

STATE OF HAWAI'I

HAWAI'I 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 Hawai'i,

Respondent.

CASE NO(S). 17-CU-10-357
17-CE-10-906

ORDER NO. 3563

ORDER CLARIFYING THAT ORDER NO. 3561 ORDERING THE DEPARTMENT OF PUBLIC SAFETY, STATE OF HAWAI'I, TO PRODUCE ADDITIONAL EMPLOYMENT RECORDS FOR J. MARTE MARTINEZ FOR THE PURPOSE OF ADDRESSING BOARD QUESTIONS SHALL INCLUDE BUT IS NOT LIMITED TO THE PRODUCTION OF PERSONNEL RECORDS AND TRAINING CERTIFICATION RECORDS; NOTICE OF FURTHER HEARING ON THE MERITS

ORDER CLARIFYING THAT ORDER NO. 3561 ORDERING THE DEPARTMENT OF PUBLIC SAFETY, STATE OF HAWAI'I, TO PRODUCE ADDITIONAL EMPLOYMENT RECORDS FOR J. MARTE MARTINEZ FOR THE PURPOSE OF ADDRESSING BOARD QUESTIONS SHALL INCLUDE BUT IS NOT LIMITED TO THE PRODUCTION OF PERSONNEL RECORDS AND TRAINING CERTIFICATION RECORDS

On September 19, 2019, the Hawai'i Labor Relations Board (Board) issued Order No. 3561, Order for Department of Public Safety, State of Hawai'i, to Produce Additional Employment Records for J. Marte Martinez for the Purpose of Addressing Board Questions. Order No. 3561, among other things, ordered Respondent DEPARTMENT OF PUBLIC SAFETY, State of Hawai'i (PSD) to:

[P]roduce at the September 25, 2019 [Hearing on the Merits (HOM)] any and all documents in its possession, or formerly within its possession that have been transmitted to any other governmental agency, relating to Ms. Martinez's applications for employment for positions with PSD, including but not limited to the training positions that she has held or currently holds. The documents requested

shall include but not be limited to: any and all application forms; resumes or curriculum vitae; transcripts; certifications; communications regarding verification of her credentials and information provided in those applications; and advertisements, solicitations, or announcements issued by PSD for the positions for which Ms. Martinez applied.

At the September 25, 2019 HOM, PSD failed to produce the ordered documents. Based on the questioning of the PSD Custodian of Records, the Board determined that PSD did, in fact, have documents ordered in Order No. 3561 in its possession and did not provide those documents to the Board. The PSD Custodian of Records informed the Board that she would need additional time to comply with the Board's order to produce copies of these documents.

The Board issues this order to ensure that PSD and/or its Custodian(s) of Records to produce the required documents at a further HOM on Thursday, October 3, 2019 at 9:00 a.m. by clarifying that Order No. 3561 requires PSD to produce all employment documents for J. Marte Martinez (Martinez). Those documents the Board orders PSD to produce in Order No. 3561 include but are not limited to personnel files and records and training certification records for Martinez in PSD's possession. In addition, Order No. 3561 orders PSD to produce documents that include but are not limited to any employment or personnel files, records, or documents for Martinez that PSD formerly had in its possession, which were transmitted to any other another governmental agency.

NOTICE OF FURTHER HEARING ON THE MERITS

NOTICE IS HEREBY GIVEN that the Board will hold a further HOM pursuant to HRS § 89-5(i)(3), (4), and (5), and HAR §§ 12-42-8(g) and 12-42-49 at the Board Hearing Room; 830 Punchbowl Street, Room 434; Honolulu, Hawai'i 96813 on Thursday, October 3, 2019 at 9:00 a.m.

For all further HOM, all parties have the right to appear in person and to be represented by counsel or any other authorized person in all Board proceedings. **All parties, representatives, and witness must appear in person at the HOM.** Auxiliary aids and services and other reasonable accommodations are available upon request by the parties and representatives with disabilities by calling the Board at (808) 586-8616 at least ten days prior to the HOM.

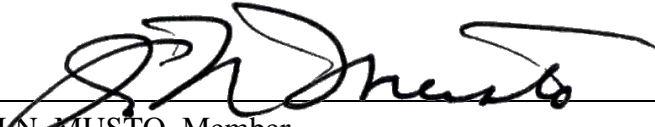
DATED: Honolulu, Hawai'i, _____ September 26, 2019 _____.



HAWAII LABOR RELATIONS BOARD

MARCUS R. OSHIRO, Chair


SESNITA A.D. MOEPONO, Member


J.N. MUSTO, Member

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JONATHAN TAUM v. UPW AND PSD

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