

STATE OF HAWAI'I

HAWAI'I LABOR RELATIONS BOARD

In the Matter of

HAWAII GOVERNMENT EMPLOYEES  
ASSOCIATION, AFSCME, LOCAL 152,  
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, MARK E. RECKTENWALD, Chief  
Justice, the Judiciary, State of Hawai'i; and  
BOARD OF DIRECTORS, Hawai'i Health  
Systems Corporation,

Employers.

CASE NO(S). 21-I-15-193

ORDER NO. 3821

ORDER APPOINTING AND  
CERTIFYING ARBITRATION PANEL

ORDER APPOINTING AND CERTIFYING ARBITRATION PANEL

By Order No. 3807, under Hawai'i Revised Statutes (HRS) § 89-11(e)(2)(A), the Hawai'i Labor Relations Board (Board) appointed and conferred on RICHARD D. FINCHER, J.D. (Chair Fincher), the authority and duties as conferred by law, as the neutral arbitrator and chairperson for the three-member interest arbitration panel for the resolution of the impasse in the bargaining unit 15 (BU 15) negotiations, affecting State and county ocean safety and water safety officers. In the Order, the Board further requested that the Exclusive Representative and the Employers in this case notify the Board of their selection of their respective representatives for the BU 15 interest arbitration panel as soon as possible.

By a letter dated December 29, 2021, Randy Perreira, the Executive Director for HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA), the Exclusive Representative for BU 15, notified the Board of their selection of Mr. Stacy Moniz (Mr. Moniz) as their representative on the BU 15 interest arbitration panel.

By a letter dated December 29, 2021, Ryker Wada, Chief Negotiator, Office of Collective Bargaining, State of Hawai‘i, representing the Employer group (State of Hawai‘i; Mayors of the Counties of Hawai‘i, Honolulu, Kaua‘i, and Maui; the Judiciary, State of Hawai‘i; and Hawai‘i Health Systems Corporation) notified the Board of their selection of Mr. Florencio “Bugs” Baguio, Jr. (Mr. Baguio) as the Employers’ representative on the BU 15 interest arbitration panel.

Therefore, the Board appoints Mr. Moniz and Mr. Baguio as members of the BU 15 interest arbitration panel. The Board further certifies the BU 15 interest arbitration panel, consisting of Chair Fincher and Members Mr. Moniz and Mr. Baguio. The interest arbitration panel has such powers as conferred by law and must follow the interest arbitration procedures provided for in HRS § 89-11, except as modified by the Alternate Impasse Procedure, dated July 30, 2021 and attached as Exhibit A, or as further modified by future alternate impasse procedures, as amended, submitted to the Board. *See* HRS § 89-11(a).

DATED: Honolulu, Hawai‘i, \_\_\_\_\_ December 30, 2021 \_\_\_\_\_.

HAWAI‘I LABOR RELATIONS BOARD

\_\_\_\_\_  
MARCUS R. OSHIRO, Chair

\_\_\_\_\_  
SESNITA A.D. MOEPONO, Member

EXCUSED  
\_\_\_\_\_  
J N. MUSTO, Member

Enclosures:

Exhibit A – Alternate Impasse Procedure, Dated July 30, 2021

Copies sent to:

Randy Perreira, Executive Director, HGEA

Stacy Moniz, HGEA

The Honorable David Y. Ige, Governor, State of Hawai‘i

The Honorable Mitch Roth, Mayor, County of Hawai‘i

The Honorable Rick Blangiardi, Mayor, City and County of Honolulu

The Honorable Derek Kawakami, Mayor, County of Kaua‘i

The Honorable Michael Victorino, Mayor, County of Maui

The Honorable Mark E. Recktenwald, Chief Justice, Hawai‘i Judiciary

Dr. Linda Rosen, Chief Executive Officer, Hawai‘i Health Systems Corporation

Ryker Wada, Director, Department of Human Resources Development, State of Hawai‘i

Waylen 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

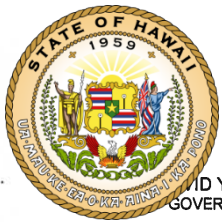
David Underwood, Director, Department of Personnel Services, County of Maui

Jason Minami, Human Resources Director, Hawai‘i Judiciary

Juanita Lauti, Director of Human Resources, Hawai‘i Health Systems Corporation

Richard D. Fincher, J.D.

Florencio “Bugs” Baguio, Jr



DAVID Y. IGE  
GOVERNOR



**EFiled: Jul 30 2021 11:16AM HAST**  
**Transaction ID 66812429**  
**Case No. 21-I-15-193** 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

July 30, 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-15-193

We are writing to advise you that the Parties have agreed to amend the date of items #3, #6 and #7 in the Alternative Impasse Procedure Memorandum of Agreement dated July 30, 2021 for Bargaining Unit 15.

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, Chief Negotiator  
Office of Collective Bargaining

*Randy Perreira*  
\_\_\_\_\_  
Randy Perreira, Executive Director  
Hawaii Government Employees Association

Attachment

c: Ms. Debra Kagawa-Yogi, HGEA  
Mr. Sanford Chun, HGEA  
Mr. Noel Ono, City & County of Honolulu  
Mr. Waylen Leopoldino, Hawaii County  
Mr. David Underwood, Maui County  
Ms. Annette Anderson, Kauai County  
HRD/LRD

**EXHIBIT "A"**

## Alternate Impasse Procedure for Unit 15

This ALTERNATE IMPASSE PROCEDURE is entered into this 30 day of July, 2021, by and between the Hawaii Government Employees Association, AFSCME, Local 152, 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 15.

1. **February 1, 2021** – Impasse was declared by the Hawai‘i Labor Relations Board (HLRB) for bargaining unit 15 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 Board 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).
3. The parties will continue to bargain over the terms and conditions of a successor agreement until August 31, 2021.
4. 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.
5. The parties have agreed that the assistance of the federal mediator is not necessary at this time.
6. **September 1, 2021** – HLRB notifies the parties that the impasse will be submitted to a 3-member arbitration panel. 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.
7. **September 30, 2021** – Deadline to select a neutral arbitrator. In the event the parties fail to select the neutral third member of the panel by this date, HLRB will request a list of 5 qualified arbitrators from the American Arbitration Association (AAA). The neutral arbitrator is selected from such list.  
  
Selection & Appointment of the neutral arbitrator is made within 5 working days after receipt of the AAA list. 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.
8. **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.
9. **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.")

10. **To be Determined** – Conclusion of the arbitration hearing.
11. **To be Determined** – Receipt of transcripts by the panel and parties.
12. **To be Determined** – Receipt of closing briefs by panel members, and exchange by parties.
13. **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.
14. **To be Determined** - Issuance of a final arbitration decision.
15. The authorized representatives for the parties regarding matters covered herein are:
  - a. Ryker Wada, Employer Representative, and
  - b. Randy Perreira, Union Representative
16. Any time limitation provided in the Alternate Impasse Procedure may be modified by mutual agreement of the parties.

In WITNESS WHEREOF, the parties below by their authorized representatives have executed this ALTERNATE IMPASSE PROCEDURE on the date first written above.

FOR THE EMPLOYER:

*Ryker J. Wada*

\_\_\_\_\_  
Ryker Wada, Employer Representative  
State of Hawaii Chief Negotiator

FOR THE UNION:

*Randy Perreira*  
\_\_\_\_\_  
for Randy Perreira, Union Representative  
HGEA Executive Director