, State of Hawai'i (DOT) had agreed to share in the cost for a transcript of the proceedings in the instant case and that a copy of the transcript would be furnished to the Board.

On August 20, 2020, DOT filed the Stipulation and Order Regarding Transcripts and Post-Hearing Brief Deadline (Stipulation). In the Stipulation, the parties agreed to a November 30, 2020 deadline for post-hearing briefs and state that they have agreed that the transcripts would be the official record of the hearings in this case. The parties further stated they agreed not to publicly file the transcript of the testimony of Larry Dill (Mr. Dill) in the case due to confidentiality concerns.

Mr. Dill testified in this case on January 17, 2020. The parties requested, and the Board permitted Mr. Dill's testimony to be taken "in camera" to protect potential privacy rights and protections under Hawai'i Revised Statutes (HRS) Chapter 92F regarding discussions of personnel matters of specific individuals.

As the parties know, the Board is subject to the disclosure requirements under HRS Chapter 92F. Accordingly, the Board cannot grant a blanket protective order over an entire document. The Board will, however, give the parties the opportunity to inform the Board what of Mr. Dill's testimony is protected under HRS Chapter 92F.

Accordingly, the Board hereby orders:

- 1) The transcripts provided to the Board shall serve as the official record in these proceedings;
- 2) Upon receipt of the transcript of Mr. Dill's testimony and prior to submitting it to the Board, the parties shall meet and confer regarding what information within the transcript is protected under HRS Chapter 92F;
- 3) The parties shall submit to the Board an unredacted copy of the transcript of Mr. Dill's testimony as well as the agreed upon redacted copy, along with a confidential information form that substantially conforms to Form 2 of the Hawai'i Court Records Rules, as amended.
- 4) Simultaneous post-hearing briefs shall be due on or by **November 30, 2020 at 4:30 p.m.** No reply briefs will be allowed. After receipt of the post-hearing briefs, the Board will consider the record in this case closed and will take the matter under advisement.

DATED: Honolulu, Hawai'i, August 24, 2020.

HAWAI'I LABOR RELATIONS BOARD




Marcus R. Oshiro

MARCUS R. OSHIRO, Chair

Sesnita A. D. Moepono

SESNITA A.D. MOEPONO, Member



J.N. MUSTO, Member

Copies sent to:

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Amanda Furman, Deputy Attorney General

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KENDERSON CASPILLO v. DOT, et al.

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