

STATE OF HAWAI‘I
HAWAI‘I LABOR RELATIONS BOARD

In the Matter of

HAWAII FIRE FIGHTERS ASSOCIATION,
LOCAL 1463, IAFF, AFL-CIO,

Exclusive Representative,

and

DAVID Y. IGE, Governor, State of Hawai‘i;
RICK BLANGIARDI, Mayor, City and
County of Honolulu; MITCH ROTH, Mayor,
County of Hawai‘i; MICHAEL
VICTORINO, Mayor, County of Maui;
DEREK KAWAKAMI, Mayor, County of
Kaua‘i,

Employers(s).

CASE NO(S). 21-I-11-189

ORDER NO. 3797

ORDER APPOINTING NEUTRAL
ARBITRATOR AND CHAIRPERSON AND
CERTIFICATION OF ARBITRATION
PANEL

**ORDER APPOINTING NEUTRAL ARBITRATOR AND
CHAIRPERSON AND CERTIFICATION OF ARBITRATION PANEL**

By a letter, dated September 1, 2021 (September 1, 2021 Letter), Exclusive Representative HAWAII FIRE FIGHTERS ASSOCIATION, LOCAL 1463, IAFF, AFL-CIO, and Ryker Wada, Chief Negotiator, Office of Collective Bargaining, State of Hawai‘i, representing the Employer group (State of Hawai‘i; the City and County of Honolulu; and the Counties of Hawai‘i, Maui, and Kaua‘i) (Parties) jointly notified the Hawai‘i Labor Relations Board (Board) that they agree to the selection of Mr. Lawrence E. Little, Esq. as the neutral Chair for the resolution of the impasse in the bargaining unit (BU) 11 negotiations, affecting fire fighters.

Hawai‘i Revised Statutes (HRS) § 89-11(e)(2)(A) provides in relevant part, “the parties shall alternately strike names from the list until a single name is left, who shall be immediately appointed by the board as the neutral arbitrator and chairperson of the arbitration panel” (emphasis added). Accordingly, under HRS § 89-11(e)(2)(A), the Board appoints **Mr.**

Lawrence E. Little, Esq. (Chair Little) as the neutral arbitrator and chairperson of the BU 11 interest arbitration panel. He has such authority and duties as conferred by law.

Additionally, in the September 1, 2021 Letter, the Parties requested the Board to provide certain advisement to Chair Little. The September 1, 2021 Letter is therefore attached and incorporated as Exhibit A.

In the September 1, 2021 Letter, the Parties also notified the Board that Dr. William J. Puette and Mr. William Brilhante have been selected as the HFFA and Employer arbitration panel members, respectively.

Therefore, the Board certifies the arbitration panel for BU 11 as consisting of Chair Little, Dr. William J. Puette, and Mr. William Brilhante. The panel has such powers conferred by law and must follow the arbitration procedures provided for in HRS § 89-11, except as modified by the alternate impasse procedure previously submitted to the Board and attached here as Exhibit B or as further modified by future alternate impasse procedures submitted to the Board. *See* HRS § 89-11(a).

DATED: Honolulu, Hawai‘i, _____ September 8, 2021 _____.

HAWAI‘I LABOR RELATIONS BOARD

MARCUS R. OSHIRO, Chair

SESNITA A.D. MOEPONO, Member

J N. MUSTO, Member

Enclosures:

Exhibit A – September 1, 2021 Letter

Exhibit B – Amended Alternate Impasse Procedure, Dated June 17, 2021

Copies sent to:

Robert H. Lee, President, Hawaii Fire Fighters Association
The Honorable David Y. Ige, Governor, State of Hawai'i
The Honorable Mitch Roth, Mayor, County of Hawai'i
The Honorable Rick Blangiardi, City and County of Honolulu
The Honorable Derek Kawakami, Mayor of Kaua'i
The Honorable Michael Victorino, Mayor, County of Maui
Ryker Wada, Chief Negotiator, Office of Collective Bargaining, State of Hawai'i
Waylen L.K. Leopoldino, Acting Director, Department of Human Resources, County of Hawai'i
Noel T. Ono, Director, Department of Human Resources, City & County of Honolulu
Annette L. Anderson, Director, Department of Human Resources, County of Kaua'i
David Underwood, Director, Department of Personnel Services, County of Maui
Lawrence E. Little, Esq., Chairperson, BU 11 Arbitration Panel
William J. Puette, Member, BU 11 Arbitration Panel
William Brilhante, Esq., Member, BU 11 Arbitration Panel
Alan Davis, Esq.
Kurt Nakamatsu, Esq.



HAWAII FIRE FIGHTERS ASSOCIATION
INTERNATIONAL ASSOCIATION OF FIREFIGHTERS
1018 PALM DRIVE, HONOLULU, HAWAII 96814-1929
TELEPHONE (808) 949-1568 FAX (808) 949-1503
WEBSITE: www.hawaiifirefighters.org

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Case No. 21-I-11-189

HAWAII LABOR
RELATIONS BOARD

September 1, 2021

Mr. Marcus R. Oshiro, Chair
Hawaii Labor Relations Board
830 Punchbowl Street, Room 434
Honolulu, Hawaii 96813

Re: Case Nos. 21-I-11-189
Hawaii Fire Fighters Association (HFFA) & Governor David Y. Ige, et al.

Dear Chair Oshiro, Members Moepono and Musto:

The Hawaii Fire Fighters Association, IAFF Local 1463 ("HFFA") and the Employers are jointly writing this letter to advise you that both parties have agreed to the selection of Mr. Lawrence E. Little, Esq. as the neutral Chair for the Interest Arbitration in the above matter. Dr. William J. Puette and Mr. William Brilhante have been selected as the HFFA and employer arbitration panel members, respectively.

You should also know that the parties have agreed to select a mutually acceptable date for the exchange of their Final Position statements once the availability of the neutral Chair has been determined.

Please notify Mr. Little of his selection. Also please advise Mr. Little that the parties, their attorneys and the two parties' arbitration panel members would like to have a telephone conference call with Mr. Little to discuss procedural issues. These issues would include the hearing dates, the location for the hearings and other logistic issues.

Mr. Alan C. Davis, Esq. will represent the HFFA. His contact information is:

22 Battery Street, Suite 800
San Francisco, CA 94111
Email: aland3370@aol.com
Phone: 415-274-8700

EXHIBIT "A"

Mr. Marcus Oshiro, Chair
Hawaii Labor Relations Board
September 1, 2021

Page 2 of 3

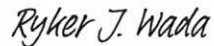
Honolulu Deputy Corporation Counsel Mr. Kurt Nakamatsu, Esq. will be the lead attorney representing the Employers. His contact information is:

Corporation Counsel
City and County of Honolulu
530 South King Street, Room 110
Honolulu, Hawaii 96813
Email: knakamatsu@honolulu.gov
Phone: 808-768-5245

Sincerely,

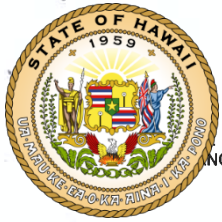


Robert H. Lee
Hawaii Fire Fighter Association



Ryker Wada
Employer Representative

cc: Dr. William J. Puette
Mr. William Brilhante, Esq.
The Honorable David Ige, Governor
The Honorable Rick Blangiardi, Mayor, City and County of Honolulu
The Honorable Mitch Roth, Mayor, County of Hawaii
The Honorable Michael Victorino, Mayor, County of Maui
The Honorable Derek Kawakami, Mayor, County of Kauai
Mr. Ryker Wada, State of Hawaii
Mr. Noel Ono, City and County of Honolulu
Mr. Waylen Leopoldino, County of Hawaii
Mr. David Underwood, County of Maui
Ms. Annette Anderson, County of Kauai
Mr. Alan Davis, Esq.
Mr. Kurt Nakamatsu, Esq.



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NOR



EFiled: Jun 17 2021 03:06PM HAST
Transaction ID 66698174
Case No. 21-I-11-189

RYKER WADA
CHIEF NEGOTIATOR

STATE OF HAWAII
OFFICE OF COLLECTIVE BARGAINING
EXECUTIVE OFFICE OF THE GOVERNOR
235 S. BERETANIA STREET, SUITE 1201
HONOLULU, HAWAII 96813-2437

June 17, 2021

Mr. Marcus R. Oshiro, Chair
Hawai'i Labor Relations Board
830 Punchbowl Street, Room 434
Honolulu, Hawaii 96813

Dear Chair Oshiro:

RE: Case No. 21-I-11-189

We are writing to advise you that the Parties have agreed to amend the date of items #5 and #8 in the Alternative Impasse Procedure Memorandum of Agreement dated April 16, 2021, for Bargaining Unit 11.

Attached, for your reference, is a copy of this amended Alternate Impasse Procedure Memorandum of Agreement.

Thank you for your attention to this matter.

Sincerely,

Ryker J. Wada

Ryker Wada, Employer Representative
State of Hawaii Chief Negotiator

Robert H. Lee, Union Representative
HFFA President

Attachment

c: Mr. Noel Ono, City & County of Honolulu
Mr. William Brilhante, Hawaii County
Mr. David Underwood, Maui County
Ms. Annette Anderson, Kauai County
HRD/LRD

EXHIBIT "B"

MEMORANDUM OF AGREEMENT

Alternate Impasse Procedure for Unit 11

This MEMORANDUM OF AGREEMENT is entered into this 17 day of JUNE, 2021, by and between the Hawaii Fire Fighters Association, Local 1463, IAFF, AFL-CIO, hereinafter the "Union," and the State of Hawaii, the City and County of Honolulu, the County of Hawaii, the County of Maui, and the County of Kauai, hereinafter the "Employer."

Pursuant to subsection 89-11(a), Hawaii Revised Statutes (HRS), the Union and the Employer agree to the following alternate impasse procedure for the successor collective bargaining agreement, effective July 1, 2021, covering employees in bargaining unit 11.

1. **February 1, 2021** – Impasse was declared by the Hawai'i Labor Relations Board (HLRB) for bargaining unit 11 and Federal Mediator Linda Gonzalez was appointed by the Board pursuant to 89-11(e)(1).
2. **February 22, 2021** – Pursuant to HRS § 89-11(e)(2) the HLRB notified the parties that it intends to submit this impasse case to a three-member arbitration panel who shall follow the arbitration procedure provided in HRS § 89-11(e)(2). Two panel members are selected by the parties (i.e., one by the Employer and one by the Union). The neutral third member is the chair of the arbitration panel and is selected by mutual agreement of the parties.
3. **March 30, 2021** – Pursuant to HRS § 89-11(e)(2)(A) the HLRB requested from the American Arbitration Association (AAA) a list of five (5) names of qualified arbitrators to serve as the neutral third member and chair of the arbitration panel.
4. **April 12, 2021** – The Employer and Union received a list of five (5) names of qualified arbitrators from the AAA.
5. The parties will continue to bargain over the terms and conditions of a successor agreement until August 31, 2021.
6. The parties have agreed to limit the continuation of bargaining only on those proposals exchanged prior to February 1, 2021, statutory impasse as declared by HLRB. No new proposals may be submitted by either party unless by mutual agreement.
7. The parties have agreed that the assistance of the federal mediator is not necessary at this time.
8. **August 31, 2021** – Deadline to select a neutral third member and chair of the arbitration panel from the AAA's list of five (5) names of qualified arbitrators. The parties alternately strike names from the list until a single name is left. HLRB immediately appoints such person as the neutral arbitrator and chair of the arbitration panel.
9. **To be Determined** – Deadline agreed to by the parties after the neutral arbitrator has confirmed the hearing dates, for submission of written final positions by each party to the members of the arbitration panel and a copy to the other party.
10. **To be Determined** – Commencement of the arbitration hearing on a date established by the arbitration panel and with the mutual agreement of the parties. (As provided for in Chapter 89, panel members "are encouraged to assist the parties in a voluntary resolution of the impasse through mediation, to the extent practicable, throughout the entire arbitration period until the date the panel is required to issue its arbitration decision.")
11. **To be Determined** – Conclusion of the arbitration hearing.

12. **To be Determined** – Receipt of transcripts by the panel and parties.
13. **To be Determined** – Receipt of closing briefs by panel members, and exchange by parties.
14. **To be Determined** – Issuance of the preliminary draft of the arbitration decision which is made within 30 days after the submission of closing briefs. A majority of the panel must reach a decision pursuant to HRS subsection 89-11(f) on all provisions that each party proposed in its respective final position for inclusion in the final agreement and transmit a preliminary draft of its decision to the parties. The parties must review the preliminary draft for completeness, technical correctness, and clarity and may mutually submit to the panel any desired changes or adjustments that must be incorporated in the final draft of the arbitration decision.
15. **To be Determined** - Issuance of a final arbitration decision.
16. The authorized representatives for the parties regarding matters covered herein are:
 - a. Ryker Wada, Employer Representative, and
 - b. Robert H. Lee, Union Representative
17. Any time limitation provided in the Memorandum of Agreement may be modified by mutual agreement of the parties.

In WITNESS WHEREOF, the parties below by their authorized representatives have executed this MEMORANDUM OF AGREEMENT on the date first written above.

FOR THE EMPLOYER:

FOR THE UNION:

Ryker J. Wada

Ryker Wada, Employer Representative
State of Hawaii Chief Negotiator



Robert H. Lee, Union Representative
HFFA President