



STATE OF HAWAI'I

EFiled: Sep 08 2021 04:29PM HAST  
Transaction ID 66914788  
Case No. 21-I-11-189

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*

MARCUS R. OSHIRO, Chair

*Sesnita A. D. Moepono*

SESNITA A.D. MOEPONO, Member

*J.N. Musto*

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](http://www.hawaiifirefighters.org)

Filed: Sep 07 2021 11:52AM HAST  
Transaction ID: 66910908  
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](mailto:aland3370@aol.com)  
Phone: 415-274-8700

EXHIBIT "A"



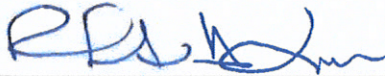
Mr. Marcus Oshiro, Chair  
Hawaii Labor Relations Board  
September 1, 2021

Page 2 of 3

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

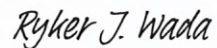
Corporation Counsel  
City and County of Honolulu  
530 South King Street, Room 110  
Honolulu, Hawaii 96813  
Email: knakamatsu@honolulu.gov  
Phone: 808-768-5245

Sincerely,



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Robert H. Lee  
Hawaii Fire Fighter Association

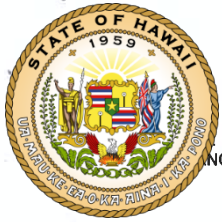


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Ryker Wada  
Employer Representative

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.





IGE  
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