

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

HAWAII GOVERNMENT EMPLOYEES  
ASSOCIATION, AFSCME, LOCAL 152,  
AFL-CIO,

Complainant(s),

and

DAVID IGE, Governor, State of Hawai'i;  
ELIZABETH A. CHAR, M.D., Director,  
Department of Health, State of Hawai'i;  
KEITH KAWAOKA, Deputy Director,  
Environmental Health Administration,  
Department of Health, State of Hawai'i;  
LYNN NAKASONE, Administrator,  
Environmental Health Administrator,  
Department of Health, State of Hawai'i;  
NANCY BARTTER, Administrative Officer,  
Environmental Resources Office, Department  
of Health, State of Hawai'i,

Respondent(s).

CASE NO(S). 17-CE-13-904

ORDER NO. 3751

ORDER DENYING COMPLAINANT'S  
MOTION TO ENFORCE SETTLEMENT  
AGREEMENT

**ORDER DENYING COMPLAINANT'S  
MOTION TO ENFORCE SETTLEMENT AGREEMENT**

Complainant HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA) moves the Hawai'i Labor Relations Board (Board) to enforce a settlement agreement (SA) between HGEA and Respondents DAVID IGE, Governor, State of Hawai'i; ELIZABETH A. CHAR, M.D., Director, Department of Health, State of Hawai'i; KEITH KAWAOKA, Deputy Director, Environmental Health Administration, Department of Health, State of Hawai'i; LYNN NAKASONE, Administrator, Environmental Health Administrator, Department of Health, State of Hawai'i; NANCY BARTTER, Administrative

Officer, Environmental Resources Office, Department of Health, State of Hawai‘i (collectively, Respondents).

HGEA’s motion further asks the Board to order Respondents to pay sums included in the SA as well as interest and additional civil penalties. The SA states a connection with this case; however, the SA is not a Board Order and therefore, is not enforceable under Hawai‘i Revised Statutes § 377-9.

Accordingly, the Board denies the Motion and will set the hearing on the merits.

DATED: Honolulu, Hawai‘i, May 21, 2021.

HAWAI‘I LABOR RELATIONS BOARD

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MARCUS R. OSHIRO, Chair

EXCUSED  
SESNITA A.D. MOEAPONO, Member

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J N. MUSTO, Member

Copies sent to:

Stacy Moniz, Advocacy Chief, HGEA  
Nelson Nabeta, Deputy Attorney General

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<sup>1</sup> Hawai‘i Rules of Civil Procedure (HRCP) Rule 25(d)(1) provides that, when a public officer is a party to an action in an official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the action does not abate and the officer’s successor is automatically substituted as a party; proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantial rights of the parties shall be disregarded. The Board has applied the HRCP where its administrative rules are silent. Dep’t of Public Safety, State of Hawaii v. United Public Workers, AFSCME, Local 646, AFL-CIO, Board Case No. CU-10-322, Order No, 2944, at \*2 n. 2 (2013). Accordingly, the Board substitutes ELIZABETH A. CHAR, M.D., the current Director for the Department of Health, State of Hawai‘i, for BRUCE ANDERSON, Ph.D., the previous Director for the Department of Health, State of Hawai‘i.