

STATE OF HAWAI'I

HAWAI'I LABOR RELATIONS BOARD

In the Matter of

JONATHAN TAUM,

Complainant,

and

~~UNITED PUBLIC WORKERS, AFSCME
LOCAL 646, AFL-CIO;~~ and DEPARTMENT
OF PUBLIC SAFETY, State of Hawai'i,

Respondents.

CASE NOS. ~~17-CU-10-357~~
17-CE-10-906

ORDER NO. 3874

ORDER DENYING COMPLAINANT'S
MOTION TO RECONSIDER JUNE 12, 2020
DECISION TO CLOSE THE RECORD AND
REOPEN EVIDENTIARY HEARING AND
STRIKING DEPARTMENT OF PUBLIC
SAFETY, STATE OF HAWAI'I'S
SUPPLEMENTAL EXHIBITS IN SUPPORT
OF POST-HEARING BRIEF

ORDER DENYING COMPLAINANT'S MOTION TO RECONSIDER JUNE 12, 2020
DECISION TO CLOSE THE RECORD AND REOPEN EVIDENTIARY HEARING AND
STRIKING DEPARTMENT OF PUBLIC SAFETY, STATE OF HAWAI'I'S
SUPPLEMENTAL EXHIBITS IN SUPPORT OF POST-HEARING BRIEF

At a Status Conference held on June 12, 2020, the Hawai'i Labor Relations Board (Board) closed the record in this case and established a September 14, 2020 deadline for the filing of post-hearing briefs. The Board extended the deadline to October 5, 2020 in Order No. 3563.

The parties filed their post-hearing briefs.

Subsequently, Complainant JONATHAN TAUM (Complainant or Taum) filed a motion to reconsider the June 12, 2020 decision closing the record and reopen the evidentiary hearing to admit a criminal indictment of one of the witnesses in the case and certain media reports regarding the witness and the filing of the indictment by the State of Hawai'i. (Motion to Reconsider Record Closing).

Respondent DEPARTMENT OF PUBLIC SAFETY, State of Hawai'i (PSD) filed an opposition to the Motion to Reconsider Record Closing.

On July 12, 2022, PSD filed supplemental exhibits in support of its post-hearing brief regarding a federal case (PSD's Supplemental Exhibits). Taum opposed PSD's filing of the supplemental exhibits.

The Board's administrative rules do not specifically provide for a motion for reconsideration, for a reopening the record, or for the inclusion of exhibits or supplements to post-hearing briefs.

Further, the Board finds that the current record is sufficient to determine the relevant issues in this case. Therefore, the Board denies the Motion to Reconsider Record Closing.

The Board strikes PSD's Supplemental Exhibits because of the sufficiency of the record and because the Board will not consider evidence contained in a post-hearing brief, which was not properly submitted at the hearing on the merits. *See Campos v. Univ. of Haw. Prof'l Assembly*, Board Case No. 19-CU-07-374, Decision No. 511, at *8 (June 28, 2022). The Board, therefore, will not consider this evidence in making its decision and order.

DATED: Honolulu, Hawai'i, July 18, 2022.

HAWAI'I LABOR RELATIONS BOARD

MARCUS R. OSHIRO, Chair

SESNITA A.D. MOEONO, Member

J N. MUSTO, Member

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