

STATE OF HAWAI‘I  
HAWAI‘I LABOR RELATIONS BOARD

In the Matter of

ERIN K. KUSUMOTO,

Complainant,

and

HAWAII GOVERNMENT EMPLOYEES  
ASSOCIATION; and DEPARTMENT OF  
EDUCATION, State of Hawai‘i,

Respondents.

CASE NO(S).    20-CU-06-379  
                         20-CE-06-940

ORDER NO.       3591

MINUTE ORDER; NOTICE OF  
STATUS CONFERENCE

MINUTE ORDER

On February 7, 2020, Complainant ERIN K. KUSUMOTO (Complainant) filed with the Hawai‘i Labor Relations Board (Board) a prohibited practice complaint (Complaint) alleging violations of Hawai‘i Revised Statutes (HRS) §§ 89-8(a) and 89-13(b)(4) by Respondent HAWAII GOVERNMENT EMPLOYEES ASSOCIATION (HGEA) and of HRS §§ 89-13(a)(8), (b)(5), and 377-6(6) by Respondent DEPARTMENT OF EDUCATION, State of Hawai‘i (DOE).

On February 11, 2020, the Board issued Pretrial Order No. 3586, Pretrial Order and Notices, which, among other things, contained various dates and deadlines.

On February 18, 2020, Complainant filed Complainant’s Motion for Protective Order Limiting Viewing of Exhibit “C” to the Complaint, Filed on February 7, 2020, or, in the Alternative Limiting Viewing to a Part of Said Exhibit “C” to the Complaint (Motion for Protective Order), and Complainant’s Written Application for HLRB Permission to Request Interrogatories and Production of Documents from Respondents DOE and HGEA (Application for Discovery).

On February 19, 2020, HGEA filed HGEA/AFSCME's Memorandum in Opposition to Written Application for HLRB Permission to Request Interrogatories and Production of Documents from Respondents DOE and HGEA (HGEA Opposition to Discovery).

On February 20, 2020, the Board held a pre-hearing conference in the above-entitled case.

At the pre-hearing conference, Complainant, HGEA, and DOE agreed to waive the requirements under Hawai'i Revised Statutes (HRS) § 377-9(b) and Hawai'i Administrative Rules (HAR) § 12-42-46(b), that the Hearing on the Merits must "be held no more than ten nor more than forty days after the filing of the complaint or amendment thereof."

The Board therefore suspended all dates and deadlines found in Order No. 3586.

The Board took up the Application for Discovery and heard oral arguments. After discussion, the Board suggested that the parties proceed with informal discovery, as is the customary practice in hearings before the Board.

The Board then took up the Motion for Protective Order. After discussion, Complainant moved to withdraw and replace the Complaint (Motion to Withdraw Complaint). Neither HGEA nor DOE objected to the Motion to Withdraw Complaint.

The Board granted the Motion to Withdraw Complaint. Because the Motion to Withdraw Complaint replaced the original Complaint, the Board ruled that the original filing date of February 7, 2020 would be deemed to apply to the replaced complaint.

Complainant also moved to withdraw the Motion for Protective Order (Motion to Withdraw Motion for Protective Order). Neither HGEA nor DOE objected to the Motion to Withdraw Motion for Protective Order. The Board took the Motion to Withdraw Motion for Protective Order under advisement.

The Board hereby **grants** the Motion to Withdraw Motion for Protective Order.

#### NOTICE OF STATUS CONFERENCE

NOTICE IS HEREBY GIVEN that the Board will conduct a Status Conference on **April 14, 2020 at 9:00 a.m.** in the Board's hearings room, 830 Punchbowl Street, Room 434, Honolulu, Hawai'i.

The parties must submit a Status Report to the Board on or by: **April 9, 2020 at 4:30 p.m.** The Status Report should contain: (1) Statement of Issues and (2) Status of Discovery.

All parties have the right to appear in person and to be represented by counsel or any other authorized person. Any party may appear telephonically by calling the Board at the telephone

number below to make the necessary arrangements at least five days prior to the date of the Status Conference.

Auxiliary aids and services are available upon request by any party or representative with disabilities. For TTY, dial 711, then ask for (808) 586-8616, the Hawai'i 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 Hawai'i building, and that any party, representative, counsel, or other person attending a proceeding will need to present a government-issued identification for entry.

DATED: Honolulu, Hawai'i, February 25, 2020.

HAWAI'I LABOR RELATIONS BOARD



*Glenn R. Oshiro*

GLENN R. OSHIRO, Chairman

*Sesnita A. D. Moepono*

SESNITA A.D. MOEPONO, Member

*En. Musto*

EN. MUSTO, Member

Copies sent to:

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Miriam P. Loui, Deputy Attorney General

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ERRATA TO ORDER NO. 3591  
MINUTE ORDER

ERRATA TO ORDER NO. 3591 MINUTE ORDER

On February 25, 2020, the Hawai‘i Labor Relations Board (Board) issued Order No. 3591 Minute Order (Order No. 3591). The third paragraph on page 2 of Order No. 3591 contains an inadvertent error in the quotation of Hawai‘i Administrative Rules § 12-42-46(b). The third paragraph on page 2 should read as follows:

At the pre-hearing conference, Complainant, HGEA, and DOE agreed to waive the requirements under Hawai‘i Revised Statutes (HRS) § 377-9(b) and Hawai‘i Administrative Rules (HAR) § 12-42-46(b), that the Hearing on the Merits must “be held no less than ten nor more than forty days after the filing of the complaint or amendment thereof.”

In all other respects, Order No. 3591 remains in effect and unchanged. The Board apologizes for any inconvenience caused by this error.

DATED: Honolulu, Hawai'i, \_\_\_\_\_ March 5, 2020 \_\_\_\_\_.

HAWAI'I LABOR RELATIONS BOARD



*Marcus R. Oshiro*

MARCUS R. OSHIRO, Chairman

*Sesmita A. D. Moepono*

SESMITA A.D. MOEPONO, Member

*J.N. Musto*

J.N. MUSTO, Member

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Miriam P. Loui, Deputy Attorney General

KUSUMOTO v. HGEA and DOE

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ERRATA TO ORDER NO. 3591

MINUTE ORDER