

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

ANTHONY JONES,

Complainant(s),

and

HAWAII GOVERNMENT EMPLOYEES
ASSOCIATION,

Respondent(s).

CASE NO(S). 21-CU-06-386

ORDER NO. 3747

PRETRIAL ORDER AND NOTICES

- (1) NOTICE TO RESPONDENT(S) OF FIRST AMENDED PROHIBITED PRACTICE COMPLAINT;
- (2) NOTICE TO PARTIES OF EXTRAORDINARY CIRCUMSTANCES
- (3) NOTICE OF FILING REQUIREMENTS;
- (4) NOTICE OF APPEARANCE AND ACCESSIBILITY OR ACCOMMODATIONS;
- (5) NOTICE OF STRUCTURE FOR REMOTE HEARINGS BEFORE THE BOARD
- (6) NOTICE OF PREHEARING CONFERENCE
- (7) NOTICE OF PRETRIAL CONFERENCE
- (8) NOTICE OF WITNESS REQUIREMENTS WHILE TESTIFYING REMOTELY
- (9) NOTICE OF HEARING ON THE MERITS; AND
- (10) 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 controls 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 include the others as the context may require.

(1) NOTICE TO RESPONDENTS OF FIRST AMENDED PROHIBITED PRACTICE COMPLAINT

The attached first amended prohibited practice complaint (Complaint) was filed with the Board by the above-named Complainant(s) on: **April 28, 2021**.

PURSUANT TO HAWAI'I REVISED STATUTES (HRS) § 377-9(b) AND HAWAI'I ADMINISTRATIVE RULES (HAR) § 12-42-42: NOTICE IS 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 Complaints within ten (10) days after service of the Complaints. One copy of the answer must be served on each party, and the original with certificate of service on all parties must 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, that failure constitutes an admission of the material facts alleged in the Complaint and a waiver of hearing. (HAR § 12-42-45(g))

(2) NOTICE OF EXTRAORDINARY CIRCUMSTANCES

Due to the current concerns regarding COVID-19, the Governor of the State of Hawai'i (Governor) issued a series of Emergency Proclamation, with the first being signed on March 5, 2020. These proclamations, among other things, gave agencies the ability to conduct certain hearings by telephone or video conference without the physical presence of the parties at the same location, and suspend certain rules, statutory requirements, and administrative hearing procedures as needed to deal with the emergency situation brought on by COVID-19.

On March 29, 2020, the Governor issued Executive Order No. 20-02, which, among other things, gave the Board the sole discretion to waive the requirement in HRS § 377-9 to hold a

hearing on the complaint not more than 40 days after the filing of the complaint or amendment thereof. The Board hereby waives this requirement in this case.

Accordingly, the Board is holding remote, videographic hearings and is mandating electronic filing during the emergency period, unless terminated by separate proclamation, whichever occurs first. (See Order Nos. 3605 and 3647)

(3) **NOTICE OF FILING REQUIREMENTS**

1) **Electronic Filing**

All filings in this case must be made electronically through the Board's filing service FileandServeXpress (FSX). There is no charge to the parties for use of this electronic filing service. Should any party not have access to the Internet, or for any other concerns or complications, please contact the Board via electronic mail or (808) 586-8616.

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/hlrb/forms/>.

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

2) **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 must make certain that all social security numbers and personal information are redacted or encrypted. "Personal information" includes 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 must 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 must, 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.

(4) NOTICE OF APPEARANCE AND ACCESSIBILITY OR ACCOMMODATIONS

All parties have the right to appear and to be represented by counsel or any other authorized person in all Board proceedings, subject to the Extraordinary Circumstances set forth in Section (2) above. 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, which may not be accessible to the public during the emergency period referenced in the Notice of Receipt of Notice of Contest.

(5) NOTICE OF STRUCTURE FOR REMOTE HEARINGS BEFORE THE BOARD

The Board currently uses Zoom as its platform for online proceedings. The Board hereby orders all parties to follow the requirements laid out in this Order for all Remote Zoom Hearings before the Board.

Parties and representatives should familiarize themselves with Zoom in preparation for all online Board proceedings. For security purposes, the Board will utilize the “waiting room” function.

Prior to the hearing:

1. The Board will provide Zoom login information to the parties in advance of the hearing.
2. A party who shares the Zoom login information with any other group or individual (Sharing Party) must provide the Board and the other party/parties with a complete list of participants they have invited to attend the proceedings, including any support staff and witnesses. **This list must be emailed to the Board at dlir.laborboard@hawaii.gov.**
3. Any Sharing Party must inform non-witness participants:
 - 1) that they must keep their microphones muted at all times; and
 - 2) that they must keep their cameras off at all times.
4. Any Sharing Party must inform **all** participants:

- 1) that they must submit their full name as their username when requesting entry to the Zoom conference, to allow the Board to ensure compliance with the witness exclusion rule, unless the party sets up a device specifically for witness use only, in which case that device may log in with the username “witness”; and
- 2) that they may not record, screen shot, record conversations, and/or use third party software to record the proceeding.

(6) 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 28, 2021 at 9:30 a.m.

LOCATION: Remote Zoom Hearing

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 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.

(7) 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: June 17, 2021 at 10:00 a.m.

LOCATION: Remote Zoom Hearing

1) Pretrial Statement

Both the Complainant(s) and the Respondent(s) must file a Pretrial Statement with the Board as listed in the Schedule set forth below. The Pretrial Statement must include the following:

1. Statement of Issues
2. Witness List

The witness lists must 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 must 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). The summary, therefore, must include sufficient information to show the Board that the testimony of each witness will be different, and so the summary for each witness must be individualized.

Failure to include individualized summaries for any witness may be grounds for the Board to strike that witness and not allow them to testify at the *de novo* hearing.

The witness list must also include information regarding the location where the party expects the witness to testify from. This location may include the witness' home, a party's office, or any other location from which the witness can testify remotely, without assistance or interference from any other party, and can access the relevant exhibits.

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

3. Exhibit List

The exhibit lists must include copies of the proposed exhibits. The parties are required to use the File & ServeXpress eFiling system to file the exhibits before or by 4:30 p.m. (HST) on the deadline day, as ordered in Board Order No. 3605. The exhibits must be combined and filed in a searchable portable document format (PDF) not exceeding 10 megabytes, with each exhibit bookmarked.

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

The Complainant must identify his exhibits using alphabetical letters (A, B, C, D, etc.). Union Respondent(s) must identify its exhibits using numerical designations preceded by U (e.g., U-1, U-2, U-3, etc.).

If there are any duplicative exhibits, the parties must designate them as Joint Exhibits, the parties must designate one party to file these exhibits, and the Exhibits must 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 must be marked as Board Exhibit 1 or Board Exhibit 1a, 1b, 1c, etc. and must be bates-stamped in the upper-right hand corner.

2) Pretrial Conference

At the pretrial conference, the Parties must 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 and to be represented by counsel or any other authorized person, all parties are required to either appear or have a representative appear. 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.

(8) NOTICE OF WITNESS REQUIREMENTS WHILE TESTIFYING REMOTELY

Due to the situation with COVID-19, unless otherwise ordered by the Board, all witnesses must testify videographically. Accordingly, the Board **orders all parties** to inform their witnesses that, unless otherwise directed or allowed, when the witness testifies:

1. The witness must be in a location without anyone else in the room with them, and there should be no one at the location who can overhear their testimony;
2. The device from which the witness appears must be used during the witness' testimony solely for the purpose of the witness appearing by video;
3. The witness may not consult with anyone during testimony;
4. The party calling the witness must ensure that the witness has access to all exhibits in the case;
5. The witness must not look at or make reference to notes or any other documents or materials other than the exhibits, and may look at the exhibits only when directed to do so by a party or the Board;
6. At all times while testifying, the witness must be clearly visible, face the camera, and speak directly and audibly into the microphone;
7. The witness may not use a virtual background; and
8. The witness must not have any communication with third parties while they are on the stand and under oath.

(9) 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 24, 2021 at 2:00 p.m.

LOCATION: Remote Zoom Hearing

Subject to the Board's discretion due to the Extraordinary Circumstances listed above in Section 2, all parties have the right to appear at the Hearing on the Merits and to be represented by counsel or any other authorized person. **All parties, representatives, and witnesses must appear at the hearing on the merits.** Please note that this requirement may be altered due to the Extraordinary Circumstances listed above in Section 2 by Board Order.

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.

(10) **SCHEDULE OF HEARINGS, CONFERENCES, AND DEADLINES**

<u>DATES AND DEADLINES</u>	<u>DATE</u>	<u>TIME</u>
<u>Prehearing Conference</u>	5/28/21	9:30 a.m.
<u>Dispositive Motion Deadline</u>	6/3/21	
<u>Response to Dispositive Motion Deadline</u>	6/10/21	
<u>Pretrial Statement; Exchange of Exhibits; Subpoena Deadline</u>	6/10/21	
<u>Pretrial Conference and Hearing on Dispositive Motions</u>	6/17/21	10:00 a.m.
<u>Hearing on the Merits</u>	6/24/21	2:00 p.m.

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

DATED: Honolulu, Hawai'i, _____ May 17, 2021 _____.

HAWAI'I LABOR RELATIONS BOARD

MARCUS R. OSHIRO, Chair

EXCUSED
SESNITA A.D. MOEONO, Member

J N. MUSTO, Member

Copies sent to:

Anthony Jones, Self-Represented Litigant
Stacy Moniz, HGEA



**EFiled: Apr 28 2021 10:42AM HAST
Transaction ID 66554612
Case No. 21-CU-06-386**

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

FORM HLRB-4

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.

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

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.

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

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

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.)

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

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, _____,
do declare under penalty of law that the foregoing is true and correct.

Date: _____

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.

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/hlr/forms.) Email the completed form to the Board at dlir.laborboard@hawaii.gov.



**EFiled: Apr 28 2021 10:42AM HAST
Transaction ID 66554612
Case No. 21-CU-06-386**

**STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD**

Princess Keelikolani Building, 830 Punchbowl Street, Room 434, Honolulu, Hawaii

1 of 9

FROM: Anthony Jones

Temporary address, medically caring for my 85 year old great-uncle and my 79 year old father off-island
Since September 2020 and December 4, 2020 1706 Omalee Drive Chattanooga, Tennessee 37411
and currently, April 23, 2021 also caring for 85 year old great uncle 103 Brown Thrush Rd Savannah Ga. 31419-6007

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

Case No. _21-CU-06-386

In the Matter of

Anthony Jones; **Complainant** AND

HGEA (Hawaii Government Employment Association); **Respondent**

FIRST ADMENDED PROHIBITED PRACTICE COMPLAINT

Please refer to attached 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.)

SEE my attached 6 page explanation of allegations below. DATED: Honolulu, Hawaii: April 28, 2021

Signed: /s/ Anthony Allen Jones

TO:

**STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD
Princess Keelikolani Building, 830 Punchbowl Street, Room 434, Honolulu, Hawaii**

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I, as the Complainant feel, given my below experiences and allegations against HGEA (Hawaii Government Employees Association) representatives, as my representatives i.e., Joy Bulosan, Stacy Moniz and Randy Perreira Executive Director, I have experienced they have each of the 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. I have specified my allegations in detail of the particular alleged violations, 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, which each of the respondents intentionally afforded my employer; State of Hawaii Department of Education and its representatives, from July 25, 2018 to current April 2021 to continue to comment HGEA CBA violations against me from "Constructive Termination" to eventually acting on a "Recommendation For Termination" against me, as of recently, April 23, 2021. I included HGEA Randy Perreira in each of my written and most of my email written communication to HGEA Stacy Moniz and also written certified mail letter to DOE and Stacy Moniz, from October 2018 to recently, April 27, 2021, as they, HGEA and its named representatives continue to afford, DOE as my employer time, efforts and opportunities to violate my HGEA CBA Rights, which needs to STOP immediately, as I urgently need warranted applied intervention actions to occur of correction and assistance from Hawaii Labor Relation Board, on my behalf!!!

1. From my initial conference meeting with HGEA Stacy Moniz, in January 14, 2019, with my church pastor in attendance, as my spiritual support, he also mentioned to me that DOE and its representatives needed opportunities to be able to be afforded to 'buy-some-time', to be able stall, to seek ways to figure out what to do with me, as he stated additionally that DOE did not know what to do with me, granted I had not violated any of its policies, rules or regulations. In viewing my below allegations against HGEA representatives Joy Bulosan, Stacy Moniz and Randy Perreira Executive Director, you will discover the mere fact that each of them intentionally, with total disregard of protecting my CBA Rights, as well as total disregard of honoring Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13, as well as without just cause or reasonableness continued to intentionally afford and grant DOE and its representative extended time, over periods of many months and years to violate my HGEA CBA Rights, as their actions continued reflect intentionally protecting and advantaging DOE and its representatives, as well as applied unjust and unreasonable actions of remaining reluctant to file, act on scheduling each of my three Step 1 and Step 2 grievances and now my Step 3 three 'arbitration' grievances against the DOE and its representatives. Also within my below expressed allegations against HGEA named representatives, you will notice that each of them intentionally was never interested, nor inquired of what I desired or what I wanted to remedy and/or resolve each of my three HGEA filed grievances. Instead, they continued with their own agendas against me...as similar then and still currently to date of April 28, 2021, they continue commit violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

2. July 24, 2018, DOE Principal; Jon Henry Lee, via a sent voice mail placed me on DDL (Department Directed Leave) with pay from July 25, 2018-December 2018, as he vowed to send a written notice to reflect such but he never produced the notice. Jon Henry Lee Directed me to turn my DOE work items i.e., work keys, ID badge, cell phone and laptop, which was a violated of my HGEA CBA rights.

3. July 30, 2018, DOE Superintendent of Leeward District; Sean Tajima sent me a formal letter, with HGEA Executive Director; Randy Perreira Cc'd, as he placed me on DDMRL (Department Directed Leave), on top of Jon Henry Lee prior July 24, 2018 voicemail notice to me, placed me on DDL. In his letter, Sean Tajima directed me to not report to work, stay away from DOE properties, turn in my work items i.e., keys, ID badge, cell phone and laptop and also directed me to a psychological evaluation...all without affording me due process, no just cause, no merits and also without DOE supportive policies, rules or regulations and violation of my HGEA CBA Rights. I received no follow-up from Randy Perreira, concerning my HGEA CBA rights being violated by the DOE and its representatives, as he

continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

4. October 2018, I sent DOE Sean Tajima a written certified mail rebuttal to Jon Henry Lee mentioned voicemail DDL and his mentioned DDMRL and directives. I also Cc'd HGEA Executive Director; Randy Perreira in my mentioned communication, with no follow-up from Randy Perreira, which allowed DOE to continue to violate my HGEA CBA rights, as Randy Perreira continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

5. November 2018, DOE Sean Tajima held a meeting with me, which included HGEA Union Representative Joy Bulosan and my church pastor, as he directed me to turn in the mentioned work items the next day morning by 10 A.M. and if not, he threaten disciplinary actions. Joy Bulosan requested me to follow Sean Tajima request to turn in the mentioned work items, though it violated HGEA CBA. HGEA Joy Bulosan informed me a grievance could be filed if DOE Sean Tajima acted on disciplinary actions against me but at that time, disciplinary actions were not taken by the DOE against me. I request Joy Bulosan to file a grievance against DOE mentioned violations against my HGEA CBA but she never did, which allowed DOE to continue to violate my CBA rights and Joy Bulosan continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

6. December 2018, I filled a written complaint against HGEA representative; Joy Bulosan, to HGEA Randy Perreira or not protecting me via my CBA rights, against the mentioned DOE violations of the CBA against me and also her actions in the mentioned DOE November 2018 meeting and also for not filing my requested grievance. I requested that she no longer be assigned as my HGEA Union Representative. She was no longer assigned, as I feel and experienced that Joy Bulosan continued to allow DOE to violate my CBA rights, as she continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

7. December 2018, HGEA Stacy Moniz was assigned as my new HGEA representative. January 14, 2019, he initially and formerly met with me, as my church pastor attended on my behalf, as my spiritual support. Stacy Moniz then informed me that he will file a formal grievance against DOE and its representatives for their mentioned actions against me, which violated my HGEA CBA...for reasons that DOE and its representatives should not have taken the mentioned actions against me and it denied me my due-process rights.

8. January 2019, though Stacy Moniz vowed to file a formal grievance against the DOE and its representatives for their mentioned actions against me, which included added January 2019 'recall' of direct-deposit wages from my bank accounts, also stop pay of wages and discontinuation of paying my DOE health benefits monthly premium. This CBA violation against me, from the DOE and its representatives also provoked me to have to personally pay for my DOE monthly insurance payments, out of pocket. I sent certified mail and email communications to Stacy Moniz in January 2019, February 2019 and April 2019, as reminders for him to file my formal Step 1 grievance against the DOE and its representatives, as he vowed to do in our January 14, 2019 meeting but nevertheless, he continued to remain reluctant not to do so. It was not until May 2019 that Stacy Moniz decided to generate the Step 1 formal grievance against the DOE on my behalf but I reserved reservations if in fact he really formally served the DOE with the grievance or whether he truly filed the Step 1 grievance or not. For reasons that he never scheduled the Step 1 hearing with the DOE, regardless of my May 2019, June 2019, July 2019, August 2019, September 2019 and October 2019 request of him to do so. Throughout these months, Stacy Moniz continued to declare my first May 2019 grievance as 'mute', as he based on the premises that the DOE planned to change my DDMRL leave status. I then provided a written formal rebuttal to refute such his claim that my May 2019 Step 1 grievance was mute. Later in late September 2019, Stacy Moniz redacted his claim and mentioned in email it was not mute, which are a continuation of allowing DOE to commit additional violations of my CBA rights, as Stacy Moniz continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

9. February, 2019, DOE and its representatives placed me on Workers Compensation, while it had already placed me on DDMRL, after I underwent medical surgery from a DOE work related injury in April 2018, to which I was never placed off work by any medical physician for the injury, even after I reported to the hospital the next day, in April 2018, after the injury. I did report this information to HGEA Stacy Moniz, as I asserted that DOE and its representatives violated my CBA Rights, as I should not have placed me on Worker's Compensation, while having been already placed me on DDMRL, by the DOE, which are continued, additional violations of my CBA rights. Stacy Moniz, regardless of my continued written request for him to file my Step 1 formal grievance against the DOE and its representatives, he intentionally refused and remained reluctant to do so, which are continued, allowed, additional violations of my CBA rights, as Stacy Moniz continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

10. July 2019, DOE Sean Tajima changed my DDMRL leave to a DDL, without due process or just cause, with additional violations of CBA. He also directed me to report to DOE Leeward District to sign-in at 10 A.M. each morning, starting August 21, 2019. While placed on this new DDL, from DDMRL, he also optioned me to take sick leave, using DOE form 300-001. Given I was under physician care, I did provide medical documentation and sent it to Sean Tajima and written communication dated August 19, 2019 and another August 20, 2019 communication that I was medically not able to report to DOE Leeward District as he directed me to. This was continued allowance of DOE to continue to violation my HGEA CBA rights. Stacy Moniz also continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

11. July 2019, HGEA Stacy Moniz, via a phone call to me mentioned that he had great news for me that he spoke with DOE representatives and got them to agree to allow me to return back to work, only if I have my primary physician to generate a letter, releasing, approving me to return back to work, to the DOE. I immediately rebuked such offer, as I mentioned that it is DOE and its representatives that used their subjective educational credentials to medically remove me from work. Therefore, it was not my primary physician that removed me from work from the DOE. Given such, I went on to communicate to Stacy Moniz that my primary physician should not be required or expected to write a letter to approved me to return back to work to the DOE. I also reiterated and addressed this in my continued response on this matter, after Stacy Moniz sent me an email in August 2019, as he informed me that given that DOE agreed to allow me to return back to work, providing that I have my primary physician to generate a written letter, releasing me to report back to work. Therefore, from his perspective, HGEA fulfilled its obligation to grant me opportunity to return back to work to the DOE. I again rebuked his claim and his continued mentioned unilateral propositions towards my three grievances, as Stacy Moniz continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

12. In a letter to me dated August 20, 2021 and August 21, 2021, DOE Jon Henry and DOE Sean Tajima sent me communication that they were placing me on ULWOP without pay, until further notice. This was continued, allowed, additional violations of my CBA rights, as Stacy Moniz continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

13. Early August 2019, I wrote a 5 page written formal complaint against HGEA Stacy Moniz to HGEA Randy Perreira for his continued unprofessionalism, and inactions not protecting me of my CBA Rights against DOE and its representative and his continuing to afford DOE lengthy time, then it was going on a couple years to continue to violation of my CBA Rights, as he continued to intentionally refuse, delay an not timely filing my three HGEA grievances against the DOE and its representative, as he continued to help the advancement of DOE and its

representative to continue to violate my CBA Rights. In my complaint, I also mentioned Stacy Moniz continued intentionally remain reluctant, refused and denied not acting on filing my requested grievance(s), as well as his continued denial of not scheduling my Step 1 Hearing on my first grievance he eventually filed in May 2019, despite his January 14, 2019 promise to do so, followed by my months of written request for him to file the grievance on my behalf. In my written complaint, I also requested for Stacy Moniz to be removed from my HGEA Grievance(s) but Randy Perreira refused, as he mentioned that he will assure me that Stacy Moniz has the ability to effectively represent me and also ensure my CBA Rights are not violated by the DOE and its representatives. Nevertheless, to the contrary, such promises have not been my experiences with Stacy Moniz, as my HGEA Union representative, which reflects Stacy Moniz continued, allowed, additional violation of my CBA rights and also his continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

14. August 15, 2019, Stacy Moniz met with me, as my church pastor attended the meeting, as my spiritual support. In the meeting, Stacy Moniz displayed retaliations of postured anger and verbal aggression towards me, as he referenced my mentioned August 2019 written complaints against him, I sent to HGEA Randy Perreira, as his actions were with intimidation. Also in the meeting, Stacy Moniz vowed to file the two additional grievances against DOE and its representatives for the mentioned reasons of its CBA violation actions against me on July 2019 of changing of the DDRML to a DDL and eventual ULWOP and discontinuation of my work wages and benefits, without DUE-PROCESS, without just cause, which are continued, allowed, additional violations of my CBA rights, as Stacy Moniz continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

15. Late August 2019 and late September 2019, Stacy Moniz did generate a formal grievance against the DOE and its representatives, against the mentioned July 2019 and August 2019 DDL, ULWOP, Directives and Stop pay of wages.

16. In my formal continued written request in August 2019, September 2019 and October 2019 for HGEA Stacy Moniz to urgently arrange the Step 1 grievance hearings on all three grievances, he continued to remain intentionally reluctant and refused to do so, which reflects Stacy Moniz continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

17. In a September 2019 meeting with HGEA Stacy Moniz, he introduced me to his newly assigned HGEA Administrative Assistant Margie Abe that had been assigned to assist him with my three grievances against the DOE and its representatives. I informed him of another letter and notice from DOE Sean Tajima which reflected prior communication that DOE had decided to discontinue paying me my wages, hence it also discontinued paying my monthly medical health insurance premium to EUTF. This DOE non-pay of my DOE wages continues to this present day of April 27, 2021, which continues to be a violation of my HGEA CBA Rights. This CBA violation against me, once again, from the DOE and its representatives provoked me to have to personally pay for my DOE monthly insurance payments, out of pocket, which were allowed, continued violations of my HGEA CBA Rights but also mirror Stacy Moniz continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

18. In October 2019, DOE Sean Tajima, directed me to attend what Stacy Moniz called a "Pre-disciplinary" meeting scheduled for early November 2019, for not having turned in the work related items, as directed prior, i.e., keys, id badge, cell phone and lap-top, which had been deemed by Stacy Moniz of HGEA to be violation of my HGEA CBA Rights and was also without any DOE supported policy, rule or regulation, as a violation, which is also a reflection of Stacy Moniz continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

19. In the "Pre-disciplinary" with DOE Sean Tajima, with both HGEA Stacy Moniz and my church pastor in attendance, Sean Tajima mentioned that he would either suspend me or Superintendent Christine Kishomoto

would demote me, for not having turned in work related items, as directed. I then requested of him which DOE policy will he use against me. He stated he would apply HRS-89-9. I then inquired if it's a rule that's applied to all DOE employees. He then mentioned it is not. I then inquired of Sean Tajima, with HRS 89-9 not being a rule that DOE presents to all of its employees, how is it available to all of DOE employees. He then stated that it is out there somewhere for them to access, which is an additional, violations of my HGEA CBA Rights. Stacy Moniz did state to me that any disciplinary actions taken against me, from DOE Sean Tajima and/or Superintendent Christine Kishimoto or DOE that he would file a forth formal Step 1 grievance against the DOE and its representatives on my behalf, as he went on to mention that such actions against me are continued allowed violations of my HGEA CBA Rights, which is also a reflection of Stacy Moniz continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

20. In November 2019, after many months (January 2019-October 2019) of requesting Stacy Moniz to urgently generate my initial grievance, which as of July 2019, given DOE continued violations against me of my CBA Rights turned into two additional grievances, totaling three. I also requested Stacy Moniz to urgently schedule each of the Step 1 grievance hearings with DOE for each of the three grievances against the DOE and its representatives. He eventually arranged the Step 1 hearings on all three grievances with DOE Sean Tajima at Leeward District Office, as my church pastor attended with me, for spiritual support. This is allowed, continued and additional violations of my HGEA CBA rights, which also include actions of Stacy Moniz continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

21. In late November 2019, Stacy Moniz finally held the three formal grievance hearing with DOE Sean Tajima and his then DOE assistant Jackie and I, with my church pastor in attendance. Sean Tajima vowed to generate a written record of each of the grievance hearings, which were to consist of DOE responses to each grievance. But today, Sean Tajima and the DOE never generated a written response to any of the three Step 1 grievance hearings, nor did they provide written copies, which are additional violations of my HGEA CBA Rights and also a reflection of Stacy Moniz continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

22. December 2019, Instead of DOE Sean Tajima generating and sending his DOE written responses from the three November 2019 Step 1 grievance hearings, I received a shocking 40 plus page 'Recommendation For Termination' letter from him dated December 31, 2019, which included a directive to meet with DOE Superintendent Christine Kishimoto on January 9, 2020. In concert with this notice, I also received an email reply from HGEA Stacy Moniz that he was not available from December 31, 2019 through January 23, 2020, which is continued, additional violations of my CBA rights, as Stacy Moniz continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

23. Throughout December 2019, I sent HGEA Stacy Moniz communications for update of DOE Sean Tajima responses to each of the Step 1 grievance hearings held in November 2019. In his reply, he stated that he extended DOE response time, beyond the CBA allotted 7 day timeline. He claimed this was allowed to afford DOE time to research grievance claims but nevertheless, to date DOE Sean Tajima, nor the DOE ever provided written response to each of the three Step 1 grievance hearings, held November 2019, which are additional violations of my HGEA CBA Rights, which are continued, allowed, additional violations of my CBA rights, as Stacy Moniz continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

24. January 7, 2020, I sent a written request with medical documentation to DOE Sean Tajima and Superintendent Christine Kishimoto to postpone the RFT meeting, as I was not able to attend. My request was honored.
25. January 6, 2020, HGEA Stacy finally generated and filed the Step 2 grievances on my behalf against the DOE and its representatives and sent me a copy of each. Given his continued intentionally reluctance to file throughout prior year of 2019, reflects of Stacy Moniz continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.
26. From March 2019, April 2019, May 2019 and June 2019, Stacy Moniz arranged for his HGEA administrative secretary assistant Margie Abe to communicate via email, with him Cc'd, as she arranged to reschedule DOE Sean Tajima RFT meeting with DOE Superintendent Christine Kishimoto, from its original scheduled date of January 9, 2020. Stacy Moniz also had Margie Abe to schedule my three Step 2 grievance hearings, as my second meeting and DOE RFT as my first meeting. I refused such with Stacy Moniz, as I informed him that it is my understanding that my three Step 2 grievances held high priority over the DOE RFT meeting with DOE Superintendent Christine Kishimoto. Nevertheless, after acknowledging this to be true, Stacy Moniz continued to intentional disregard this fact, as he continued to have HGEA Margie Abe to arrange the DOE RFT meeting as my first scheduled meeting and my three Step 2 HGEA grievances hearings afterwards as my second scheduled meeting. In late May 2019, early June 2019, I had to attend to my medical issues and was not able to attend either of the mentioned meetings, as I informed Stacy Moniz, but such notification should not have prohibited him from scheduling and attending my three Step 2 grievance hearings but he intentionally selected not to, for one year and a couple of months, which are continued allowed, additional violations of my HGEA CBA Rights. And Stacy Moniz continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.
27. In late December 2020, while off-island, in Tennessee, caring for my father, given his medical issues, I noticed a email communication from HGEA Stacy Moniz, as he mentioned DOE had rescheduled the RFT meeting with DOE Superintendents designees, for January 15, 2021. I immediately generated a certified mail communication to Stacy Moniz, informed him that I was of island caring for my father, given his medical issues and that I requested him and DOE to postpone the RFT meeting. Stacy Moniz sent me a response email, in early January 2021, weeks before January 15, 2021, as he informed me he received my communication about me being off island and caring for my father, given his medical issues and was not able to attend the DOE January 15, 2021 RFT meeting against me. He told me he will inform the DOE and its representatives. Stacy Moniz sent me a follow-up email, a week and half prior to the January 15, 2021 DOE RFT meeting against me to inform me that DOE denied my request and reason for postponing the DOE RFT meeting against me. He also stated the DOE RFT meeting needed to be held and will occur with or without my attendance. I sent him another certified mail rebuttal and also a medical note from my father's doctor confirming that I had been in Tennessee since December 4, 2020, to current January 2021 caring for my father, given his medical issue. I also informed Stacy Moniz that he, HGEA and DOE will be violating my 'Due Process' Rights, in they conduct the RFT meeting, despite my just reason for not being able to attend. Regardless, Stacy Moniz and DOE and its representative conducted the RFT meeting, which are allowed, additional violations of my HGEA CBA Rights and also Stacy Moniz continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.
28. After attending the January 15, 2021 DOE RFT meeting against me, Stacy Moniz sent me subsequent emails through April 2021 to inform me the RFT meeting occurred and named those that attended the meeting and mentioned he was awaiting DOE Superintendent Christine Kishimoto decision to take action on the RFT to 'terminate ' me from the DOE or not. He went on to mention he would file a fourth grievance against the termination, once it is acted on, which are additional allowed violations of my HGEA CBA Rights and also Stacy Moniz continued violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

29. In a March 30, 2021 phone conversation, 30 minutes before my scheduled Step 2 grievance hearings, I inquired of Stacy Moniz for update status of DOE Superintendent Christine Kishimoto tacking action against me, from the January 15, 2021 DOE RFT meeting against me. He then informed me he let DOE and its representatives know that if DOE Superintendent Christine Kishimoto did not act on the RFT against me by the following week Monday, of our March 30, 2021 conversation, in which the following week Monday was April 5, 2021. He mentioned he told DOE the matter would be 'mute' and he would not accept DOE Superintendent Christine Kishimoto termination actions against me, after Monday April 5, 2021, which are additional allowed violations of my HGEA CBA Rights and also Stacy Moniz violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

30. April 13, 2021, HGEA Stacy Moniz sent me an email, which contained a formal letter from DOE Superintendent Christine Kishimoto where she acted on the RFT against me and designated it to be an official act as of April 23, 2021. He then mentioned he will be filing a grievance against the DOE Superintendent Christine Kishimoto designee termination action against me. I then, in my response reminded Stacy Moniz of my prior mentioned concerns of him, HGEA and DOE violating my 'Due Process' Rights for conducting the meeting, regardless of my communications and medical doctor's not to him, explaining I was off island in Tennessee caring for my father, given his medical issues, which resulted in my reasonable request of him and DOE Superintendent Christine Kishimoto and designees to postpone the RFT meeting against me but they intentionally pressed in disregard to conduct the RFT meeting without me. I then requested Stacy Moniz to file the Step 1 grievance against DOE Superintendent Christine Kishimoto termination actions against me, which are additional allowed violations of my HGEA CBA Rights and also Stacy Moniz violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

31. April 23, 2021, in an email to me, HGEA Jesse Silva informed me who is a, which is a HGEA Union Representative and that HGEA Stacy Moniz was no longer representing me and that he was replacing him, assigned to represent me. He also mentioned that it is his understanding that I took unilateral actions to represent myself in my HGEA three grievance appeals, as well as on the DOE Termination, towards pursuant of my right to represent myself, pursuant to Article 15 of the Unit 06 Collective Bargaining Agreement. He then inquired if this was true or not to inform him by Monday- April 26, 2021 the end of the business day of 4:30PM. I then immediately responded to him, as I rejected his understanding, by informing him that I have not, nor have I decided to unilaterally pursuant to Article 15 of the Unit 06 Collective Bargaining Agreement. I then informed him that I recently, as of April 23, 2021 communicated with Stacy Moniz and now to him to urgently file the Step 3 arbitration on each of the three Step 2 grievances, against DOE and its representatives, resulting from my recent three Step 2 grievance hearings, held on March 30, 2021, in which DOE selected not to resolve, as stated in its April 21, 2021 written response, which was sent to me by HGEA Stacy Moniz. I also informed Jess Silva, as I also previously requested of Stacy Moniz, in a on April 13, 2021 communication that I was now requesting of him, which is to urgently file a formal Step 1 grievance against DOE recent April 23, 2021 Termination against me.

32. In an April 27, 2021 email to me, HGEA Jesse Silva informed me he was preparing my Step 1 grievance, as my HGEA Union Representative against DOE recent Termination against me but he needed me to complete the attached formal authorization to be able to act on my behalf and accurately cite the applicable provisions of the BU 6 CBA, he need me to complete what is he called a "Fact Sheet" of what occurred, to which I will send to him on April 28, 2021. Also in this same email, Jesse Silva stated that he was also clarifying that he have only been assigned to represent me in my grievance appeal of my discipline termination and that he had not been assigned to, and therefore have no knowledge of nor control over any other of my grievance cases, past or present that I may have with HGEA.

33. To date, April 27, 2021, HGEA continue to intentionally allow and afford DOE and its representatives to violate my HGEA CBA rights, as well as its continued violations of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13, by continuing to remain intentionally reluctant to urgently file and progress my three Step 2 grievances into 'Arbitration", which results from my HGEA

Step 2 hearings, held on March 30, 2021, to which DOE responded in writing and decided not to resolve each of my three grievances, while declaring it had not committed any violations against me of my HGEA CBA Rights. These are additional allowed violations of my HGEA CBA Rights and is also a continuation of HGEA and its representatives violation of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.

34. April 28, 2021, I sent an email communication to HGEA Randy Perreira and Cc'd my newly assigned HGEA Union Representative Jesse Silva, as of April 23, 2021, and I also Cc'd HGEA Executive Duty Debra Kagawa-Yogi, as I continue in my request to HGEA and its representatives, in my email, I also requested of Randy Perreira to immediately prepare, progress and file my current three Step 2 grievance hearing against the DOE and its representatives, which results from my three March 30, 2021 HGEA grievance hearings, with DOE and its representatives. In DOE response, it denied violating my CBA Rights. Therefore, DOE declined resolving each of my three grievances, which continues to reflect violation of my HGEA CBA Rights and violation by named HGEA representatives of Hawaii Revised Statutes, Section 89-13, including the subsection or subsections of the Hawaii Revised Statutes, Section 89-13.