

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

UNITED PUBLIC WORKERS, AFSCME,
LOCAL 646, AFL-CIO,

Complainant,

and

ERNEST H. NOMURA, ESQ., Deputy
Corporation Counsel; LORI KAHIKINA,
Director Department of Environmental
Services; ROSS S. SASAMURA, P.E.,
Director Department of Facility
Maintenance; CAROLEE KUBO, Director
Department of Human Resources; and
KIRK CALDWELL, Mayor, City and
County of Honolulu,

Respondents.

CASE NO(S). 19-CE-01-926

ORDER NO. 3492

PRETRIAL ORDER AND NOTICES;

- (1) NOTICE TO RESPONDENT(S) OF PROHIBITED PRACTICE COMPLAINT;
- (2) NOTICE OF FILING REQUIREMENTS;
- (3) NOTICE OF APPEARANCE AND ACCESSIBILITY OR ACCOMMODATIONS;
- (4) NOTICE OF PREHEARING CONFERENCE;
- (5) NOTICE OF PRETRIAL CONFERENCE;
- (6) NOTICE OF HEARING ON THE MERITS; AND
- (7) SCHEDULE OF HEARINGS, CONFERENCES, AND DEADLINES

PRETRIAL ORDER AND NOTICES;

- (1) NOTICE TO RESPONDENT(S) OF PROHIBITED PRACTICE COMPLAINT;
- (2) NOTICE OF FILING REQUIREMENTS;
- (3) NOTICE OF APPEARANCE AND ACCESSIBILITY OR ACCOMMODATIONS;
- (4) NOTICE OF PREHEARING CONFERENCE;
- (5) NOTICE OF PRETRIAL CONFERENCE;
- (6) NOTICE OF HEARING ON THE MERITS; AND
- (7) SCHEDULE OF HEARINGS, CONFERENCES, AND DEADLINES

PRETRIAL ORDER AND NOTICES

THE PARTIES ARE HEREBY NOTIFIED AND ORDERED TO COMPLY WITH THIS PRETRIAL ORDER AND NOTICES. The Hawai'i Labor Relations Board (Board) may impose appropriate monetary or other sanctions upon parties or attorneys who do not comply with this Pretrial Order and Notice if the parties or attorneys have not shown good cause for failure to comply or a good faith effort to comply.

This document shall control the course of proceedings and may not be amended except by the Board through an Order or Notice, by a written request by a party with written consent of all the parties (stipulation), 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.

(1) NOTICE TO RESPONDENT(S) OF A PROHIBITED PRACTICE COMPLAINT

The attached prohibited practice complaint (Complaint) was filed with the Board by the above-named Complainant(s) on: **April 26, 2019**.

PURSUANT TO HAWAI'I REVISED STATUTES (HRS) § 377-9(b) AND HAWAI'I ADMINISTRATIVE RULES (HAR) § 12-42-42: NOTICE HEREBY GIVEN TO RESPONDENT(S) that the above-named COMPLAINANT(S) filed a prohibited practice Complaint with the Board, a copy of which is attached, alleging that you have engaged in or are engaging in prohibited practices in violation of HRS Chapter 89.

YOU ARE DIRECTED to file a written answer to the Complaint within ten (10) days after service of the Complaint. One copy of the answer shall be served on each party, and the original with certificate of service on all parties shall be filed with the Board no later than 4:30 p.m. on the tenth day after service of the Complaint. If you fail to timely file and serve an answer, such failure shall constitute an admission of the material facts alleged in the Complaint and a waiver of hearing. (HAR § 12-42-45(g))

(2) NOTICE OF FILING REQUIREMENTS

1) Electronic Filing:

The Board provides to all parties and encourages the use of an electronic filing service through File & ServeXpress. There is no charge to the parties for use of this electronic filing service.

To register, a party is required to complete and submit the Board Agreement to E-File (Form HLRB-25), as amended, which is available at <http://labor.hawaii.gov/hlrp/forms/>.

Questions regarding the Board's electronic filing system should be directed to the Board's staff at (808) 586-8616.

2) Filing in Person or by Mail

A party may mail or file in person an original of any document at the Board's office at 830 Punchbowl Street, Room 545, Honolulu, Hawai'i, 96813. The Board's office is open on the weekdays (excluding state holidays) between 7:45 a.m. to 4:30 p.m.; the office may occasionally be closed from 12:00 p.m. to 1:00 p.m. The date of receipt by the Board shall be deemed the date of filing.

3) Filing Requirements 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 Hawai'i Court Records Rules, as amended.

If a party submits a document that 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.

(3) NOTICE OF APPEARANCE AND ACCESSIBILITY OR ACCOMMODATIONS

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 Hawai'i Labor Relations Board, within seven (7) days prior to a Board proceeding. For any other accommodation, including language access, please call the Board at (808) 586-8616, at least seven (7) days prior to a Board proceeding.

The parties should be aware that the Board is 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.

(4) NOTICE OF PREHEARING CONFERENCE

PURSUANT TO HRS § 89-5(i)(4) and (i)(5), and HAR § 12-42-47:

NOTICE IS HEREBY GIVEN that the Board will conduct a Prehearing Conference on the date listed below and in the Schedule of Deadlines and Hearing Dates (Schedule) in this document.

DATE AND TIME: May 15, 2019 at 9:00 a.m.

LOCATION: Hawai‘i Labor Relations Board Hearing Room
830 Punchbowl Street – Room 434
Honolulu, Hawai‘i 96813

The purpose of the Prehearing Conference is to clarify the issues, if any; to the extent possible, to reach an agreement on facts, matters, or procedures that will facilitate and expedite the hearing or adjudication of the issues presented; to establish deadlines for prehearing briefing; to identify witnesses and file applications for the issuance of subpoenas; and for such other matters as may be raised.

All parties have the right to appear at the Prehearing Conference in person or telephonically and to be represented by counsel or any other authorized person. 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 Hawai‘i Labor Relations Board, within seven (7) days prior to a Board proceeding. For any other accommodation, including language access, please call the Board at (808) 586-8616, at least seven (7) days prior to a Board proceeding.

(5) NOTICE OF PRETRIAL CONFERENCE

PURSUANT TO HRS §§ 89-5(i)(4) and (i)(5), and 377-9:

NOTICE IS HEREBY GIVEN that the Board will conduct a Pretrial Conference on the date listed below and in the Schedule in this document.

DATE AND TIME: May 29, 2019 at 9:00 a.m.

LOCATION: Hawai‘i Labor Relations Board Hearing Room
830 Punchbowl Street – Room 434
Honolulu, Hawai‘i 96813

1) Pretrial Statement

Both the Complainant(s) and the Respondent(s) shall file a Pretrial Statement with the Board on or by May 22, 2019 at 4:30 p.m., as listed in the Schedule set forth below. The Pretrial Statement shall include the following:

1. Statement of Issues
2. Witness List

The witness lists shall include, in the interest of judicial economy, a brief but meaningful summary of the nature of the testimony expected, and the order in which the witnesses are expected to be called upon, subject to the witness' availability. The summary for each witness shall include sufficient information for the Board to determine whether the testimony will be irrelevant, immaterial, or unduly repetitious to any other witness testimony; see HRS § 91-10(1).

If a party intends to file a request for a subpoena for a witness, such request shall be concurrently filed with the Pretrial Statement, and a notation that a request is being made shall be listed in the witness list.

3. Exhibit List

The exhibit lists shall include copies of the proposed exhibits. The parties are encouraged to use the File & ServeXpress eFiling system to file the exhibits before or by 4:30 p.m. (HST) on the deadline day. The exhibits shall be combined and filed in a searchable portable document format (PDF) not exceeding 10 megabytes, with each exhibit bookmarked. Alternatively, a party may file exhibits in person or by mail to the Board; the date of receipt by the Board shall be deemed the date of filing.

If a party intends to file a request for a subpoena duces tecum for any of its exhibits, such request shall be concurrently filed with the Pretrial Statement, and a notation that a request is being made shall be listed in the exhibit list.

The Complainant shall identify its exhibits using alphabetical letters (A, B, C, D, etc.). Union Respondent(s) shall identify its exhibits using numerical designations preceded by U (e.g., U-1, U-2, U-3, etc.). Employer Respondent(s) shall identify its exhibits using numerical designations preceded by E (e.g., E-1, E-2, E-3, etc.). In the event that there are multiple Union Respondents or Employer Respondents in a particular case, the Board shall specify the designation for each Respondent.

If there are any duplicative exhibits, the parties shall designate them as Joint Exhibits, the parties shall designate one party to file these exhibits, and the Exhibits shall be marked with numerical designations preceded by J (e.g., J-1, J-2, J-3, etc.).

All Exhibits are to be bates-stamped in the upper right-hand corner.

Additionally, the Exclusive Representative, unless no Exclusive Representative is party to the case, in which case the Employer, must submit to the Board the full applicable collective bargaining agreement(s), including any Memoranda of Understanding, Memoranda of Agreement, or any other supplemental agreement that has any bearing on these proceedings. These documents shall be marked as Board Exhibit 1 or Board Exhibit 1a, 1b, 1c, etc. and **shall be bates-stamped in the upper-right hand corner.**

2) Pretrial Conference

At the pretrial conference, the Parties shall be prepared to discuss, raise, and present their position regarding the presentation of the anticipated evidence (witnesses, exhibits) to be introduced at the Hearing on the Merits (HOM), including but not limited to any stipulations, evidentiary issues, objections, or confidentiality issues that require protection from public disclosure and the narrow tailoring of methods to protect that information (e.g. sealing or redaction).

While all parties have the right to appear at the Pretrial Conference in person or telephonically and to be represented by counsel or any other authorized person, **all parties are required to either appear in person or have a representative appear in person.** 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 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.

(6) NOTICE OF THE HEARING ON THE MERITS

NOTICE IS HEREBY GIVEN, pursuant to HRS §§ 377-9, 89-5(i)(3), (4), (5), and 89-14, and HAR §§ 12-42-46 and 12-42-49 that the Board will conduct an HOM on the instant Complaint at the place, time and date listed below and in the Schedule set forth below. The purpose of the HOM is to receive evidence and arguments on whether Respondent(s) committed prohibited practices as alleged by Complainant(s).

DATE AND TIME: June 5, 2019 at 9:00 a.m.

LOCATION: Hawai'i Labor Relations Board Hearing Room
830 Punchbowl Street – Room 434
Honolulu, Hawai'i 96813

All parties have the right to appear at the Hearing on the Merits in person and to be represented by counsel or any other authorized person. **All parties, representatives, and witnesses must appear in person at the hearing on the merits.** 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 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.

(7) SCHEDULE OF HEARINGS, CONFERENCES, AND DEADLINES

<u>DATES AND DEADLINES</u>	<u>DATE</u>	<u>TIME</u>
<u>Prehearing Conference</u>	5/15/2019	9:00 a.m.
<u>Dispositive Motion Deadline</u>	5/17/2019	
<u>Response to Dispositive Motion Deadline</u>	5/24/2019	
<u>Pretrial Statement; Exchange of Exhibits; Subpoena Deadline</u>	5/22/2019	
<u>Pretrial Conference and Hearing on Dispositive Motions</u>	5/29/2019	9:00 a.m.
<u>Hearing on the Merits</u>	6/5/2019	9:00 a.m.

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

DATED: Honolulu, Hawai'i, _____ April 30, 2019 _____.



HAWAII LABOR RELATIONS BOARD

MARCUS R. OSHIRO, Chair

Sesnita A. D. Moepono

SESNITA A.D. MOEPONO, Member

J.N. Musto

J.N. MUSTO, Member

Enclosure: PROHIBITED PRACTICE COMPLAINT

Copies sent to:

Complainant Representative

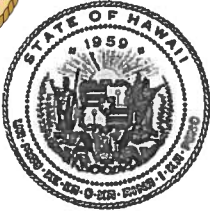
Respondent Representative

UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO v. ERNEST H. NOMURA, ESQ., Deputy Corporation Counsel; LORI KAHIKINA, Director Department of Environmental Services; ROSS S. SASAMURA, P.E., Director Department of Facility Maintenance; CAROLEE KUBO, Director Department of Human Resources; and KIRK CALDWELL, Mayor, City and County of Honolulu

CASE NO(S). CASE #19-CE-01-926

PRETRIAL ORDER AND NOTICES

ORDER NO. 3492



EFiled: Apr 26 2019 08:57AM HAST
Transaction ID 63204413
Case No. 19-CE-01-926

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

**FORM HLRB-4
PROHIBITED PRACTICE COMPLAINT**

INSTRUCTIONS. Submit the original¹ of this Complaint to the Hawaii Labor Relations Board, 830 Punchbowl Street, Room 434, Honolulu, Hawaii 96813. If more space is required for any item, attach additional sheets, numbering each item accordingly.

1. The Complainant alleges that the following circumstances exist and requests that the Hawaii Labor Relations Board proceed pursuant to Hawaii Revised Statutes Sections 89-13 and 89-14 and its Administrative Rules, to determine whether there has been any violation of the Hawaii Revised Statutes, Chapter 89.
-

2. COMPLAINANT Please select one that describes the Complainant:

Public Employee Public Employer Public Union (public employee organization)

- a. Name, address and telephone number.

United Public Workers, AFSCME, Local 646, AFL-CIO
1426 North School Street
Honolulu, Hawaii 96817
(808) 847-2631

-
- b. Name, address, e-mail address and telephone number of the principal representative, if any, to whom correspondence is to be directed.

Herbert Takahashi, Esq.
Takahashi and Covert, AAL
345 Queen Street, Room 506
Honolulu, Hawaii 96813
(808) 526-3003
sheila-tvc@hawaii.rr.com

¹ Notwithstanding Board rule 12-42-42(b), the Board only requires the original of the complaint.

3. RESPONDENT Please select one that describes the Respondent:

Public Employee Public Employer Public Union (public employee organization)

a. Name, address and telephone number.

See attached list.

b. Name, address and telephone number of the principal representative, if any, to whom correspondence is to be directed.

Paul Aoki, Esq.
Acting Corporation Counsel
530 South King Street, Room 110
Honolulu, Hawaii 96813
768-5100

4. Indicate the appropriate bargaining unit(s) of employee(s) involved.

Blue collar non supervisory employees of bargaining unit 1

5. ALLEGATIONS

The Complainant alleges that the above-named respondent(s) has (have) engaged in or is (are) engaging in a prohibited practice or practices within the meaning of the Hawaii Revised Statutes, Section 89-13. (Specify in detail the particular alleged violation, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13, alleged to have been violated, together with a complete statement of the facts supporting the complaint, including specific facts as to names, dates, times, and places involved in the acts alleged to be improper.)

Respondents have willfully interfered with the rights of employees under HRS Chapter 89 and the unit I collective bargaining agreement by repeatedly and continuously refusing to abide by the remedial terms and provisions of final and binding arbitration decisions and awards which have been confirmed by the courts, refusing to comply with orders to cease and desist from violating and not complying with Section 15.09 of the unit I agreement, and refusing to pay the arbitral fees, thereby undermining the grievance and arbitration process which is fundamental to prompt resolution of dispute and labor peace in violation of Sections 89-3, 89-10.8, 89-13 (a) (1), (7), and (8), Hawaii Revised Statutes.

6. Provide a clear and concise statement of any other relevant facts.

See attached.

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

DECLARATION IN LIEU OF AFFIDAVIT

(If the Complainant is self-represented, then the Complainant must sign this Declaration).

Please select one:

- the Complainant
- the Complainant's principle representative
- the person described below

I, Herbert Takahashi,
do declare under penalty of law that the foregoing is true and correct.

Date: April 26, 2019



The person signing above agrees that by signing his or her name in the above space with a "/s/ first, middle, last names" is deemed to be treated like an original signature.

sheila-tvc@hawaii.rr.com

Signor's email address

If you are not the Complainant or listed as the principle representative in #2(b) and you are signing above, then please complete the contact information below.

Your address:

Your phone number: _____

Your relationship to the Complainant:

If the Complainant or principal representative is registered with File and ServeXpress (FSX), then you may proceed to electronically file this complaint.

If the Complainant or the principal representative is not registered with FSX and would like to electronically file this complaint through FSX, then complete the Board Agreement to E-File, FORM HLRB-25. (Form HLRB-25 is on the HLRB Website at labor.hawaii.gov/hlrb/forms.) Email the completed form to the Board at dlir.laborboard@hawaii.gov.

3a. Respondents

Ernest H. Nomura, Esq.
Deputy Corporation Counsel
City and County of Honolulu
530 South King Street, Room 110
Honolulu, Hawaii 96813
(808) 768-5120 direct

Lori Kahikina, Director
Department of Environmental Services
1000 Uluohia Street, Suite 308
Kapolei, Hawaii 96707
768-3486

Ross S. Sasamura, P.E., Director
Department of Facility Maintenance
1000 Uluohia Street, Suite 215
Kapolei, Hawaii 96707
768-3343

Carolee Kubo, Director
Department of Human Resources
650 South King Street, 10th Floor
Honolulu, Hawaii 96813
768-8500

Kirk Caldwell, Mayor
City and County of Honolulu
530 South King Street, Room 300
Honolulu, Hawaii 96813
768-4141

6. Provide a clear and concise statement of any other relevant facts.
1. The United Public Workers, AFSCME, Local 646, AFL-CIO (Union or UPW) is the duly certified exclusive bargaining representative of blue collar non-supervisory employees in bargaining unit 1 on and after October 20, 1971, and is an employee organization as defined in Section 89-2, Hawaii Revised Statutes (HRS).
2. Ernest H. Nomura (Nomura or Respondents) is a deputy corporation counsel who has been assigned to handle various grievances in arbitration and in court (as specified hereafter), and as an individual who represents the mayor of the City and County of Honolulu in dealings with public employees is a public employer within the meaning of Section 89-2, HRS.
3. Lori Kahikina (Kahikina or Respondents) is the director of the department of environmental services of the City and County of Honolulu, and as an individual who represents the mayor of the City and County of Honolulu in dealings with public employees is an employer within the meaning of Section 89-2, HRS.
4. Ross S. Sasamura (Sasamura or Respondents), is the director of the Department of Facility Maintenance of the City and County of Honolulu, and as an individual who represents the mayor of the City and County of Honolulu in dealings with public employees is an employer within the meaning of Section 89-2, HRS.
5. Carolee Kubo (Kubo or Respondents) is the director of the Department of Human Resources of the City and County of Honolulu, and as an individual who represents the mayor of the City and County of Honolulu in dealings with public employees is an employer within the meaning of Section 89-2, HRS.
6. Kirk Caldwell (Caldwell or Respondents) is the mayor of the City and County of Honolulu and is a public employer within the meaning of Section 89-2, HRS.
7. From July 1, 1972 to the present UPW and the City and County of Honolulu have been parties to approximately eighteen (18) successive collective bargaining agreements setting forth the wages, hours, and terms and conditions of employment of bargaining unit 1 employees.
8. These agreements require public employers to provide information needed to investigate and process grievances through a grievance procedure culminating in arbitration, to comply with the remedial terms and provisions of final and binding arbitration decisions and awards pursuant to Section 89-10.8, HRS, and to pay arbitral fees for services rendered by arbitrators.
9. All public employees, including bargaining unit 1 employees, have a right to file grievances and have their representatives process grievances for violations, misinterpretations, and misapplications of a collective bargaining agreement by a

public employer to arbitration pursuant to Section 89-3, HRS, and Section 89-10.8, HRS.

10. At the request of unit 1 employees the UPW has filed and processed various grievances through the grievance process of the unit 1 collective bargaining agreement resulting in arbitration decisions and awards setting forth remedial terms and provisions in favor of the employees and union, and court confirmation orders and judgments in the following UPW class grievances:
 - a. A class grievance in case number JM-09-07 (dated June 25, 2009) which resulted in a decision and award by arbitrator Joyce Najita (dated November 17, 2017), a court confirmation order in S.P. No. 17-1-0377 GWBC (dated March 2, 2018), and findings of fact and conclusions of law and order granting motion to enforce court order for employee remedies awarded in arbitration and final judgment (dated April 4, 2019);
 - b. A class grievance in case number DA-15-13A (dated May 28, 2015) which resulted in a decision and award by arbitrator Joyce Najita (dated October 6, 2017), a court confirmation order in S.P. No. 17-1-0323 VLC and judgment (dated November 29, 2017), in a first decision and award by arbitrator Thomas Cestare (dated April 3, 2018), a court confirmation order in S.P. 18-1-0120 KKH and final judgment (dated June 12, 2018), an order granting motion to enforce court order and amended judgment in S.P. No. 18-1-0120 KKH (dated September 21, 2018), an order granting union's motion for order to show cause and for daily assessment for non-compliance with amended final judgment and such other relief as awarded by the court and second amended final judgment in S.P. No. 18-1-0120 KKH (dated January 24, 2019), an order granting motion to allow reasonable attorney's fees and costs and third amended judgment in S.P. No. 18-1-0120 KKH (dated April 22, 2019), a second arbitration decision and award by arbitrator Thomas Cestare (dated June 7, 2018), a court confirmation order and judgment in S.P. No. 18-1-0207 JHA (dated October 5, 2018), a third arbitration decision and award by arbitrator Thomas Cestare (dated October 31, 2018), a court confirmation order and judgment in S.P. No. 18-1-0414 BIA (dated January 9, 2019), a fourth arbitration decision and award by arbitrator Thomas Cestare (dated December 28, 2018) and court ruling in S.P. No. 19-1-0048 GWBC confirming the fourth arbitration decision and award (at a hearing held on April 12, 2019).
 - c. A class grievance in case number KA-13-09 (dated August 15, 2013), which resulted in an order granting motion to compel and for sanctions by arbitrator Thomas Cestare (dated April 3, 2018), a first partial arbitration decision and award by arbitrator Thomas Cestare (dated June 7, 2018), an order granting confirmation of the June 7, 2018 decision and award and judgment in S.P. No. 18-1-0206 VLC (dated October 22, 2018), an order granting motion to enforce court order and judgment filed on December 4,

2018 in S.P. No. 18-1-0206 JCM and final amended judgment (dated February 13, 2019), a second partial final arbitration decision and award by arbitrator Thomas Cestare (dated November 20, 2018), an order granting motion to confirm and judgment in S.P. No. 18-1-0433 JPC (dated March 15, 2019), and an order granting motion to allow reasonable attorney's fees and costs filed on February 21, 2019 in S.P. No. 18-1-0433 JPC.

11. Respondents have repeatedly and continuously failed to promptly comply with the remedial terms and provisions of the final arbitration decisions and awards rendered in the class grievances referred to above in paragraph 9 of this complaint.
12. Respondents have repeatedly and continuously failed to promptly comply with the court confirmation orders and judgments rendered in connection with the class grievances referred to above in paragraph 9 of this complaint.
13. Respondent Nomura as declined to promptly process the arbitral fees for payment by other respondents to arbitrator Thomas Cestare for his services rendered in grievance case numbers DA-15-13A and KA-13-09, in spite of requests by the arbitrator and the union (on March 29, 2019).
14. Respondents have repeatedly and continuously failed to comply with arbitral orders to cease and desist from non-compliance with the duty to provide information as required by Section 15.09.
15. The aforementioned conduct by respondents undermines the collective bargaining process, the role of the grievance procedure and arbitration which is a vital part of the system of industrial self-government, and is contrary to the rule of law and public policies favoring the resolution of disputes promptly.
16. By the aforementioned and other conduct to be established before the Board, respondents have willfully violated Sections 89-3, 89-10.8, 89-13 (a) (1), (7), and (8), HRS.
17. Wherefore, UPW requests declaratory relief, a cease and desist order, make whole relief to employees and the union, attorney's fees and costs, civil penalties of \$10,000 for each violation of employee rights, and other appropriate relief as authorized by Section 377-9 (d), HRS.