

Certain parties have also been using more than one method of submitting documents for filing per document, *e.g.*, email and fax, which creates unnecessary and duplicative work for LIRAB staff.

2. Stipulations and Settlement Documents:

Parties have expressed confusion as to the requirement for an original stipulation or settlement document and an original signature to the document.

3. Notices of Hearing and Non-Hearing Motions:

Around September 1, 2020, LIRAB posted an updated Notice of Non-Hearing Motion form on its website that contained new language to be included in all notices of non-hearing motions. This updated form served to address parties' requests for extended deadlines to respond to non-hearing motions filed during the COVID-19 pandemic emergency.

In addition to the foregoing, LIRAB has also assisted the parties to navigate the modifications related to the COVID-19 pandemic emergency by issuing notices of hearings and non-hearing motions, when necessary.

4. Compliance with Board's Notices and Orders:

Since pivoting to remote proceedings in August 2020, LIRAB has regularly conducted remote conferences, hearings, and trials via the Microsoft Teams application. LIRAB has offered practice sessions on Teams ahead of scheduled meetings and aided participants at the time of scheduled events by initiating a telephone call when a participant did not timely appear on Teams.

Remote proceedings allow parties and their representatives to participate in conferences, hearings, and trials before LIRAB even if they are away from Hawaii. However, some participants have been unavailable and failed to appear when their attendance was necessary, allegedly due to their location outside of Hawaii and in a different time zone.

In order to give participants time to adjust and adapt to the changes in appeal proceedings brought on by the COVID pandemic, LIRAB has not issued Orders to Show Cause for non-compliance with its notices and orders requiring timely submissions or appearances, *e.g.*, initial conference statements, (as provided in its notices of initial conference) and timely submission of confidential settlement letters or full preparation for and participation in settlement conferences (as stated in its Pretrial Orders). To ensure that appeals continue to be processed and adjudicated in a prompt, fair, and efficient manner, LIRAB will resume enforcement of its notices and orders.

Given the foregoing, LIRAB HEREBY ORDERS the following:

1. All emails to LIRAB shall be addressed to dlir.appealsboard@hawaii.gov and shall not be addressed or copied to any individual Board member or staff.
2. Parties and their representatives should refrain from including LIRAB on emails relating to cases on appeal and discussions between themselves. LIRAB will not consider, print, or file such emails, whether in a direct email or a courtesy copy email.
3. Except as provided in 4, below, LIRAB will only print and file email attachments transmitted in accordance with Order #5.
4. LIRAB will receive but not file email attachments that are specifically identified as a "CONFIDENTIAL SETTLEMENT LETTER."
5. LIRAB will not consider, print, or file the text of the email to LIRAB that transmits documents for filing or submission. Transmittal coversheets, if any, should be included in the attached documents.
6. As a further clarification to Order #5, while a filing party may utilize the different methods of submission for filing between different documents, the filing party should choose only ONE method to submit any particular document.
7. A stipulation or settlement agreement approved and filed by LIRAB and included in LIRAB's files will be considered the original, regardless of whether the stipulation or settlement agreement contains wet (ink) or electronic signatures.
8. If submitting by U.S. Mail, parties need only to submit to LIRAB ONE "original" stipulation or settlement agreement for processing. Do not submit any additional hard copies. LIRAB will email (or, if necessary, mail) certified copies of approved stipulations and settlement agreements to the parties.
9. From the date of this Order #8, any moving party requesting a hearing on a motion should call (not email) LIRAB at (808) 586-8600 ext. 2 for a hearing date, time, and conference ID number and include in the notice of hearing the information reflected in attachment "A", appended to this Order.
10. From the date of this Order #8, parties filing non-hearing motions should include in their notice of non-hearing motion the information reflected in attachment "B", appended to this Order.

11. Beginning December 1, 2020, LIRAB will resume issuing Orders to Show Cause or Notices of Intention to Dismiss for noncompliance with LIRAB's notices and orders, as may be appropriate, using its discretion.

12. All conferences, hearings, and trials will commence at the time noticed or as soon thereafter as the parties may be accommodated or heard, or as otherwise agreed to by LIRAB, according to Hawaii Standard Time, regardless of any party, representative, or participant's physical location or time zone.

This Order #8 is subject to further amendment as necessary.

Dated: Honolulu, Hawaii,

November 13, 2020.



DAMIEN A. ELEFANTE, Chair



MELANIE S. MATSUI, Member



MARIE C.L. LADERTA, Member

LABOR APPEALS BOARD - 830 PUNCHBOWL ST, RM 404, HONOLULU, HI 96813 - (808)586-8600
email: dlir.appealsboard@hawaii.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

Order #8 Relating to LIRAB Proceedings in Response to the COVID-19 Public Health Emergency

NOTICE OF HEARING

You are hereby notified that a hearing on the attached motion is set for [DATE] at [TIME], or as soon thereafter as the parties may be heard by the Labor and Industrial Relations Appeals Board.

Keeping in mind the recommendations for physical distancing during the COVID-19 pandemic, the Board will hold this hearing remotely through Microsoft Teams, a cloud-based, collaboration application.

The Board will email a calendar invitation to the hearing. The invitation will include a hyperlink to the Microsoft Teams meeting.

To ensure the privacy and propriety of this hearing, do not share or forward the emailed meeting invitation. If participation by additional persons is necessary, please contact the Board.

The undersigned requests that Board send invitations for the hearing to the following via the emails noted:

[NAMES OF PARTICIPANTS AND EMAIL ADDRESSES]

Barring unforeseen circumstances, the foregoing participants are expected to utilize the hyperlink in the invitation. Contact the Board immediately if any of the foregoing emails is incorrect, or if you do not receive the calendar invitation within one week of the date of this notice.

If your email is not listed above, you may participate in the hearing by calling (808) 829-4853 and entering conference ID number [CONFERENCE ID NUMBER] on the date and at the time of the hearing.

Contact the Board at dlir.appealsboard@hawaii.gov or (808) 586-8600 ext. 2 by the following deadlines if you wish to receive an emailed calendar invitation for the hearing or if you want to schedule a practice meeting:

Meeting link: at least 1 business day before hearing

Practice meeting: at least 1 week before hearing

NOTICE OF NON-HEARING MOTION

You are hereby notified that the Motion attached hereto has been filed with the Labor and Industrial Relations Appeals Board.

If you desire a hearing on the motion, then such request must be filed with the Board no later than 14 days after the date of this notice. Any joinder to the motion or a memorandum in opposition must be filed no later than 14 days after the date of this notice. Reply memoranda may be filed within 21 days after the date of this notice.

Pursuant to the Board's Orders #5 and #8, Relating to LIRAB Proceedings in Response to the COVID-19 Public Health Emergency, through July 31, 2021 or the termination of the state of emergency as declared by the Governor of the State of Hawaii, whichever occurs first, parties may file documents with the Board as follows, using only one of the following methods:

- a. Documents in excess of fifty (50) pages must be filed with the Board via First Class U.S. Mail, postage prepaid.
- b. Documents that consist of fifty (50) pages or less may be filed with the Board as follows:
 - (1) Via email attachment, preferably secured and encrypted, to dlir.appealsboard@hawaii.gov (this is the Board's preferred method of filing).
 - (2) Via First Class U.S. Mail, postage prepaid, addressed to:

Labor and Industrial Relations Appeals Board
830 Punchbowl Street, #404
Honolulu, Hawaii 96813

3. Via facsimile to (808) 586-8599.