

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,

Respondents.

CASE NOS. 17-CU-10-357
17-CE-10-906

ORDER NO. 3542

ORDER REQUIRING COMPLAINANT
JONATHAN TAUM TO SUBMIT A LIST
OF REBUTTAL WITNESSES,
THEIR LOCATION AND TIME
REQUIRED FOR HEARING ON THE
MERITS OF COMPLAINANT’S
REBUTTAL CASE

ORDER REQUIRING COMPLAINANT JONATHAN
TAUM TO SUBMIT A LIST OF REBUTTAL WITNESSES,
THEIR LOCATION AND TIME REQUIRED FOR HEARING
ON THE MERITS OF COMPLAINANT’S REBUTTAL CASE

On July 11, 2019, the Hawai‘i Labor Relations Board (Board) issued Order No. 3537 Notice of Order Striking Jonathan Sloan and Entertaining of Stipulation. In the Order, the Board provided that UPW could call Jonathan Sloan as a witness if, on or before July 23, 2019 at 4:30 p.m., the parties entered into a Stipulation with certain specified conditions. The Board further provided that if the Stipulation was not filed with the Board by this deadline, “then the Board orders UPW to inform the Board either of its next witnesses to be called in the presentation of its case and their known locations or of the resting of its case by July 23, 2019 at 4:30 p.m.”

On July 23, 2019, Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW, Union, or Respondent) filed Respondent UPW’s Position on Order Number 3537 (UPW’s Position). In UPW’s Position, the Union took the position, among other things, that, “At this point given the Board’s July 11, 2019 order the union has no alternative but to rest its case. The union reserves the right to call Jonathan Sloan and Chawn Kaili as part of its rebuttal to Taum’s and PSD’s presentation thereafter.”

Accordingly, given that UPW has rested its case, the Board orders Complainant JONATHAN TAUM (Complainant) to submit a list of witnesses, if any, that Complainant intends to call on rebuttal with their known locations and a brief but meaningful summary of the nature of

the testimony expected, as well as a position regarding the number of days for the hearing on the merits (HOM) to present the testimony of such witnesses **by Wednesday, August 7, 2019 at 4:30 p.m.** Following the submission of this information from Complainant, the Board will issue a notice setting further HOMs in this case. If the Complainant does not submit this information as ordered by the deadline, the Board will deem the rebuttal case waived.

The Board further notifies the parties that the HOM will conclude after the conclusion of the Complainant's rebuttal, if not waived by the Complainant as provided above, and any closing arguments by the parties.

DATED: Honolulu, Hawai'i, _____ July 31, 2019 _____.

HAWAI'I LABOR RELATIONS BOARD



MARCUS R. OSHIRO, Chair

SESNITA A.D. MOEPONO, Member

N. MUSTO, Member

Copies sent to:

Ted H.S. Hong, Esq.

Herbert R. Takahashi, Esq.

Henry S. Kim, Deputy Attorney General