

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. 3557

ORDER FOR DEPARTMENT OF PUBLIC
SAFETY, STATE OF HAWAI'I TO
PRODUCE J. MARTE MARTINEZ AND
FOR UNITED PUBLIC WORKERS,
AFSCME, LOCAL 646, AFL-CIO TO
PRODUCE DAYTON NAKANELUA AT A
HEARING ON THE MERITS FOR THE
PURPOSE OF ADDRESSING BOARD
QUESTIONS; NOTICE OF FURTHER
HEARINGS ON THE MERITS (HOM)

ORDER FOR DEPARTMENT OF PUBLIC SAFETY,
STATE OF HAWAI'I TO PRODUCE J. MARTE MARTINEZ
AND FOR UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO
TO PRODUCE DAYTON NAKANELUA AT A HEARING ON THE
MERITS FOR THE PURPOSE OF ADDRESSING BOARD QUESTIONS

The Hawai'i Labor Relations Board (Board) HEREBY ORDERS that:

1. Respondent DEPARTMENT OF PUBLIC SAFETY, State of Hawai'i (PSD), produce J. Marte Martinez (Ms. Martinez) as a witness at a hearing on the merits (HOM) noticed below for the purpose of answering questions from the Board regarding her qualifications as presented in her January 8-9, 2019 testimony; and
2. Ms. Martinez bring to the HOM noticed below **certified copies** of any and all records regarding her qualifications as presented through her January 8-9, 2019 testimony, including but not limited to transcripts, diplomas, certificates, and degrees pertaining to her graduation from Southern Oregon State College in criminal justice (criminology); any certifications by the Federal Law Enforcement Training Center (including but not limited to as a use of force

master instructor and force science); any certifications through the State of Oregon Department of Public Safety (including but not limited to as a master instructor); and any recertifications by the Departments of Public Safety in Mexico, Texas, Hawai‘i, and the Department of Defense Federal Law Enforcement Training Center;

3. Respondent UNITED PUBLIC WORKERS, AFSCME LOCAL 646, AFL-CIO produce Dayton Nakanelua (Mr. Nakanelua) at the HOM noticed below to appear and testify regarding his knowledge, if any, of Ms. Martinez’s qualifications as presented in her January 8-9, 2019 testimony, including but not limited to the date on which he became aware of those qualifications and/or lack thereof; and
4. Mr. Nakanelua bring to the HOM noticed below any communications or other documents, including but not limited to letters, emails, and notes, pertaining to Ms. Martinez’s qualifications or lack thereof as presented in her January 8-9, 2019 testimony.

The Board hereby cancels any and all further hearings on the merits (HOM) noticed in the August 14, 2019 Notice of Further Hearings on the Merits (HOM), as amended by the August 15, 2019 Amended Notice of Further Hearings on the Merits (HOM) and issues the following NOTICE OF FURTHER HEARINGS ON THE MERITS (HOM) as follows:

NOTICE OF FURTHER HEARINGS
ON THE MERITS (HOM) IN HONOLULU, HAWAI‘I

NOTICE IS HEREBY GIVEN that the Board will hold further HOM to take the testimony of J. Marte Martinez and Dayton Nakanelua, as ordered above, pursuant to Hawaii Revised Statutes (HRS) § 89-5(i)(3), (4), and (5), and Hawaii Administrative Rules (HAR) §§ 12-42-8(g) and 12-42-49 at the Board Hearings Room; 830 Punchbowl Street; Honolulu, Hawai‘i 96813 **on September 25, 2019 at 9:00 a.m.**

NOTICE IS FURTHER HEREBY GIVEN that the Board will hold further HOM to take the testimony of other rebuttal witnesses of the Complainant, pursuant to HRS § 89-5(i)(3), (4), and (5), and HAR §§ 12-42-8(g) and 12-42-49 at the Board Hearings Room; 830 Punchbowl Street; Honolulu, Hawai‘i 96813 on **November 7, 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 witnesses 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.

Each party shall bring to the further HOM two printed copies of each of its exhibits, properly marked for identification, for use by the witnesses and the Board. The party who is so designated shall bring two copies of the Board Exhibit 1, the applicable collective bargaining agreements, and any Joint Exhibits agreed to by the parties.

Should any party require visual or audio equipment to present any exhibit, that party shall be responsible for assuring that equipment is available and functioning during the HOM scheduled above.

The Board may schedule and notice additional further HOM in Hilo, Hawai'i and/or Honolulu, Hawai'i, to take additional rebuttal witnesses shown to be necessary.

DATED: Honolulu, Hawai'i, September 10, 2019.

HAWAI'I LABOR RELATIONS BOARD



MARCUS R. OSHIRO, Chair

SESNITA A.D. MOEPONO, Member

JON. MUSTO, Member

Copies sent to:

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Henry S. Kim, Deputy Attorney General