

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION, LOCAL 142,

Complainant(s),

and

HAWAIIAN MACADAMIA NUT  
SERVICES, LLC,

Respondent(s).

CASE NO(S). 19-03 (CE)

DECISION NO. 507A

AMENDMENT TO DECISION NO. 507

In the Matter of

INTERNATIONAL LONGSHORE AND  
WAREHOUSE UNION, LOCAL 142,

Complainant(s),

and

HAWAIIAN MACADAMIA NUT  
SERVICES, LLC,

Respondent(s).

CASE NO(S). 19-04 (CE)

<p>In the Matter of</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142,</p> <p style="text-align: center;">Complainant(s),</p> <p style="text-align: center;">and</p> <p>HAWAIIAN MACADAMIA NUT SERVICES, LLC,</p> <p style="text-align: center;">Respondent(s).</p>	<p>CASE NO(S).     19-05 (CE)</p>
<p>In the Matter of</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142,</p> <p style="text-align: center;">Complainant(s),</p> <p style="text-align: center;">and</p> <p>HAWAIIAN MACADAMIA NUT SERVICES, LLC,</p> <p style="text-align: center;">Respondent(s).</p>	<p>CASE NO(S).     19-06 (CE)</p>
<p>In the Matter of</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142,</p> <p style="text-align: center;">Complainant(s),</p> <p style="text-align: center;">and</p> <p>HAWAIIAN MACADAMIA NUT SERVICES, LLC,</p> <p style="text-align: center;">Respondent(s).</p>	<p>CASE NO(S).     19-07 (CE)</p>

<p>In the Matter of</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142,</p> <p style="text-align: center;">Complainant(s),</p> <p style="text-align: center;">and</p> <p>HAWAIIAN MACADAMIA NUT SERVICES, LLC,</p> <p style="text-align: center;">Respondent(s).</p>	<p>CASE NO(S).    19-08 (CE)</p>
<p>In the Matter of</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142,</p> <p style="text-align: center;">Complainant(s),</p> <p style="text-align: center;">and</p> <p>HAWAIIAN MACADAMIA NUT SERVICES, LLC,</p> <p style="text-align: center;">Respondent(s).</p>	<p>CASE NO(S).    19-09 (CE)</p>
<p>In the Matter of</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142,</p> <p style="text-align: center;">Complainant(s),</p> <p style="text-align: center;">and</p> <p>HAWAIIAN MACADAMIA NUT SERVICES, LLC,</p> <p style="text-align: center;">Respondent(s).</p>	<p>CASE NO(S).    19-10 (CE)</p>

<p>In the Matter of</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142,</p> <p style="text-align: center;">Complainant(s),</p> <p style="text-align: center;">and</p> <p>HAWAIIAN MACADAMIA NUT SERVICES, LLC,</p> <p style="text-align: center;">Respondent(s).</p>	<p>CASE NO(S).    19-11 (CE)</p>
<p>In the Matter of</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142,</p> <p style="text-align: center;">Complainant(s),</p> <p style="text-align: center;">and</p> <p>HAWAIIAN MACADAMIA NUT SERVICES, LLC,</p> <p style="text-align: center;">Respondent(s).</p>	<p>CASE NO(S).    19-12 (CE)</p>
<p>In the Matter of</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142,</p> <p style="text-align: center;">Complainant(s),</p> <p style="text-align: center;">and</p> <p>HAWAIIAN MACADAMIA NUT SERVICES, LLC,</p> <p style="text-align: center;">Respondent(s).</p>	<p>CASE NO(S).    19-13 (CE)</p>

<p>In the Matter of</p> <p>INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142,</p> <p style="text-align: center;">Complainant(s),</p> <p style="text-align: center;">and</p> <p>HAWAIIAN MACADAMIA NUT SERVICES, LLC,</p> <p style="text-align: center;">Respondent(s).</p>	<p>CASE NO(S).     19-14 (CE)</p>
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**AMENDMENT TO DECISION NO. 507**

The Hawai‘i Labor Relations Board (Board) filed Decision No. 507 on June 29, 2021, which, among other things, requires Respondent HAWAIIAN MACADAMIA NUT SERVICES, LLC (Hawaiian Mac Nut) to “Pay \$30,000.00 to the State of Hawai‘i general fund as a civil penalty.”

Complainant INTERNATIONAL LONGSHORE AND WAREHOUSE UNION, LOCAL 142 (ILWU) filed a motion with the Board, asking the Board to reconsider this specific portion of the Decision No. 507, out of ILWU’s concern for Hawaiian Mac Nut’s financial well-being, asking that the Board suspend said penalty for a period of two years. ILWU further informed the Board that it would not be seeking attorneys’ fees from Hawaiian Mac Nut, despite prevailing in the case.

Hawaiian Mac Nut filed no response to ILWU’s motion within the five days provided for by Hawai‘i Administrative Rules § 12-42-8(g)(3)(C)(iii), which states that, “Answering affidavits, if any...shall be filed with the board within five days after service of the motion papers, unless the board directs otherwise.”

After due consideration, the Board will grant ILWU’s motion to reconsider and suspend the penalty for two years. Accordingly, Order No. 6 in Section 4 of Decision No. 507 is amended to read as follows:

6. Pay \$30,000.00 to the State of Hawai‘i general fund as a civil penalty. This penalty is suspended for a period of two years, on the condition that Hawaiian Mac Nut complies with all other aspects of this Decision and Order. If, after a period of two years, Hawaiian Mac Nut

has complied with all other aspects of this Decision and Order, this penalty will be discharged. ILWU and Hawaiian Mac Nut are both ordered to provide the Board with a report on Hawaiian Mac Nut's compliance, two years after receipt of the amended Decision No. 507.

In all other respects, Decision No. 507 remains unchanged. This case is closed.

DATED: Honolulu, Hawai'i, July 26, 2021.

HAWAI'I LABOR RELATIONS BOARD

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MARCUS R. OSHIRO, Chair

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SESNITA A.D. MOEPONO, Member

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J N. MUSTO, Member

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