

HAWAII LABOR RELATIONS BOARD

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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,

Respondents.

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

ORDER NO. 3585

ORDER RECONSIDERING THE ORAL
ORDER GRANTING RESPONDENT
STATE OF HAWAII, DEPARTMENT OF
PUBLIC SAFETY'S MOTION TO
REVOKE COMPLAINANT'S SUBPOENA
TO APPEAR [WITNESS: CUSTODIAN OF
RECORDS, DEPARTMENT OF PUBLIC
SAFETY]ORDER RECONSIDERING THE ORAL ORDER GRANTING
RESPONDENT STATE OF HAWAII, DEPARTMENT OF PUBLIC
SAFETY'S MOTION TO REVOKE COMPLAINANT'S SUBPOENA TO APPEAR
[WITNESS: CUSTODIAN OF RECORDS, DEPARTMENT OF PUBLIC SAFETY]

On February 5, 2020, the Hawai'i Labor Relations Board (Board) held a hearing on Respondent State of Hawaii, Department of Public Safety's Motion to Revoke Complainant's Subpoena to Appear [Witness: Custodian of Records, Department of Public Safety] (Motion) in the Board's hearings room. Complainant JONATHAN TAUM (Complainant) was present via conference call with his counsel. Respondent DEPARTMENT OF PUBLIC SAFETY, State of Hawai'i (PSD) appeared in person by the attendance of the Deputy Attorney representing PSD.

The Motion requested that the Board revoke the Subpoena signed by Board Member Musto on December 12, 2019 (Subpoena) and served on Colleen Miyasato, Human Resources Officer (Miyasato) on December 17, 2019 at 2:41 p.m. by Dawn Yamaguchi. During the hearing, Complainant withdrew the portion of the Subpoena directing Miyasato to bring copies of "2. Reports of employment and education verification[.]" (Item 2). PSD's attorney had no objection to the withdrawal. Accordingly, the Board deemed the Subpoena amended to direct that Miyasato bring only certified copies of "1. J. Marte Martinez's job application for the position of Firearms Training Specialist[]" (Item 1).

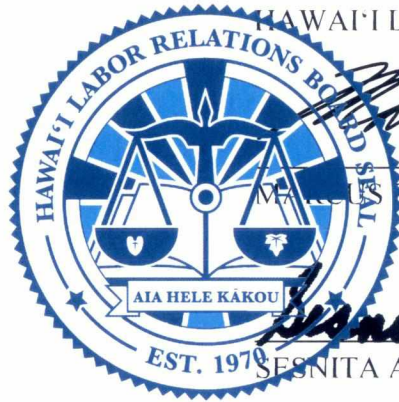
Before the hearing on the Motion concluded, the Board orally granted the Motion, subject to the Complainant's reissuance of the Subpoena to include only the certified copies of Item 1

(Marte Martinez's job application for the position of Firearms Training Specialist), deleting Item 2 (Reports of employment and education verification).

Upon further consideration of the arguments and the record in this case, the Board *sua sponte* reconsiders its oral order granting the Motion.

Upon reconsideration, the Board RESCINDS its oral order granting the Motion and DENIES THE MOTION. Accordingly, the Subpoena, as amended, remains in effect and is continued to a hearing on the merits to be noticed.

DATED: Honolulu, Hawai'i, _____ February 6, 2020 _____.



HAWAI'I LABOR RELATIONS BOARD
Mary R. Oshiro

MARY R. OSHIRO, Chair

Sesnita A. D. Moepono

SESNITA A.D. MOEPONO, Member

J.N. Musto

J.N. MUSTO, Member

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