

LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD

STATE OF HAWAII

In the Matter of )  
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 PROCEEDINGS BEFORE THE )  
 LABOR AND INDUSTRIAL )  
 RELATIONS APPEALS BOARD )  
 IN RESPONSE TO THE )  
 COVID-19 PUBLIC HEALTH )  
 EMERGENCY. )  
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FILED  
 LIRAB BOARD  
 STATE OF HAWAII

20 MAY 28 AM 9:37

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ORDER #5  
RELATING TO LIRAB PROCEEDINGS IN RESPONSE TO THE  
COVID-19 PUBLIC HEALTH EMERGENCY

In the interest of protecting the health and safety of all staff and participants in proceedings before the Labor and Industrial Relations Appeals Board (LIRAB) during this COVID-19 public health emergency, while, at the same time, balancing the need to resume operations to address and adjudicate contested case appeals,

IT IS HEREBY ORDERED that:

1. Beginning June 15, 2020, LIRAB will be moving towards resuming operations to the extent feasible. The resumption to full operations will take time and may need to be done incrementally, due to circumstances beyond LIRAB's control, e.g., the closure of government buildings, social distancing guidelines, etc.
2. Unless informed otherwise by LIRAB, all conferences, motion hearings, and trials scheduled through July 31, 2020 will be rescheduled.
3. In accordance with the Governor's 8<sup>th</sup> supplementary emergency proclamation, and until further notice, LIRAB will be limiting in-person appearances for all matters. LIRAB will be using available technology to the maximum extent possible to conduct conferences, hearings, and trials remotely by teleconferencing, videoconferencing, or telephone.
4. LIRAB will be issuing notices of further hearing for trials that began before March 16, 2020, but could not be completed because

subsequent hearings were scheduled during the period from March 16, 2020 to July 31, 2020.

5. For conferences, motion hearings, and trials not yet started, LIRAB will be holding remote status conferences to discuss further proceedings.

6. Given the uncertainties and the disruptions caused by these unprecedented times, LIRAB encourages the parties to engage in settlement discussions.

7. If all parties to an appeal agree, they may contact LIRAB to request a remote settlement conference.

8. Pursuant to Governor David Y. Ige's 8th supplementary emergency proclamation issued on May 18, 2020, filings with LIRAB may be made via ONE of the following methods (listed in order of the LIRAB's preference), through July 31, **2021**, or the termination of the state of emergency as declared by the governor, whichever occurs first:

- a. By Email, preferably secured/encrypted, to [dliir.appealsboard@hawaii.gov](mailto:dliir.appealsboard@hawaii.gov); or
- b. By First Class Mail; or
- c. By Facsimile to (808) 586-8599.

Faxed or emailed documents received outside of LIRAB's regular business hours will be file-stamped the next working day.

9. If a party files a document by fax or email, LIRAB will transmit, as soon as practicable, a file-stamped copy of the document by the same means of filing, to the fax number or email address identified on the filed document. The filing party is responsible for serving a copy of the file-stamped document to all parties.

10. Documents in excess of 50 pages should be submitted to LIRAB for filing via First Class Mail only.

11. LIRAB will not return file-marked copies of documents submitted for filing via First Class Mail, unless the filing party provides a self-addressed stamped envelope for return of any additional copies submitted.

12. Deadlines pursuant to Hawai'i Administrative Rules Title 12, Subtitle 7, Chapter 47, or by order of LIRAB, from March 16, 2020, remain suspended through July 31, 2020. Filings previously due during this period

will become due in accordance with paragraph 13, unless otherwise agreed by the parties or extended by LIRAB.

13. Unless you are a party who was notified and instructed by LIRAB to do otherwise, all filings that were due from March 16, 2020 to July 31, 2020, shall be filed no later than August 15, 2020.

14. Notwithstanding any prior order of LIRAB, Exhibits and Exhibit Lists for trials to be held from August 1, 2020 to July 31, **2021**, shall be filed at least 28 days before the date of trial. Any written objections to trial exhibits shall be filed at least 14 days before the date of trial.

15. This Order #5 supersedes LIRAB's prior orders and memos relating to proceedings before LIRAB due to the COVID-19 emergency and is subject to further amendment.

MAY 28 2020

Dated: Honolulu, Hawaii,

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DANNY J. VASCONCELLOS, Chair



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MELANIE S. MATSUI, Member



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MARIE C.L. LADERTA, Member

LABOR APPEALS BOARD - 830 PUNCHBOWL ST, RM 404, HONOLULU, HI 96813 - (808)586-8600  
email: [dhir.appealsboard@hawai.gov](mailto:dhir.appealsboard@hawai.gov)

If you require a language interpreter or if you require a reasonable accommodation for a disability, in accordance with the Americans with Disabilities Act or other applicable state and federal laws, please contact LIRAB at (808) 586-8600 at least ten (10) business days prior to your hearing or conference date.

Equal Opportunity Employer/Program  
Auxiliary aids and services are available  
upon request to individuals with disabilities.  
TDD/TTY Dial 711 then ask for (808) 586-8600

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Order #5 Relating to LIRAB Proceedings in Response to the Covid-19 Public Health Emergency