

## NOTICE OF CORRECTION

**EFiled: Jul 23 2024 08:47AM HAST**  
**Transaction ID 73771884**  
**Case No. CE-10-737, CU-10-284**

A correction has been made to ORDER NO. 1051

Case Name: In the Matter of CHAD ROSS, Complainant, and CARL L. KAHAWAI; QUINCY G. K. PACHECO; BRADFORD J. LEIALOHA; and JOLIEANN L. SALAS, Complainants, and DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT, State of Hawai'i; DEPARTMENT OF CORRECTIONS AND REHABILITATION, State of Hawai'i; and UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO, Respondents.

Case Nos: CE-10-737  
CU-10-284

Date of Notice: July 22, 2024

Case Type: Prohibited Practice Complaint

Correction reason: Change Order No. 1051 filed on July 17, 2024 to Order No. **4051**.

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The following parties have been notified through File & Serve Express:

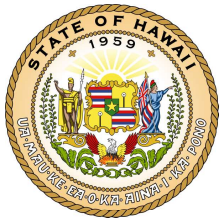


Chad Ross, Self-Represented Litigant

Ted Hong, Esq., Attorney for Complainants

Jonathan Spiker, Esq., Attorney for Respondent UPW

Richard Thomason, Esq., Attorney for DHRD and DCR



STATE OF HAWAI'I

**EFiled: Jul 17 2024 11:14AM HAST**  
**Transaction ID 73705937**  
**Case No. CE-10-737, CU-10-284**

HAWAI'I LABOR RELATIONS BOARD

In the Matter of

CHAD ROSS,

Complainant

and

CARL L. KAHAWAI; QUINCY G. K.  
PACHECO; BRADFORD J. LEIALOHA;  
and JOLIEANN L. SALAS,

Complainants,

and

DEPARTMENT OF HUMAN  
RESOURCES DEVELOPMENT, State of  
Hawai'i; DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, State of Hawai'i<sup>1</sup>; and  
UNITED PUBLIC WORKERS, AFSCME,  
LOCAL 646, AFL-CIO,

Respondents.

CASE NOS. CE-10-737  
CU-10-284

ORDER NO. 1051

MINUTE ORDER

**MINUTE ORDER**

Following the hearing on the merits on the Second Amended Prohibited Practice Complaint from September 13 to 15, 2023, the Hawai'i Labor Relations Board (Board) issued Order No. 4006, dated October 30, 2023, which among other things, granted Complainants CARL L. KAHAWAI, QUINCY G.K. PACHECO; BRADFORD J. LEIALOHA; AND JOLIEANN L. SALAS' (collectively Complainant Group) Third Motion to Amend the Prohibited Practice Complaint to conform to the evidence adduced at the hearing on the merits.

CHAD ROSS, a self-represented Complainant, joined the Third Amended Prohibited Practice Complaint with Complainant Group (collectively Complainants), as agreed to by Complainant Group.

Complainants filed their Third Amended Prohibited Practice Complaint on November 3, 2023. Both Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) and Respondents DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT, State of Hawai‘i, and DEPARTMENT OF CORRECTIONS AND REHABILITATION, State of Hawai‘i, (State Respondents) filed Answers to the Third Amended Prohibited Practice Complaint. Subsequently, all parties submitted statements resting their case.

On November 14, 2023, the Board issued Order No. 4009, which cancelled any further hearing on the merits, and except for the submission of post-hearing briefs, closed the record in this case. On January 12, 2024, Complainant Group and the UPW filed post-hearing briefs. State Respondents elected not to file any post-hearing brief.

Upon review of the entire record, including the pleadings, motions, responses, evidence presented, and arguments made, the Board finds that:

1. Between 2009 to 2013, under a prior administration, State Respondents committed prohibited practices in violation of Hawai‘i Revised Statutes (HRS) §§ 89-13(a)(1) and (7), by violating HRS §§ 89-3 and 89-10(a), and HRS § 89-13(a)(8) by violating Sections 12.06(a) and 12.08(a) of bargaining unit 10 collective bargaining agreement;
2. Between 2009 to 2013UPW, under a prior State Director, committed prohibited practices in violation of HRS §§ 89-13(b)(1) and (4), in violation of HRS §§ 89-3,

89-8(a), 89-10(a). These violations were under a prior UPW administration and is not a reflection of the present administration's leadership and actions; and

3. Any motions taken under advisement or not heretofore addressed are hereby denied.

Pursuant to Hawai'i Administrative Rules (HAR) § 12-42-8(g)(17)(C)<sup>2</sup>, the Board directs counsel for Complainants Group to prepare and submit proposed findings of fact, conclusions of law, and decision and order consistent with this Minute Order. The proposed findings of fact and conclusions of law shall be filed with the Board within thirty (30) days following the date of this Minute Order. All other parties shall have ten (10) business days from the receipt of the proposed findings of fact and conclusions of law to submit their objections and/or counterproposals.

The Board, following the issuance of its written decision and order setting forth findings of fact and conclusions of law in accordance with HRS § 91-12, will schedule a further hearing in this matter regarding remedies.

DATED: Honolulu, Hawai'i, \_\_\_\_\_ July 17, 2024 \_\_\_\_\_.

HAWAI'I LABOR RELATIONS BOARD



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

\_\_\_\_\_  
PACV MONIZ, Member

Copies sent to:

Chad Ross, Self-Represented Litigant

Ted Hong, Esq., Attorney for Complainant Group

Jonathan Spiker, Esq., Attorney for Respondent UPW

Richard Thomason, Esq., Attorney for Respondents for DHRD and DCR

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<sup>1</sup> As of January 1, 2024, the Department of Public Safety, State of Hawai‘i was renamed as the Department of Corrections and Rehabilitation, State of Hawai‘i. 2002 Haw. Sess. Laws Act 278, § 20 at 780. Accordingly, the Board amends the caption for this case by updating the name of the Department of Public Safety, State of Hawai‘i to the Department of Corrections and Rehabilitation, State of Hawai‘i. *See* Hawai‘i Administrative Rules (HAR) § 12-43-22(a); *see also* HAR § 12-43-33(c).

<sup>2</sup> *See* Board Order No. 3915, dated November 10, 2022 and filed on December 1, 2022, clarifying that HAR Chapter 12-42 applies to cases initiated prior to the October 21, 2022 effective date of HAR Chapter 12-43.

CHAD ROSS, ET AL. v. DHRD, ET AL.  
CASE NOS. CE-10-737; CU-10-284  
MINUTE ORDER  
ORDER NO. 1051