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STATE OF HAWAII
KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
KA 'OIHANA PONO LIMAHANA
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HONOLULU, HAWAII 96813

September 9, 2024

The Honorable Ronald D. Kouchi,
President and Members of the Senate
Thirty-Second Legislature
State Capitol, Room 409
Honolulu, HI 96813

The Honorable Scott K. Saiki
Speaker and Members House of
Representatives
Thirty-Second Legislature
State Capitol, Rm 431
Honolulu, HI 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Hawaii Labor Relations Board Annual Report for the fiscal year ending June 30, 2024, as required by [section 89-5\(h\), HRS.](#)

In accordance with section 93-16, HRS, I am also informing you that the report may be viewed electronically at <http://labor.hawaii.gov/find-a-report/>.

Sincerely,

Jade T. Butay
Director

Enclosure

c: Legislative Reference Bureau Library
State Publications Distribution Center
University of Hawaii



**HAWAI‘I LABOR RELATIONS BOARD
KA PAPA LIMA HANA O HAWAI‘I**

**FISCAL YEAR REPORT TO
THE HONORABLE JOSH GREEN
GOVERNOR OF THE STATE OF HAWAI‘I**

July 1, 2023 - June 30, 2024

PRESENTED BY THE HAWAI‘I LABOR RELATIONS BOARD

**MARCUS R. OSHIRO, Chairperson
STACY MONIZ, Board Member
CLARK HIROTA, Board Member**

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I. EXECUTIVE SUMMARY

Pursuant to Section 89-5(h) of the Hawai‘i Revised Statutes (HRS), the Hawai‘i Labor Relations Board (Board) presents its annual report to the Governor describing its activities, including its cases and their dispositions, for fiscal year 2024 (FY 2024), from July 1, 2023, through June 30, 2024, and reflecting the status and composition of the Board and its staff as of June 30, 2024.

FY 2024 marked a year of transition, with a slight increase in the overall number of cases filed with the Board, the enactment of five new laws affecting Hawai‘i Revised Statutes (HRS) Chapters 89 (Collective Bargaining in Public Employment) and 377 (Hawai‘i Employment Relations Act), the appointment of two new Board members, the filling of two vacant staff positions, and the hiring of a new Executive Officer.

In FY 2024, there were 26 new cases filed with the Board, including 19 HRS Chapter 89, one HRS Chapter 377, and six HRS Chapter 396 (Hawai‘i Occupational Safety and Health Law) (HIOSH) cases. During the same period, the Board disposed of 41 cases, including 31 HRS Chapter 89, one HRS Chapter 377, and nine HRS Chapter 396 cases. At the close of FY 2024, 27 HRS Chapter 89 and three HRS Chapter 396 cases remained active, with 17 HRS Chapter 89 cases pending Board decision and order, including the remaining two consolidated, pre-2017 backlog cases.¹

The Board continues to adapt to the challenges and opportunities in a post-pandemic world while maintaining its commitment to excellence, efficiency, access, and accountability to the people of Hawai‘i it serves.

II. INTRODUCTION

A. Overview of the Board

The Board is a quasi-judicial agency that oversees two primary areas of laws in the State of Hawai‘i:

- (1) Collective bargaining and unfair labor practices under HRS Chapters 89 and 377; and
- (2) Contests of citations or orders issued by the Director of Labor and Industrial Relations related to occupational safety and health laws set forth in HRS Chapter 396.

The mission of the Board is to enforce and protect the rights of employees and unions to organize

¹ The Board’s oldest backlog cases were erroneously reported as pre-FY 2016 backlog cases in previous annual reports. However, the reference has been updated to pre-FY 2017 backlog cases in this report to correctly reflect references to backlog cases filed on or before June 30, 2016.

and bargain collectively, in balance with the employer's rights to manage operations as provided by HRS Chapters 89 and 377, by fairly and efficiently resolving labor disputes brought before it. The Board is committed to promoting the harmonious and cooperative relations between the parties.

The Board has jurisdiction over public employers, *i.e.*, the State of Hawai'i and the counties, the Judiciary, the Department of Education, including the public charter schools, the University of Hawai'i System, and the Hawai'i Health Systems Corporation.

The Board also has jurisdiction over private sector employees, employers, and unions who are not subject to the jurisdiction of the National Labor Relations Board. Historically, this has included agricultural employees and employers.

The Board is attached to the State Department of Labor and Industrial Relations for administrative and budgetary purposes only.

In its capacity as a quasi-judicial body, the Board adjudicates disputes between public employers, unions², and public employees involving collective bargaining, and disputes between certain private sector employers, unions, and employees involving employment relations. These cases typically involve an employer or union's failure to bargain in good faith, an employer or union's interference with an employee's right to participate in or refrain from bargaining activities, or a union's failure to fairly represent its members in the negotiation of agreements or the pursuit of grievances.

The Board also conducts union representation elections, supervises the impasse procedures in public employment, and issues declaratory rulings, which clarify the applicability of governing statutes and its rules.

In 2002, the Board acquired jurisdiction over contests relating to occupational health and safety. Accordingly, the Board is committed to ensuring that every worker has a safe and healthful work environment, and that employers and employees collectively work to reduce injury and illness arising out of employment.

B. Statutory Authority and Foundation

Private employees in the State of Hawai'i have a constitutional right to organize. Article XIII, Section 1 of the State Constitution, provides that:

“Persons in private employment shall have the right to organize for the purpose of collective bargaining.”

The Hawai'i Employment Relations Act (HERA) was enacted in 1945 and codified as HRS

² Section 89-2, HRS, defines “Exclusive Representative” to mean “the employee organization certified by the board under section 89-8 as the collective bargaining agent to represent all employees in an appropriate bargaining unit without discrimination and without regard to employee organization membership.” The term “union” is commonly used to describe an exclusive representative and will be used throughout this report.

Chapter 377 to permit employees who are not subject to the Railway Labor Act or the National Labor Relations Act to participate in collective bargaining. The Hawai‘i Employment Relations Board (HERB) was created to administer the provisions of the HERA.

Similarly, in 1968, the State Constitution was amended to afford public employees in the State of Hawai‘i the right to organize for the purpose of collective bargaining. Presently, Article XIII, Section 2 of the State Constitution, provides that:

“Persons in public employment shall have the right to organize for the purpose of collective bargaining as provided by law.”

The Hawai‘i State Legislature (Legislature) enacted Act 171, Session Laws of Hawai‘i (SLH) 1970, which was subsequently codified as HRS Chapter 89, Collective Bargaining in Public Employment, to encourage joint decision-making in administering government. This Act created the Hawai‘i Public Employment Relations Board (HPERB) to administer HRS Chapter 89.

In 1985, the Legislature abolished HPERB and renamed it the Hawai‘i Labor Relations Board, effective January 1, 1986, to administer the provisions of both HRS Chapters 89 and 377.

Subsequently, the Legislature enacted Act 104, SLH 2002, which empowered the Board to conduct *de novo* hearings in reviewing contests of citations or orders of the Director of Labor and Industrial Relations involving occupational health and safety pursuant to Section 396-11, HRS, except as provided in Section 396-11(h), HRS, where the Board’s review is confined to the record only.

C. Current Board Members

The Board is comprised of three members:

- (1) One member representative of management;
- (2) One member representative of labor; and
- (3) The third member, the Chair, representative of the public.

Each member is appointed by the Governor and confirmed by the State Senate. In 2023, the Legislature enacted Act 260, SLH 2023, which provides for the representative of labor on the Board to be selected by a majority of the exclusive representatives of the bargaining units.

The full term of appointment for Board members is six years. Because cumulative experience and continuity in office are essential to the proper administration of HRS Chapter 89, the two-term appointment limit in Section 26-34, HRS, is not applicable, and members can continue in office as long as efficiency is demonstrated.



Board Member Stacy Moniz, Chair Marcus R. Oshiro, and Board Member Clark Hirota (left to right) serve as representatives of labor, the public, and management, respectively, on the Hawai‘i Labor Relations Board.

At the close of FY 2024, the Board was comprised of the following members:

MARCUS R. OSHIRO, Chair and Representative of the Public, was appointed to the Board on October 25, 2017. He was nominated by Governor David Y. Ige and confirmed by the Hawai‘i State Senate on September 1, 2017, to an initial term ending June 30, 2018. He was appointed concurrently to another term effective July 1, 2018, through June 30, 2024. His annual salary as of June 30, 2024 was \$152,304. After graduating from Leilehua High School on O‘ahu, Chair Oshiro received his Bachelor of Arts in Political Science from the University of Hawai‘i at Mānoa. He attended the Willamette University College of Law, where he earned a J.D. and Certificate in Dispute Resolution. He is admitted to the Hawai‘i State Bar and licensed to practice in the Hawai‘i State Courts, as well as the U.S. District Court (Hawai‘i) and the 9th Circuit Court of Appeals. During his professional career, he served as a Deputy Prosecuting Attorney for the City and County of Honolulu and as a Consumer Law Attorney at the Legal Aid Society of Hawai‘i. He has served in various leadership and committee chairmanships representing the people of Wahiawa, Whitmore Village, and Launani Valley in the State House of Representatives from 1994 through 2017.

STACY MONIZ, Member and Representative of Labor, was appointed to the Board by Governor Josh Green effective August 17, 2023, and confirmed by the Hawai‘i State Senate on April 18, 2024, for a term to expire June 30, 2029.³ His annual salary as of June 30, 2024 was \$144,684. Board Member Moniz is a graduate of Waimea High School on Kaua‘i, Chaminade University of Honolulu, and the University of Hawai‘i William S. Richardson School of Law. He most recently served as Advocacy Chief for the Hawai‘i Government Employees Association (HGEA). Board Member Moniz has extensive experience in the field as a trial attorney, litigation manager, consultant, and representative. Prior to joining the Board, Member Moniz also served on the Board’s list of qualified arbitrators and was a panel member for two Interest Arbitrations involving public employers and BU 14 and BU 15.

CLARK HIROTA, Member and Representative of Management, was nominated to the Board by Governor Josh Green and confirmed by the Hawai‘i State Senate on May 1, 2024, for a term to expire June 30, 2030.⁴ Mr. Hirota joined the Board on May 15, 2024. His annual salary as of June 30, 2024 was \$144,684. Board Member Hirota has been involved in labor for the past 27 years. For seven years, he advised and represented various labor unions both in the private and public sector. Subsequently, Board Member Hirota represented the employer’s interest on behalf of the City and County of Honolulu (City) in labor matters. Board Member Hirota stood as a trier of fact for City departments in contested case hearings where conflicts preclude normal hearings officers from participating in certain cases. He also sat as a panel member for the Hawai‘i Health Systems Corporation (HHSC) Merit Appeals Board where contested case hearings for HHSC civil service employees were adjudicated. Board Member Hirota earned his bachelor’s and master’s degrees in political science from the University of Hawai‘i and is a graduate of the Seattle University School of Law.

D. Current Board Staff

Pursuant to Section 89-5(a), HRS, the Board may appoint the members of its staff. The Board’s secretary is in the civil service system and excluded from collective bargaining. All other staff members are exempt from civil service and excluded from collective bargaining.

At the close of FY 2024, the Board’s staff includes:

EVE L.Y. YEUNG, Executive Officer, joined the Board on June 17, 2024.⁵ Her annual salary as of June 30, 2024 was \$125,340. Ms. Yeung serves as legal counsel to the Board and performs such legal and administrative duties as may be delegated by the Board. Her legal duties primarily include research, drafting, and editing Board decisions and orders. Her administrative duties include supervising other staff members and responding to inquiries from the public. Ms. Yeung graduated from Maryknoll Schools and Smith College in Northampton, Massachusetts with a bachelor’s degree in English Literature and Language. Upon graduating college, she worked at the J. Paul Getty Museum in Los Angeles, California in Marketing and Communications. She later returned to Hawai‘i to devote her time to several non-profit organizations before eventually receiving her law degree from the

³ Board Member Moniz replaced former Board Member J N. Musto, who retired on August 16, 2023.

⁴ Board Member Hirota replaced former Board Member Sesnita A.D. Moepono, who retired on April 30, 2024.

⁵ Ms. Yeung replaced former Executive Officer Linda K. Goto, who retired on February 29, 2024.

William S. Richardson School of Law. Upon graduation, Ms. Yeung primarily practiced in labor and employment law, where she represented unions, employers, and employees.

MIDORI K. HIRAI, Hearings Officer, serves as legal counsel and hearings officer to the Board and performs such legal duties as may be delegated by the Board. Her legal duties primarily include research, drafting, and editing Board decisions and orders. She also handles appeals from Board decision and orders. Ms. Hirai's annual salary as of June 30, 2024 was \$99,720. Ms. Hirai previously worked in state government as a legislative aide and joined the Board as a Staff Attorney in October 2018 after spending time in private practice. Ms. Hirai graduated from Punahou School and University of Hawai'i at Mānoa with a Bachelor of Arts in English with High Honors and a Professional Writing Certificate. She received a Juris Doctorate from the University of San Francisco, School of Law, San Francisco, California and is a member of the Hawai'i State Bar Association. Ms. Hirai was admitted to the Bar of the Supreme Court of the United States in 2021.

SUSAN A. WEBER, Staff Attorney, has been with the Board since February 2023. Her duties include assisting the Board with HIOSH appeals and performing other duties as assigned. Her annual salary as of June 30, 2024 was \$94,452. A former Hearings Officer with the Board, Ms. Weber also served as an Employment Security Appeals Referee with the Department of Labor and Industrial Relations and as a DUI Adjudicator with the Administrative Driver's License Revocation Office, Hawai'i State Judiciary. Ms. Weber gained experience at the Hawai'i State Legislature as a legislative staffer, researcher, and analyst, and as a librarian and research attorney with the Legislative Reference Bureau. She also served in various capacities within the University of Hawai'i System Libraries. Ms. Weber obtained a Bachelor of Arts in Psychology and a Master of Library and Information Studies from the University of Hawai'i at Mānoa and received a Juris Doctor from the University of California, Hastings College of the Law in San Francisco, California.

JANEEN L.M. ABE, Secretary IV; SR 18I, joined the Board on December 1, 2023. Ms. Abe provides clerical and administrative support to the Chair and Board members. Her annual salary as of June 30, 2024 was \$66,288. Ms. Abe serves as the Board's office manager and is responsible for fiscal and personnel recordkeeping, including purchasing and travel for the Board. Ms. Abe also maintains the Board calendar, finalizes Board correspondence and publications, and responds to public inquiries. Ms. Abe has more than 20 years of experience with the Department of Labor and Industrial Relations, having previously served as Secretary for the Wage Standards Division and HIOSH.

MILTON Y. HIRATA, Hearings and Case Management Specialist, has been with the Board since October 2014. His annual salary as of June 30, 2024 was \$65,916. Mr. Hirata effectively serves as the Board's Court Clerk. He maintains the official docket of cases, manages Board proceedings, and prepares records on appeal. Mr. Hirata serves as the primary point-of-contact with parties to determine access needs and compliance with filing requirements and deadlines. He coordinates and schedules hearings, processes subpoena requests, reviews pretrial statements for duplicate exhibits or witnesses, maintains audio and/or video recordings of hearings, which serve as the official record of proceedings, keeps an official list of exhibits, and monitors in person and remote hearing observers to ensure compliance with the Witness Exclusion Rule. Mr. Hirata operates and maintains the Board's electronic broadcasting and recording systems and manages the Board's electronic filing system,

File & ServeXpress. He also coordinates with Board staff to review and finalize Board notices and orders, prepare and route e-sign documents, upload Board documents to the Board’s electronic filing system, and certify and mail documents to parties. Mr. Hirata graduated from the University of Hawai‘i at Mānoa with a Bachelor of Arts in Political Science. He spent 25 years as founder and manager of several communications agencies and served as the regional director of communications for the American Cancer Society, Hawai‘i Pacific Division, from 2005 to 2013, before bringing his talent and experience to the Board.

SUSAN S.C. LIN, Researcher, joined the Board on March 18, 2024. Her annual salary as of June 30, 2024 was \$56,280. Ms. Lin’s responsibilities include collecting and compiling data on HRS Chapters 89, 377, and 396 cases and Board activities, maintaining electronic records and status of cases on appeal, assisting attorneys with filing documents on the Judiciary Electronic Filing and Service System (JEFS), calendaring cases on the Board’s digital calendar, and updating the Board’s website, including its library of decisions and orders, laws, forms, publications, list of arbitrators and mediators, and other news and events. Ms. Lin serves as backup to the Hearings and Case Management Specialist and assists with reviewing and finalizing Board notices and orders, preparing and routing e-sign documents, uploading Board documents to the Board’s electronic filing system, and certifying and mailing documents to parties. Ms. Lin graduated from McKinley High School and the University of Hawaii at Mānoa with a Bachelor of Science in Fashion Design. Prior to joining the Board, she worked in the private sector in the field of customer service and held various clerical positions within the Department of Labor and Industrial Relations.



In FY 2024, the Board welcomed three new staff members (left to right): Susan Lin, Researcher; Janeen Abe, Secretary; and Eve Yeung, Executive Officer.

III. PUBLIC-SECTOR BARGAINING UNITS

A. Overview

The collective bargaining law for public employees divides all State and county employees covered by HRS Chapter 89 into 15 units based on occupational and compensation plan groupings. These bargaining units, described in Section 89-6(a), HRS, are as follows:

Unit	Statutory Description
1	Non-supervisory employees in blue collar positions;
2	Supervisory employees in blue collar positions;
3	Non-supervisory employees in white collar positions;
4	Supervisory employees in white collar positions;
5	Teachers and other personnel of the department of education under the same pay schedule, including part-time employees working less than twenty hours a week who are equal to one-half of a full-time equivalent;
6	Educational officers and other personnel of the department of education under the same pay schedule;
7	Faculty of the University of Hawai‘i and the community college system;
8	Personnel of the University of Hawai‘i and the community college system, other than faculty;
9	Registered professional nurses;
10	Institutional, health and correctional workers;
11	Firefighters;
12	Police officers;
13	Professional and scientific employees, who cannot be included in any of the other bargaining units;
14	State law enforcement officers; and
15	State and county ocean safety and water safety officers.

It is customary to refer to the bargaining units by the numbers used in Section 89-6(a), HRS. For example, the unit consisting of firefighters is referred to as “Unit 11”.

B. Exclusive Representatives

The 15 public employee collective bargaining units have selected employee organizations to serve as their exclusive representatives. Throughout the remainder of this report, the following abbreviations will be used to refer to the respective exclusive representatives (or unions):

HFFA	Hawaii Fire Fighters Association, Local 1463, IAFF, AFL-CIO
HGEA	Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO
HSTA	Hawaii State Teachers Association
SHOPO	State of Hawaii Organization of Police Officers
UHPA	University of Hawaii Professional Assembly
UPW	United Public Workers, AFSCME, Local 646, AFL-CIO

C. Employees Per Bargaining Unit

As of December 31, 2023, there were approximately 58,209⁶ public employees in bargaining units. The following chart indicates the number of employees in each bargaining unit, the change in employees from the previous year, the Exclusive Representative for each unit, and the date that the union was initially selected and certified as the exclusive representative.

Unit	No. of Employees	Difference From Previous Year	Exclusive Representative	Date of Initial Certification
1	8,417	154	UPW	10/20/1971
2	735	(8)	HGEA	10/20/1971
3	11,441	42	HGEA	4/3/1972
4	791	10	HGEA	5/3/1972
5	13,033	233	HSTA	05/21//71
6	986	31	HGEA	6/10/1971
7	3,157	(129)	UHPA	11/1/1974
8	2,375	100	HGEA	1/26/1973
9	1,290	44	HGEA	7/10/1979
10	2,491	71	UPW	2/11/1972
11	2,010	22	HFFA	2/4/1972
12	2,587	(35)	SHOPO	7/14/1972
13	8,076	248	HGEA	5/3/1972
14	400	(9)	HGEA	7/1/2013
15	420	31	HGEA	1/7/2021

⁶ This figure represents a net increase of 805 public employees in bargaining units from the previous calendar year and does not include 1,818 public employees in bargaining units reported by the State Public Charter School Commission.

The information in the above chart is from the HLRB Informational Bulletin No. 62, dated February 21, 2024, and can be found on the Board’s website <http://labor.hawaii.gov/hlrb/find-a-report/>.

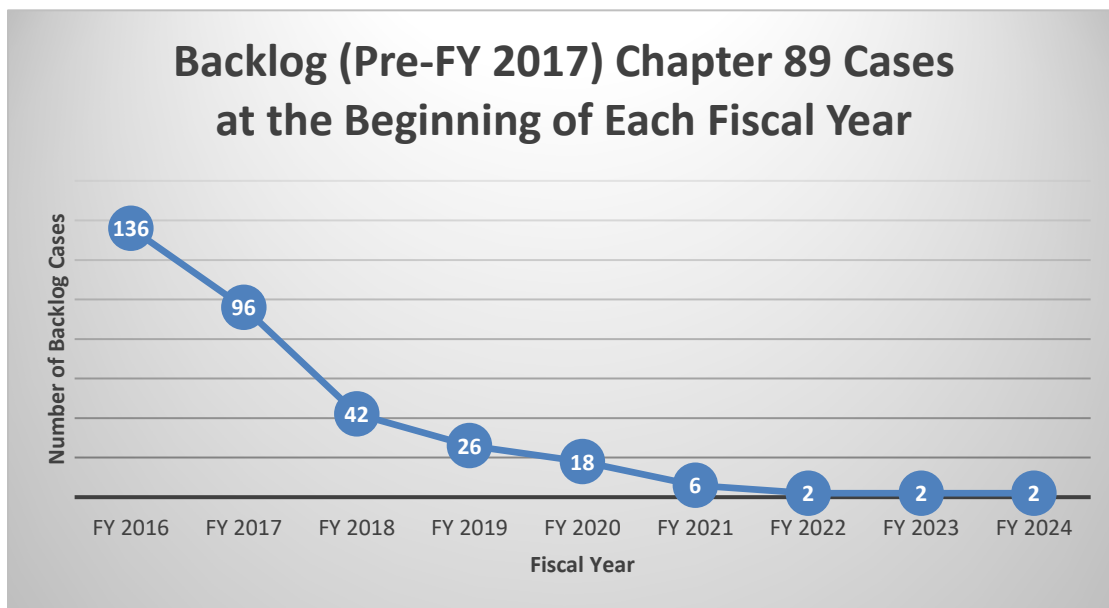
IV. BOARD PROGRAM OF WORK DURING FY 2024

A. Closing Backlog Cases

In 2017, the Board set a goal of eliminating the backlog of 136 of its oldest HRS Chapter 89 cases filed on or before June 30, 2016 (pre-FY 2017 backlog). Over the subsequent years, the Board and its staff worked diligently to reduce the number of pre-FY 2017 backlog cases, while striving to maintain the timely processing of new cases.

Pursuant to Section 91-11, HRS, Board members who did not participate in past hearings had to review entire case files and listen to the audio recordings and/or read entire transcripts of proceedings to comprehend and endorse any proposed order and findings of fact and conclusions of law. This has been time a consuming process.

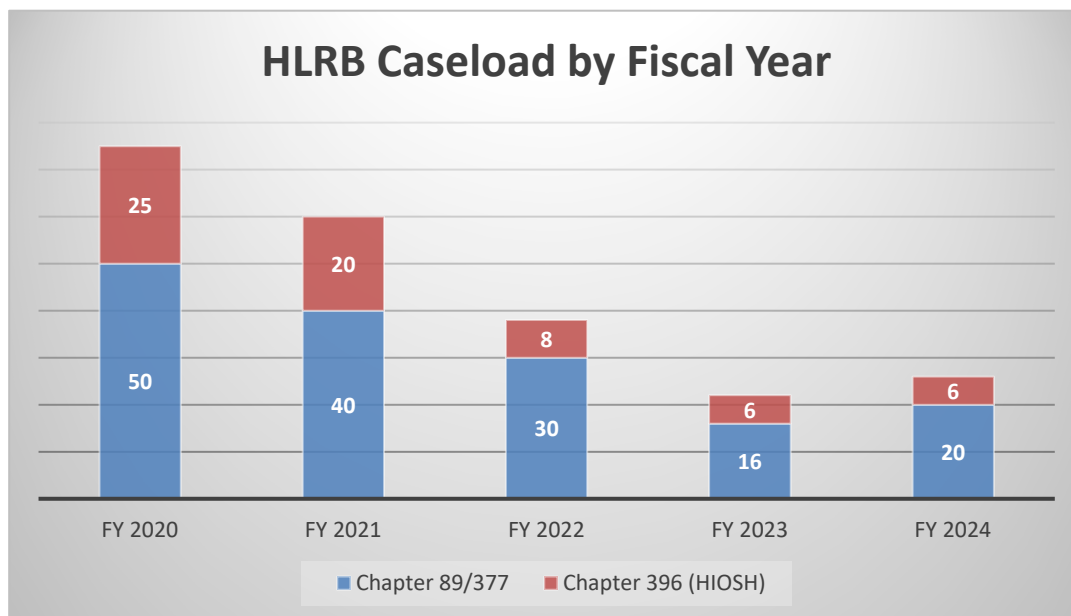
Notwithstanding these challenges, the backlog of pre-FY 2017 HRS Chapter 89 cases was reduced to two consolidated cases by the end of FY 2022, and those cases, which for all practical purposes are treated as one, went to hearing in September 2023, and are currently pending a final decision and order by the Board. The chart below graphically illustrates the results of the Board’s effort over the past seven years to eliminate its oldest backlog cases comprised of prohibited practices complaints filed between FY 2003 and FY 2016.⁷



⁷ For statistical purposes, the remaining pre-FY 2017 case, *Ross, Kahawai, Pacheco, Leialoha and Salas v. DHRD and UPW* (2009), is counted as two separate prohibited practice cases, one against the Employer (CE-10-737) and the other against the Exclusive Representative or Union (CU-10-284).

B. Caseload Makeup

Over the past five fiscal years, the Board has seen a decline in the number of new cases filed with the Board. However, in FY 2024, the steady decline appears to be leveling off. Twenty new HRS Chapters 89 and 377 and six new HRS Chapter 396 cases were filed with the Board in FY 2024, resulting in a five-year average of 31 new HRS Chapter 89 and 377 and 13 new HRS Chapter 396 cases per year.



The most common type of HRS Chapter 89 case is a Prohibited Practice Complaint against the Employer (CE), followed by a Prohibited Practice Complaint against the Union (CU). Over the past five years, there has been only one Prohibited Practice Complaint filed against an Employee (CEE).

Impasse (I) cases under Section 89-11, HRS, usually arise in fiscal years when collective bargaining contracts are set to expire or are being negotiated. For example, in FY 2021, there were 15 impasse cases filed with the Board, compared to FY 2022 through FY 2024 when no impasse cases were filed. The parties typically reach settlement with little Board involvement beyond the declaration of impasse.

A third category of cases under HRS Chapter 89 is where a petitioner seeks a Declaratory Ruling (DR). The Board has its authority to issue Declaratory Rulings under Section 89-5, HRS, and Sections 12-43-50 to 12-43-54, Hawai'i Administrative Rules (HAR). The Board has discretion in deciding whether to issue or refuse to issue a declaratory ruling.

In FY 2024, there was one request for a Declaratory Ruling in Academic Labor United v. UH, et al., Case No. 23-DR-00-120. In that case, the Board ruled that graduate assistants at the University of Hawai'i are public employees as defined under Section 89-2, HRS, and declared that graduate assistants are not included in bargaining units 1, 2, 4, 5, 6, 9, 10, 11, 12, 14 or 15, as identified in Section 89-6(a), HRS. The Board order in that case can be found under "Board Decisions & Orders" at

www.labor.hawaii.gov/hlrp/. The Order may be useful for understanding how the Board applies its laws, rules, and authority in analyzing and deciding a Petition for Declaratory Ruling.

A fourth category of cases under Chapter 89, HRS, is where the petitioner is seeking a Petition for Clarification or Amendment of Appropriate Bargaining Unit, (RA). These types of cases are rarely seen by the Board, and no such case was filed with the Board in FY 2024.⁸

C. Common Forms of Prohibited Practice Cases

Most Prohibited Practice Cases involve a complaint filed by an Employee against their Employer. In many cases, the Employee is represented by a Union representative or attorney. The Employer is generally represented by a Deputy Attorney General from the State of Hawai‘i; a Deputy Corporation Counsel from the City and County of Honolulu, County of Hawai‘i, or County of Maui; a Deputy County Attorney from the County of Kaua‘i; or an Associate General Counsel or outside counsel for the University of Hawai‘i. There are also cases in which the Employee is not represented by the Union and proceeds on their own as a self-represented litigant (“SRL”) or *pro se* complainant, bringing a complaint against their Employer. Sometimes, in these cases against the Employer, the Employee may also bring a prohibited practice charge against the Union for a violation of its breach of the duty of fair representation.

Whether a case involves attorneys or a self-represented litigant, it is never “cookie cutter”. Each case is as unique as the parties and facts involved. Consequently, the Board and its staff spend much time processing these cases through the formal hearing process, applying pre-hearing and post-hearing procedures as are customarily used in most civil proceedings in the Hawai‘i Circuit Courts.

D. Accessibility and Transparency

Finally, the Board’s hearings under HRS Chapters 89 and 377 are open to the public, and reasonable accommodations are made for persons seeking access. The Board provides language interpretation and translation services for party litigants and has the capacity to hold hearings on the Neighbor Islands to accommodate parties for whom it would be cost prohibitive to cover plane fare, ground transportation, and lodging costs for witnesses. While to Board continues to use the *Zoom*

⁸ It is noteworthy to elaborate on why a Petition for Clarification or Amendment of Appropriate Bargaining Unit (RA) has rarely been seen by the Board. In the process of enacting SB1696-70, SD1, HD3, CD1, which became Act 171, SLH 1970, and was codified as HRS Chapter 89, the Legislature established 13 bargaining units (BU) and reserved for itself the sole authority to set standards and criteria and statutorily determine the appropriate bargaining units for public employees. Since then, the Legislature has expanded the number of appropriate bargaining units only twice. In Act 137, SLH 2013, the Legislature established BU 14, comprised of state law enforcement officers and state and county ocean safety and water safety officers. Prior to this change, state law enforcement officers and county ocean safety and water safety officers were included in BU 3, white collar employees, and BU 4, white collar supervisors, both represented by the HGEA, pursuant to the Hawai‘i Public Employment Relations Board Decision No. 17, April 3, 1972, and Decision No. 13, May 3, 1972. On November 7, 2013, the Board issued an Order Granting Petitioner HGEA’s First Amended Petition for Clarification or Amendment of Appropriate Bargaining Unit relating to those positions that constituted BU 14 and transferred those positions from BU 3 and BU 4 to BU 14. Seven years later, in Act 31, SLH 2020, the Legislature established new BU 15 to include state and county water safety officers as a new category of public employees.

platform for the most of its proceedings, in FY 2024, the Board reinstated its pre-pandemic practice of holding hearings on the merits or *de novo* hearings in person, when practicable.

E. Hearings on the Merits

Cases initiated pursuant to HRS Chapters 89 or 377 are similar in many respects to civil cases filed in the circuit courts. In the circuit courts, much of the processing of cases hinges upon the prosecution of the case by the plaintiff and defendant, and the court serves in many instances as the “referee” or “facilitator” of the case. About 90% of all civil cases do not proceed to trial and court adjudication.

The same holds true for cases that come before the Board. Other than some terminology differences, both the complainant and respondent have some say in whether a case goes to a hearing on the merits—the Board’s version of a trial—or is continued for purposes of settlement. Furthermore, the Board adheres to the legislative public policy of promoting harmonious and cooperative relations among the parties. In many instances, granting additional time to the parties has resulted in resolution benefiting both litigants, saving legal expenses, and most importantly, establishing workable processes to avoid future contractual disagreements. Still, the Board adheres to the maxim that timely prosecution of a case is essential to a just outcome, and it does not condone purposeless delay in any case.

F. De Novo Hearings

The Board serves as the appeals board for determinations made by HIOSH and the Director of Labor and Industrial Relations (Director), and reviews each case *de novo*, or from the beginning.

One type of case arising under HRS Chapter 396 is referred to as a “Citation Case” because it is an appeal from a citation by HIOSH and commonly arises in a dispute regarding the type of violation, proposed penalty, or prior record of non-compliance or previous violation. In these types of cases, the Board’s policy is to encourage settlement among the parties, especially when the differences may be one of monetary fine. The Board allows more time in citation cases than in other types of HIOSH cases before setting pretrial deadlines and hearing dates. The Director and HIOSH are always represented by the Department of the Attorney General.

Another type of case arising under HRS Chapter 396 is a “Discrimination or Whistleblower Case” and involves an employee bringing a complaint for an adverse employment action because they are engaged in some protected activity such as raising a safety and health concern with an employer or HIOSH.⁹ Because these types of cases usually involve self-represented litigants, the Board asserts greater oversight and sets *de novo* hearings in discrimination or whistleblower cases on a much shorter timeline than in citation cases. Typically, in these cases, an employee appeals HIOSH’s decision and order that the employer did not unlawfully discriminate and must establish a *prima facie* case that the

⁹ While there are also cases where HIOSH found discrimination occurred and the employer challenges this finding, they are less common. However, the general burdens of proof remain the same.

employee engaged in a protected activity, the employer subjected the employee to an adverse action, and a causal link exists between the protected activity and the adverse employment action. If the employee establishes a *prima facie* case, the burden shifts to the employer to provide a legitimate, non-retaliatory reason for the employment action. If the employer does so, the burden shifts back to the employee to prove that the employer's stated reason was pretextual.

In Dir., Dept. of Labor and Industrial Relations v. Permasteelisa Cladding Techs., Ltd., 125 Haw. 223, 257 P.3d 236 (2011), the Hawai'i Intermediate Court of Appeals set forth the applicable standards regarding the circumstances in which an administrative agency determination in a HIOSH case should be given deference. This deference remains despite the standard of a fresh review of an agency's conclusions of law in statutory interpretation unless the Board finds an abuse of discretion. Finally, the Board may affirm, modify, or vacate the citation, the abatement requirement or the proposed penalty, order, or remand the case to the Director with instructions for further proceedings, or direct other relief as may be appropriate.

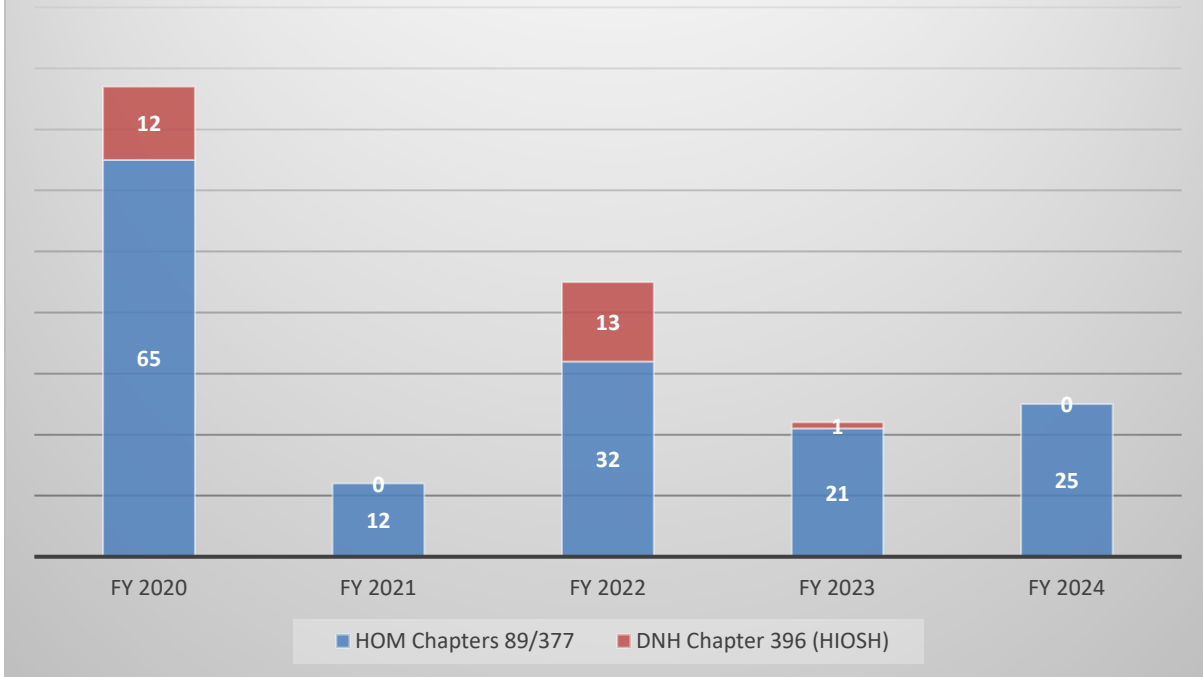
In FY 2020, prior to the onset of the COVID-19 pandemic, the Board recorded more hearing time on HRS Chapters 89 and 377 and HRS Chapter 396 cases than ever, with 65 days of hearings on the merits and 12 days of *de novo* hearings, not including multiple status conferences, motion hearings, pretrial hearings, and other non-substantive proceedings.¹⁰ In FY 2021, the Board experienced a record low of 12 days of hearings on the merits and zero days of *de novo* hearings, which the Board attributes mainly to the effects of the pandemic, which essentially shuttered many government offices, public buildings, and private businesses. Activity with the Board rebounded in FY 2022, with 32 days of hearings on the merits and 13 days of *de novo* hearings but declined in FY 2023 and FY 2024, with 21 days of hearings on the merits and one day of *de novo* hearing and 25 days of hearings on the merits and zero days of *de novo* hearings, respectively.

While the number of HRS Chapters 89 and 377 cases proceeding to hearings on the merits appears to be stabilizing, the Board, for now, does not expect to see an increase in the number of HRS Chapter 396 cases proceeding to *de novo* hearings due to the dramatic decrease in the number of notice of contests transmitted to the Board over the past five years and the tendency of HIOSH appeals to settle.

The chart on the following page shows the number of days the Board held Hearings on the Merits (HOM) and *De Novo* Hearings (DNH) over the most recent five-year period, from FY 2020 through FY 2024.

¹⁰ It cannot be overlooked that all cases require formal written notices and orders memorializing agreements, Board decisions, evidentiary and factual stipulations, deadlines, and other directives arising from Board proceedings. In FY 2020, the Board began tracking and measuring the number of notices and orders issued in all cases before it. In FY 2020, the Board issued over 300 orders and more than 100 notices. In FY 2021, the Board issued over 250 orders and more than 130 notices. In FY 2022, the Board issued nearly 200 orders and notices, and in FY 2023 and FY 2024, the Board issued more than 200 orders and notices in each of those fiscal years.

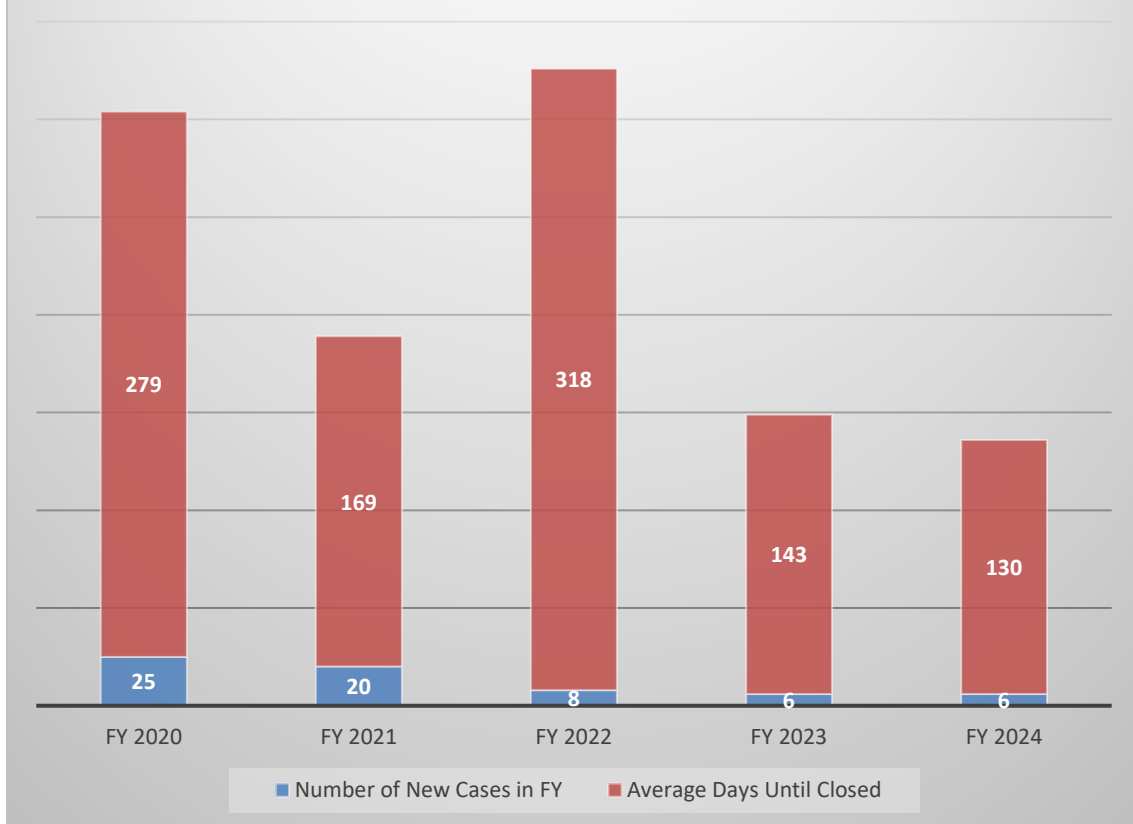
Hearings on the Merits (Chapters 89/377) and De Novo Hearings (Chapter 396) by Fiscal Year



G. Disposition of *De Novo*/HIOSH Appeals

Historically, most HIOSH cases close within a year of the filing of a notice of contest. While an appeal is pending before the Board, HIOSH citations and fines, while not set aside, are not enforced against a business. The table on the following page shows the number of new HRS Chapter 396 appeals filed over the most recent five-year period and the average number of days elapsed before a case is closed. By the end of FY 2023, all HIOSH cases filed in FY 2019 and FY 2021 had closed. However, two of 25 cases filed in FY 2020, three of eight cases filed in FY 2022, and one of six cases filed in FY 2023 remained active. In FY 2024, the Board prioritized clearing all post-hearing cases pending final determination by the Board. By the close of FY 2024, all outstanding HIOSH cases from previous fiscal years except for one case from FY 2020, which has been held in abeyance since March 31, 2023, by stipulation of the parties, have closed. At the end of FY 2024, only one of six new cases filed in FY 2024 remains open.

Number of New HIOSH Cases by Fiscal Year Average Elapsed Days Until Closing



While the significant decrease in the number of HRS Chapter 396 appeals filed with the Board is not fully understood, the effects of the pandemic on Hawai‘i businesses, agency staffing issues, an increased emphasis on workplace safety, outreach, and training, and the government’s greater willingness to settle cases, all factor into this ongoing trend.

H. Cases by Union

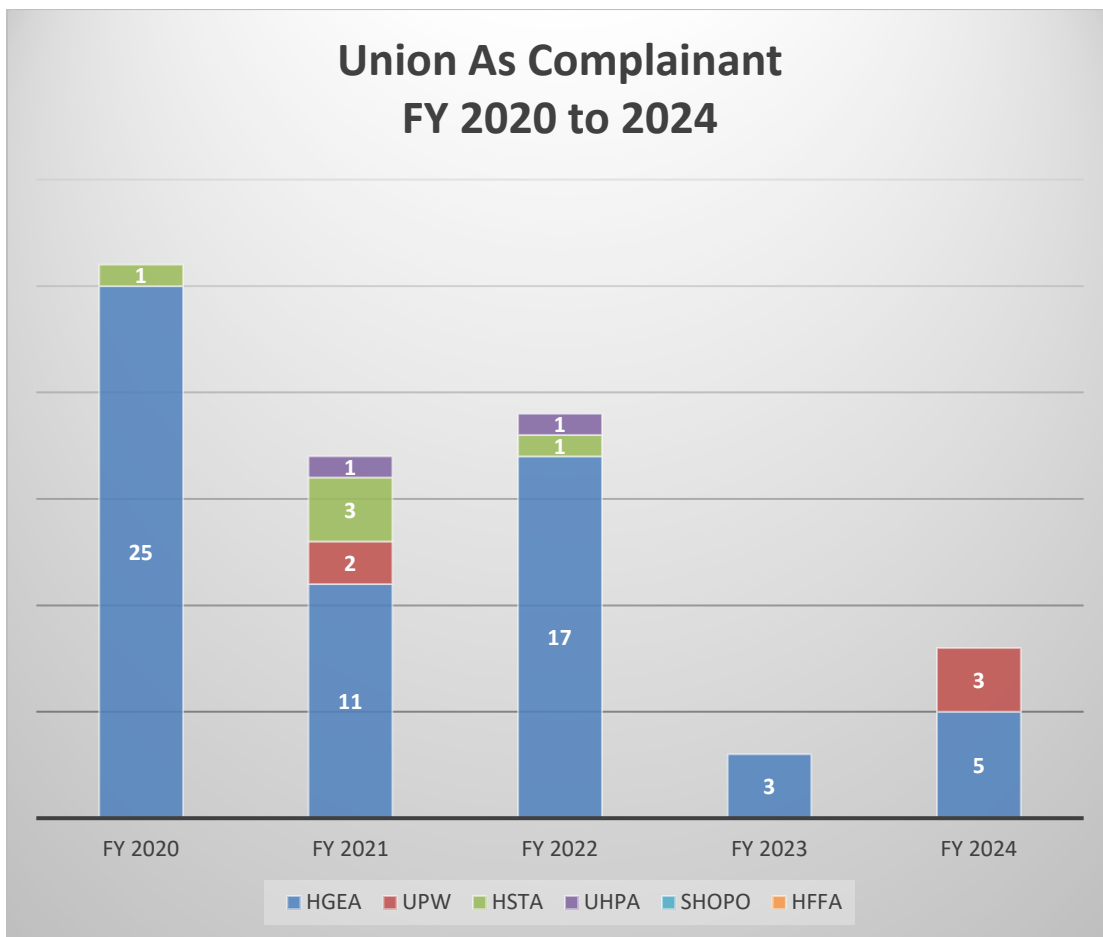
A “Complainant” is the party who files an Unfair Labor Practice or a Prohibited Practice Complaint against a “Respondent”. In most cases, the Complainant is a Union or Employee or Employees. On the other hand, the “Respondent” is the party or parties responding to the complaint. In most cases, the Respondent is either the Employer or Union, or both. When both the Union and Employer are named as Respondents, the complaint is referred to as a “hybrid” case.¹¹

¹¹ When dealing with prohibited practices arising from how a union handles grievances, this falls under what is known as a “hybrid case.” While this phrase does not appear in HRS Chapter 89, the Hawai‘i Supreme Court (HSC) laid out the hybrid case in *Poe v. Haw. Labor Rel. Bd.*, 105 Hawai‘i 97, 102, 94 P.3d 652, 657 (2004) (*Poe II*). A hybrid case alleges that the employer committed a prohibited practice under HRS § 89-13(a)(8) and that the union breached its duty of fair representation, which is a prohibited practice under HRS § 89-13(b)(4). The complainant must prove both that the employer wilfully violated

1. Union as Complainant

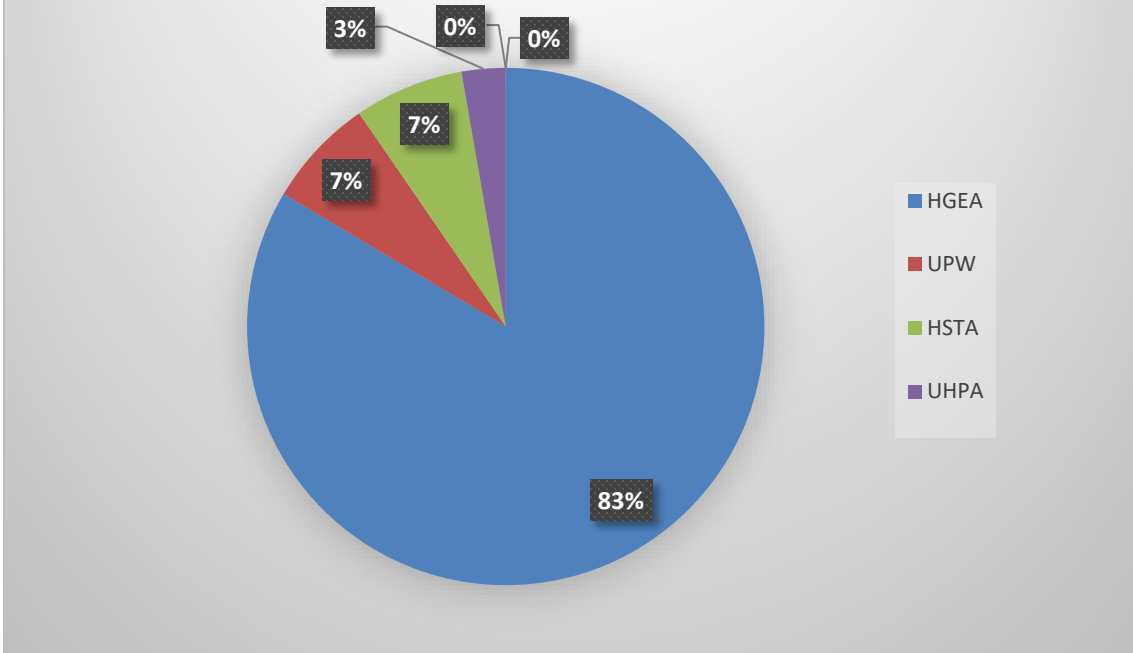
Between FY 2020 and FY 2024, the Hawaii Government Employees Association (HGEA), filed more prohibited practice complaints than any other public employee union, accounting for the majority of cases filed by unions in each of the five most recent fiscal years, FY 2020 to FY 2024, at 96.2%, 64.7%, 89.5%, 100%, and 83%, respectively. Coming in at a distant second, third, and fourth place are the United Public Workers (UPW), the Hawaii State Teachers Association (HSTA), and the University of Hawaii Professional Assembly (UHPA). Data reveals that the State of Hawaii Organization of Police Officers (SHOPO) and the Hawaii Fire Fighters Association (HFFA) rarely appear before the Board.

The following graphs depict the number and percentage of cases in which each public employee union has been named as a Complainant in a prohibited practice complaint over the five most recent fiscal years.



the collective bargaining agreement **and** that the union violated its duty of fair representation. This type of complaint can succeed only if the complainant proves **both** parts. The complainant may choose to bring a case against only one respondent but must still prove both parts of the case. Further, the complainant can receive remedies only from the respondents in the case. This means that, for example, to receive any remedy or relief from an employer, the complainant would have to name the employer as a respondent.

Union As Complainant Percentage of Cases Over a Five-Year Period FY 2020 to 2024

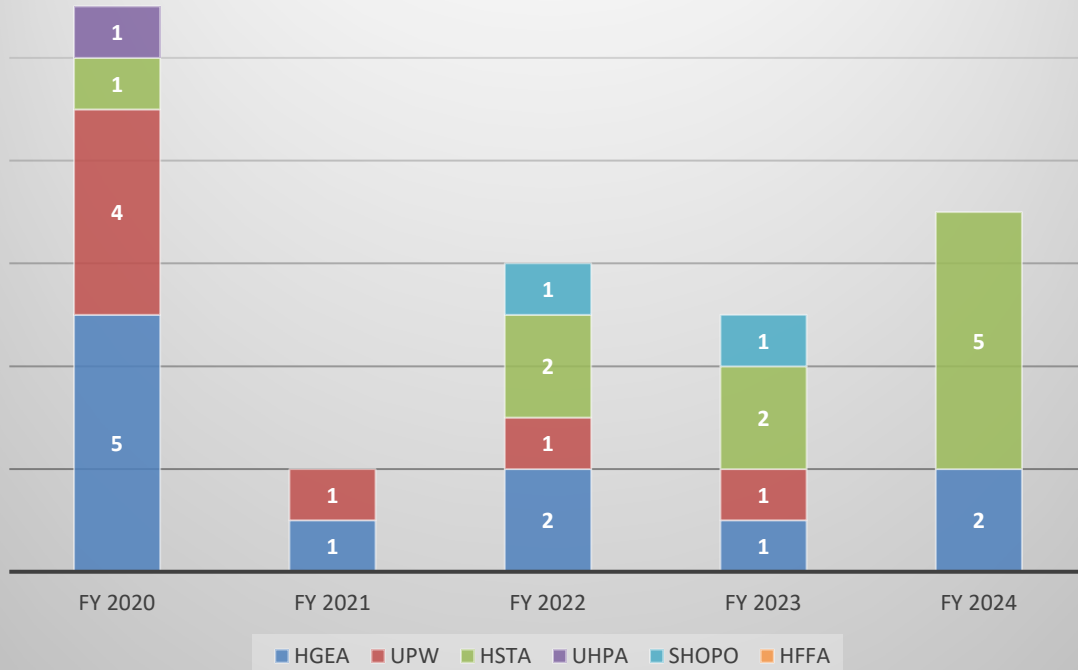


2. Union as Respondent

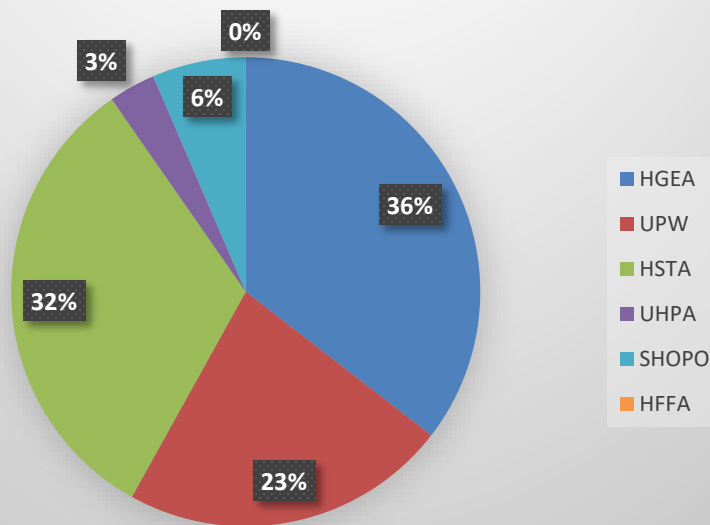
Historically, the HGEA has been the public employee union most frequently named as a Respondent in prohibited practice complaints, most likely because the HGEA represents the largest number of public employees in the State. However, between FY 2020 and FY 2024, the Board has seen a larger number of cases being filed against other unions, with the HGEA named as a Respondent in 36% of cases filed, followed by the HSTA at 32%, UPW at 23%, SHOPO at 6%, and UHPA at 3%. The HFFA has not been named as a Respondent in any case filed with the Board over the past five fiscal years.

The following graphs depict the number and percentage of cases in which each public employee union has been named as a Respondent in a prohibited practice complaint over the five most recent fiscal years.

Union As Respondent FY 2020 to 2024



Union As Respondent Percentage of Cases Over a Five-Year Period FY 2020 to 2024



I. Labor Arbitration and Mediation Program

The Board determines qualifications and establishes, after reviewing nominations submitted by the public employers and employee organizations, a list of approved arbitrators and mediators under Section 89-5(i)(6) and (7), HRS. Annual submission of updated resumes and contact information is required by the Board. As of June 30, 2024, the Board had 38 persons on its approved list of arbitrators and mediators. A current list of arbitrators and mediators and their resumes can be found on the Board's website at <https://labor.hawaii.gov/hlr/arbitrator-mediator-listing>.

Since 2018, the Board has been assigning numbers to each arbitrator, and then using a random selection machine (Bingo Ball Machine), randomly draws five names to create the list of arbitrators that is sent to the parties.¹² In 2018, the Board also established a policy of requiring written consent of the parties to request and receive a new list of five arbitrators after an initial list is issued by the Board. Likewise, mutual consent of the parties is required for a replacement arbitrator due to conflict, unavailability, retirement, or for other causes. In FY 2024, the Board generated 44 letters in response to requests for a list of arbitrators. The parties are required to notify the Board when an arbitrator is selected.



Board Secretary Janeen Abe operates the Board's random number selection machine.

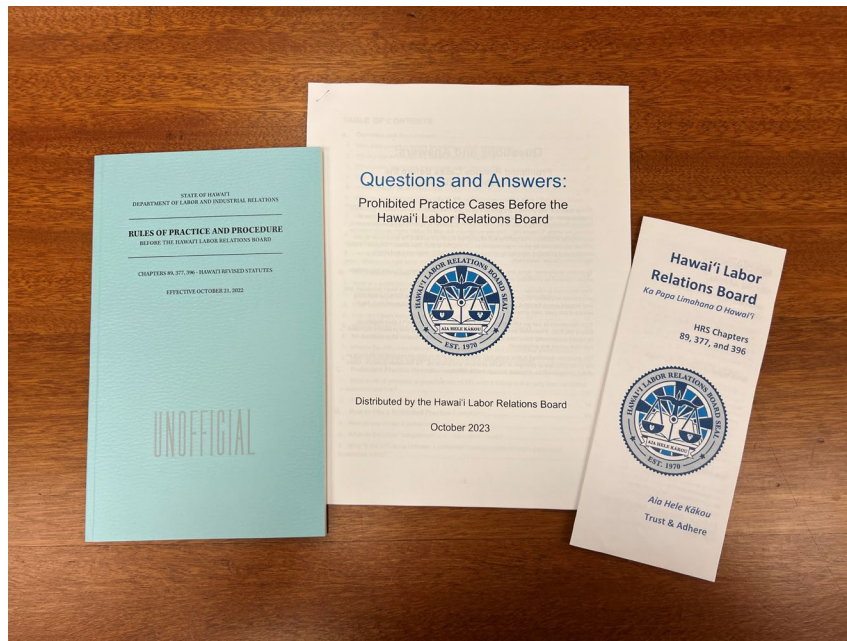
¹² A Board staff member operates the random number selection machine, and the Board Chairperson confirms the corresponding numbers and names. A list of those names is sent to the parties.

V. BOARD INITIATIVES FOR FY 2024

A. Board Publications in Print and Online

In FY 2024, the Board completed publication and distribution of an “unofficial” booklet of its new administrative rules, entitled *Rules of Practice and Procedure Before the Hawai‘i Labor Relations Board*.¹³ The Board’s official administrative rules, Hawai‘i Administrative Rules, Title 12, Subtitle 7, Chapter 43, are posted online and downloadable from the Board’s website at <https://labor.hawaii.gov/hlrb/files/2023/06/HLRB-Rules-from-LGs-ofc.pdf>. Print copies of both the official and unofficial administrative rules are available to practitioners and the public through the Board’s office.

In October 2023, the Board completed its latest publication *Questions and Answers: Prohibited Practice Cases Before the Hawai‘i Labor Relations Board*. This publication is available in print through the Board’s office or online at <https://labor.hawaii.gov/hlrb/frequently-asked-questions/>.



The Board’s new administrative rules, FAQs, and updated brochure are available in print or online.

The Board also updated its brochure about the Hawai‘i Labor Relations Board, which is available in print at the Board’s office or downloadable online from the Board’s website at <https://labor.hawaii.gov/hlrb/about-hlrb/>.

¹³ The Board’s new administrative rules booklet is considered “unofficial” because the rules have been reformatted, resized, and bound, and are not presented in the uniform format for state agency rules mandated by HRS §§ 91-4.2 and 91-5. See Ken H. Takayama, *Hawaii Administrative Rules Drafting Manual*, 181-83 (3d ed. 2016).

B. Website Redesign

To enhance and improve content and the user experience, the Board overhauled its website in the fall of 2023 to provide timely, helpful, and accessible information and resources for practitioners and the public. This project could not have been accomplished without support from the Department of Labor and Industrial Relations and its consultants at eWorld Enterprise Solutions, Inc. The Board is grateful for the continued assistance, collaboration, and guidance from the department administration, webmaster, and web working group.



The mission of the Hawai'i Labor Relations Board (HLRB) is to enforce and protect the rights of employees and unions to organize and bargain collectively in balance with the rights of employers to manage operations, as provided by law, and to fairly and efficiently resolve labor disputes brought before it.

A screenshot of the Board's redesigned website.

C. Response to H.C.R. No. 61, H.D. 1

In December 2023, the Board submitted its final report to the Hawai'i State Legislature pursuant to House Concurrent Resolution No. 61, House Draft 1 (H.C.R. No. 61, H.D. 1), Regular Session of 2023, requesting the Board to establish objective standards and criteria for splitting off a group of state workers into a new bargaining unit to assist the Legislature in determining the appropriateness of requests that come before it. The report is available online and downloadable from the Board's website at <https://labor.hawaii.gov/hlrb/files/2023/12/HCR61-HD1-Rept-to-Leg-FINAL-12.28.2023.pdf>.

D. Legislation Affecting HRS Chapters 89 and 377

The 2024 Regular Session of the Hawai‘i State Legislature proved to be busy, with the Board identifying and monitoring 24 bills with potential impact on the Board. By the close of session, the Legislature passed five bills affecting HRS Chapters 89 and 377:

- [HB 1640 HD1 SD1 CD1 \(CCR 128-24\)](#) **RELATING TO COLLECTIVE BARGAINING.** Requires the employer to initiate negotiations on repricing of classes within a bargaining unit within thirty days of its receipt of the exclusive representative’s written request to negotiate. Establishes that the employer’s failure to initiate the negotiation within the required time frame and the parties’ failure to reach an agreement within one hundred fifty days of the exclusive representative’s written request to negotiate or by January 31 of a year in which the collective bargaining agreement is due to expire, whichever is earlier, constitutes an impasse to which the impasse procedures shall apply, under certain conditions and limitations. Sunsets 6/30/2029. (CD1)
- [HB 1642 HD1 SD1 \(SSCR 3735\)](#) **RELATING TO GENERAL EMPLOYEE ORIENTATION.** Allows an employee or the exclusive representative, if applicable, to file a complaint with the Hawai‘i Labor Relations Board if the employer fails to comply with section 78-64, Hawai‘i Revised Statutes, relating to general employee orientation. (SD1)
- [SB 2715 SD1 HD2 CD1 \(CCR 29-24\)](#) **RELATING TO UNFAIR LABOR PRACTICES.** Makes it unlawful for an employer to discharge, discipline, or otherwise penalize or threaten any adverse employment action against an employee because the employee declines to attend or participate in an employer-sponsored meeting that communicates the opinion of the employer about political matters, or declines to receive or listen to a communication from the employer that communicates the opinion of the employer about political matters. Defines “employee” and “political matters”. (CD1)
- [SB 2718 SD1 HD1 CD1 \(CCR 30-24\)](#) **RELATED (sic) TO ADMINISTRATIVE PROCEDURES.** Allows the Hawai‘i Labor Relations Board to admit and consider hearsay evidence. (CD1)
- [SB 2991 SD2 HD2 CD1 \(CCR 178-24\)](#) **RELATING TO COLLECTIVE BARGAINING UNIT CREATION.** Requires the Hawai‘i Labor Relations Board to adopt rules establishing criteria and procedures for the creation of new bargaining units. Requires certain employees or any employer or exclusive representative proposing a new bargaining unit to submit an application to the Board. Allows certain employees

or any employer or exclusive representative to petition the Board to determine the appropriateness of a new bargaining unit. Requires the Board to consider certain criteria in determining the appropriateness of a new bargaining unit. Requires the Board to, upon its approval of the application, submit a report to the Legislature, including proposed legislation to create the new bargaining unit, accompanied by a decision and order issued by the Board. Makes an appropriation. Repeals 7/1/2027. (CD1)

E. Community Outreach

In November 2023, and again in June 2024, Board members were invited to serve as panelists in Joint Labor Management Seminars sponsored by the Hawaii Government Employees Association (HGEA) on O‘ahu and the Big Island. All Board members participated in these events.



Board Chair Marcus R. Oshiro, Board Member Stacy Moniz, and retired Board Secretary Nora Ebata attended a Joint Labor Management Seminar sponsored by the HGEA on O‘ahu in November 2023.

F. Reducing Backlogs and Improving Timeliness

The Board continues to monitor and analyze its cases to improve efficiency and accountability. In FY 2024, the Board continued to work diligently to reduce its backlog of cases, resulting in an all-time low of 17 HRS Chapter 89 cases and no HRS Chapter 396 cases pending final decision and order at the close of the fiscal year. The Board is pleased to report that all HRS Chapter 396 cases are presently up to date.

The Board is cognizant of the importance of adjudicating cases in a timely manner. In FY 2024, the Board began issuing minute orders to inform parties of the Board’s rulings on motions and decisions, when possible, within 30 days of closing arguments or the filing of post-hearing briefs following a hearing on the merits or *de novo* hearing. The goal of issuing minute orders for Board decisions no later than 30 days from post-hearing briefs or closing argument has the benefit of informing parties of the prevailing party while providing the Board sufficient time to prepare its full findings of fact, conclusions of law, and order.

G. Ongoing Board Initiatives

- As private subscription services are no longer available, the Board has been exploring the feasibility of developing an online topical index or searchable database of its HRS Chapters 89 and 377 Decisions and Orders, as a helpful tool for students, researchers, practitioners, and the general public.
- The Board continues the process of updating its agency forms to conform with its new administrative rules.
- The Board’s staff conducts periodic review of office records to ensure compliance with its records retention and disposition schedule, which requires closed case files to be retained for 20 years. The Board’s records retention and disposition schedule, which was last updated in October 2005, is currently under review.



Retired Board Secretary Nora Ebata volunteers her time to review files for records retention and disposition.

VI. CONCLUSION

During FY 2024, the Board made great strides to further reduce its backlog of cases pending final decision while maintaining the timely processing of new cases and pursuing activities to fulfill its mission and duty to the public it serves. With new rules to adopt, new laws to implement, and new and additional staff expected to join the Board in FY 2025, the Board looks forward with anticipation to the change and challenges in the year ahead.

Respectfully submitted,



Marcus R. Oshiro

MARCUS R. OSHIRO, Chair

Stacy Moniz

STACY MONIZ, Member

Clark Hirota

CLARK HIROTA, Member

The seal of the Hawaii Labor Relations Board is circular with a serrated edge. It features a central scale of justice with a torch above it. The text "HAWAII LABOR RELATIONS BOARD" is written around the top inner edge, and "EST. 1970" is at the bottom. A banner across the scales reads "AIA HELE KAKOU".

APPENDIX 1: CASES BY TYPE OF CASE

Chapter 89/377 - Backlog Cases (Opened Prior to FY 2017)

Type of Case	Backlog Cases Active at the Beginning of FY 2024	Backlog Cases Closed in FY 2024	Backlog Cases Pending at the End of FY 2024
Chapter 377			
Unfair Labor Practice Against Union - (CU)	0	0	0
Unfair Labor Practice Against Employer - (CE)	0	0	0
Chapter 89			
Prohibited Practice Against Employer - (CE)	1	0	1
Prohibited Practice Against Union - (CU)	1	0	1
Prohibited Practice Against Employee - (CEE)	0	0	0
Impasse - (I)	0	0	0
Declaratory Ruling - (DR)	0	0	0
Unit Clarification - (RA)	0	0	0
Total 89/377 Cases	2	0	2

Chapter 89/377 - Old Cases (Opened between FY 2017 and FY 2023)

Type of Case	Old Cases Active at the Beginning of FY 2024	Old Cases Closed in FY 2024	Old Cases Pending at the End of FY 2024
Chapter 377			
Unfair Labor Practice Against Union (CU)	0	0	0
Unfair Labor Practice Against Employer (CE)	0	0	0
Chapter 89			
Prohibited Practice Against Employer (CE)	28	20	8
Prohibited Practice Against Union (CU)	15	11	4
Prohibited Practice Against Employee (CEE)	0	0	0
Impasse (I)	2 ¹⁴	2	0
Declaratory Ruling (DR)	0	0	0
Unit Clarification (RA)	0	0	0
Total 89/377 Cases	45	33	12

¹⁴ Two impasse cases and not one, as previously reported, remained pending at the end of FY 2023.

Chapter 89/377 - New Cases Opened in FY 2024

Type of Case	New Cases Opened in FY 2024	New Cases Closed in FY 2024	New Cases Pending at the End of FY 2024
Chapter 377			
Unfair Labor Practice Against Union (CU)	0	0	0
Unfair Labor Practice Against Employer (CE)	0	0	0
Card Check (CC)	1	1	0
Chapter 89			
Prohibited Practice Against Employer (CE)	10	4	6
Prohibited Practice Against Union (CU)	7	1	6
Prohibited Practice Against Employee (CEE)	1	0	1
Impasse (I)	0	0	0
Declaratory Ruling (DR)	1	1	0
Unit Clarification (RA)	0	0	0
Total 89/377 Cases	20	7	13

Chapter 396 (HIOSH) – Old Cases (Opened Prior to FY 2024)

Type of Case	Old Cases Active at the Beginning of FY 2024	Old Cases Closed in FY 2024	Old Cases Pending at the End of FY 2024
Chapter 396 (HIOSH)			
Contested Citation	2	2	0
Discrimination	4	3	1
Total 396 (HIOSH) Cases	6	5	1

Chapter 396 (HIOSH) – New Cases (Opened in FY 2024)

Type of Case	New Cases Opened in FY 2024	New Cases Closed in FY 2024	New Cases Pending at the End of FY 2024
Chapter 396 (HIOSH)			
Contested Citation	5	3	2
Discrimination	1	1	0
Total 396 (HIOSH) Cases	6	4	2

APPENDIX 2: PROHIBITED PRACTICE COMPLAINTS BY EMPLOYERS AS COMPLAINANT OR RESPONDENT

The Board began tracking Employers named as either a Complainant or Respondent in HRS Chapter 89 cases over a five-year period to see if any patterns emerge. This includes both State and county departments, agencies, and government corporations.

Employer Named as Complainant or Respondent in HRS Chapter 89 Cases by Fiscal Year

	FY20	FY21	FY22	FY23	FY24
Dept. of Agriculture	1	-	-	-	-
Dept. of Corrections and Rehabilitation ¹⁵	4	-	1	-	2
Dept. of Health	1	4	-	-	3
Dept. of Human Resources Development	1	-	-	-	2
Dept. of Labor and Industrial Relations	1	-	-	-	-
Hawai‘i State Hospital	3	-	-	1	-
C&C Dept. of Environmental Services	4	2	1	-	-
C&C Dept. of Parks & Recreation	-	1	-	-	-
Honolulu Board of Water Supply	1	-	-	-	-
Honolulu Police Dept.	-	-	1	-	-
County of Hawai‘i, Dept. of Finance	-	-	-	-	2
Maui Police Dept.	3	-	-	-	-
County of Kaua‘i	3	-	-	-	-
Dept. of Education	14 ¹⁶	10 ¹⁷	-	7	1
Hawai‘i State Judiciary	-	1	-	-	-
University of Hawai‘i	-	1	1	-	1
Hawai‘i Health Systems Corporation	5	1	2	2	-
N/A ¹⁸	4	18	-	-	-
Multiple Departments ¹⁹	-	-	17	-	-
	45	38	23	10	11

¹⁵ The Department of Corrections and Rehabilitation was previously known as the Department of Public Safety. See Act 278 (SLH 2022) § 20 at 780.

¹⁶ Although in FY 2020, 14 cases were filed against the Department of Education, six of these cases arose out of a complaint regarding members of HGEA’s bargaining units, 02, 03, 04, 06, 09, and 13, (HGEA v. Kishimoto, 20-CE-02-947a-947f). Accordingly, the Board counts each as a separate case. The Board held a hearing on the motion to dismiss and filed its Decision and Order dismissing the complaint in its entirety and closing the case. The remaining eight cases are comprised of complaints brought by the various unions and employees, and most have closed. One of the cases is on appeal at the First Circuit Court of Hawai‘i, and another proceeded to a Hearing on the Merits on a complaint brought against both the DOE and Union.

¹⁷ Although in FY 2021, 10 cases were filed against the Department of Education, six of these cases arise out of a complaint regarding members of HGEA's bargaining units, 02, 03, 04, 06, 09, and 13, (HGEA v. Governor David Ige, Kishimoto, and Board of Education, 20-CE-02-955a-955f). One of the issues in this case arose from a press conference by the Governor stating that due to COVID-19 negative economic impacts, the State may have to furlough state employees. The Governor subsequently announced that he would delay the implementation of the furlough and the parties requested that the case be stayed by the Board. The Board waited five months to hear from the parties and hearing none and receiving no objection, dismissed and closed the case. The other four cases are comprised of complaints brought by several unions and a Self-Represented Litigant. All of the cases were dismissed and closed.

¹⁸ Most of these are "Impasse Cases", *see* FY 2021, that arise when neither party gives written notice of an impasse and there are unresolved issues on January 31, of a year in which the collective bargaining agreement is due to expire and the Board pursuant to HRS 89-11, declares Impasse and sets the date of impasse and usually arise in an odd-number year. These impasse cases can also arise when one of the parties informs the Board of the impasse in writing and seeks a declaration of impasse. The Board's impasse order sets into action a statutory timeline and process for the parties to follow to resolve the impasse among themselves or seek HLRB or Judicial intervention. Over the past several years, the parties have entered into and used their Alternate Impasse Procedures with mutually favorable results. The other type of cases listed here are those that involve an Employee who only brings a complaint against the Exclusive Representative and not the Employer.

¹⁹ In FY 2022, there were a total of 17 cases with multiple departments involved. One case involved the Department of Taxation and the Department of Human Resources Development. Seven cases involved the Executive Branch, the Department of Education, and the Hawai'i State Judiciary, eight cases involved the Governor, Mayor of the City and County of Honolulu, and the Department of Education, and one case involved the Governor and the Department of Education.

APPENDIX 3: SIGNIFICANT DECISIONS AND ORDERS

Listed below are short summaries of the Board’s FY 2024 HRS Chapters 89 and 377 Decisions and Orders of significance. They may be instructive to the practitioner, self-represented litigant, employers, employees, and unions, or of interest to the general public. The Board Decisions and Orders can be found online at <https://labor.hawaii.gov/hlrb/board-decisions-orders/>.

ASATO, ET AL. V. HGEA AND UNIVERSITY OF HAWAI‘I || CASE NOS. 18-CU-08-365A-H, 18-CE-08-921A-H (PPC)

DECISION No. 517 || ISSUED AUGUST 10, 2023

Decision

University of Hawai‘i (UH) violated HRS § 89-6(f)(5) and committed a prohibited practice under HRS § 89-13(a)(7) when it allowed a BU 08 member to be involved in confidential employee matters related to the early termination of employment of eight temporary BU 08 employees. HGEA, however, did not breach its duty of fair representation in the handling of the terminated employees’ class grievance, and therefore, the Board could not find that UH committed a prohibited practice under HRS § 89-13(a)(8).

HGEA V. HAWAI‘I STATE HOSPITAL, DEP’T OF HEALTH || CASE NO. 22-CE-09-971 (PPC)

DECISION No. 518 || ISSUED AUGUST 15, 2023

Decision

Hawai‘i State Hospital (HSH) failed to meaningfully consult with HGEA about a new patient facility where BU 09 employees work. Accordingly, HSH violated HRS § 89-9(c) and committed prohibited practices under HRS §§ 89-13(a)(5) and (7) and derivative prohibited practices under HRS § 89-13(a)(1). However, HGEA did not exhaust its administrative remedies; and therefore, the Board could not find that HSH committed a prohibited practice under HRS § 89-13(a)(8). Additionally, HGEA did not meet its burden of proof to show that HSH committed prohibited practices under HRS §§ 89-13(a)(2) or (4).

HGEA V. ADULT MENTAL HEALTH DIVISION, DEP’T OF HEALTH || CASE NOS. 23-CE-03-980A, 23-CE-09-980B, 23-CE-13-980C (PPC)

DECISION No. 519 || ISSUED NOVEMBER 7, 2023

Decision

Adult Mental Health Division (AMHD), Department of Health, committed prohibited practices under HRS § 89-13(a)(7), by wilfully violating HRS § 89-9(c), and HRS § 89-13(a)(1), by wilfully interfering with employee rights under HRS §§ 89-3 and 89-8(a), when it failed to meaningfully consult with HGEA during the temporary reorganization to transition to a “pilot program” called Certified Community Behavioral Health Clinic, affecting HGEA members in BU 03, BU 09, and BU 13 at the Wailuku Health Center.

WEISS V. HSTA; WEISS V. SNELLING || CASE NOS. 22-CU-05-390; 22-CE-05-970 (PPC)
DECISION NO. 520 || ISSUED DECEMBER 4, 2023

Decision

In this “hybrid case,” as defined by the Hawai‘i Supreme Court in Poe v. Haw. Lab. Rels. Bd., 105 Hawai‘i 96, 102, 94 P.3d 656, 657 (2004) (Poe II), Complainant, a former teacher with the Department of Education, failed to show that HSTA acted arbitrarily, discriminatorily, or in bad faith when it settled a grievance over her discharge. Because Complainant did not prove that HSTA breached its duty of fair representation owed to her in the processing and handling of her grievance, Complainant lacked standing to pursue her prohibited practice claim against the Employer. Complainant’s case against HSTA and her case against the Employer were dismissed.

ACADEMIC LABOR UNITED V. UNIVERSITY OF HAWAI‘I, ET AL. || CASE NO. 23-DR-00-120 (DR)
ORDER NO. 4019 || ISSUED JANUARY 4, 2024

Order

Graduate assistants at the University of Hawai‘i are public employees as defined in HRS § 89-2. However, graduate assistants are not included in any of the following bargaining units identified in HRS § 89-6(a): (1) nonsupervisory employees in blue collar positions; (2) supervisory employees in blue collar positions; (4) supervisory employees in white collar positions; (5) teachers and other personnel of the department of education; (6) educational officers and other personnel of the department of education; (9) registered professional nurses; (10) institutional health and correctional workers; (11) firefighters; (12) police officers; (14) state law enforcement officers; or (15) state and county ocean safety and water safety officers.

Note: The Board was not asked to rule on whether graduate assistants should be included in any of the other existing bargaining units (BU 03, BU 07, BU 08, or BU 13) under HRS § 89-6(a). The Board did not opine on whether a new bargaining unit should be established for graduate assistants or whether graduate assistants should be excluded from collective bargaining under HRS § 89-6(f), as those determinations are not within its purview.

**FUKUMOTO V. DEP'T OF PUBLIC SAFETY AND HGEA || CASE NOS. 22-CU-14-389,
22-CE-14-966 (PPC)**

DECISION NO. 521 || ISSUED FEBRUARY 6, 2024

Decision

In this “hybrid case,” *see Poe II*, above, Complainant failed to show that HGEA acted arbitrarily, discriminatorily, or in bad faith, when it agreed to a global settlement of two grievances without his signature. Because Complainant did not prove HGEA breached its duty of fair representation owed to him in the processing and handling of his grievances, Complainant did not have standing to pursue his case against the Department of Public Safety (PSD). HGEA’s motion for judgment in its favor was granted. Claims against PSD were dismissed.

UHPA V. BOARD OF REGENTS, UNIVERSITY OF HAWAI‘I || CASE NO. 22-CE-07-968 (PPC)

DECISION NO. 522 || ISSUED APRIL 29, 2024

Decision

University of Hawai‘i (UH) complied with its duty to consult with UHPA over proposed UH Title IX policies, as required by HRS § 89-9(c), and therefore, UH did not commit a prohibited practice under HRS § 89-13(a)(7). Additionally, UHPA failed to provide UH with proper notice in its demand for negotiation, as required by HRS § 89-9(a), and therefore, UH was not obligated to bargain and did not commit a prohibited practice under HRS § 89-13(a)(5). The prohibited practice complaint against UH was dismissed.

**HGEA V. JOSH GREEN, RICK BLANGIARDI, BOARD OF EDUCATION, AND KEITH HAYASHI ||
CASE NOS. 21-CE-02-962A, 21-CE-03-962B, 21-CE-04-962C, 21-CE-06-962D, 21-CE-09-962E,
21-CE-13-962F, 21-CE-14-962G, 21-CE-15-962H (PPC)**

DECISION NO. 523 || ISSUED APRIL 30, 2024

Decision

HRS § 89-10.8 was not suspended by Governor Ige’s COVID-19 emergency proclamation in effect at the time HGEA’s class grievances concerning Respondents’ mandatory COVID-19 vaccination and testing requirements were filed. Accordingly, Respondents wilfully violated applicable collective bargaining agreements (CBAs) and HRS § 89-10.8 and committed prohibited practices under HRS §§ 89-13(a)(7) and (8) when they refused to participate in agreed upon grievance procedures under the applicable CBAs.

APPENDIX 4: CASES ON APPEAL

Below is a list of Board cases on appeal in various State courts during FY 2024. The **bold** case captions describe the cases heard by the Board. All HRS Chapters 89 and 377 decisions and orders can be found online at <https://labor.hawaii.gov/hlrp/board-decisions-orders/>. The *italicized* captions are cases on appeal and can be found through the Judiciary’s eCourt Kookua at <https://www.courts.state.hi.us>.

	HLRB Case Name / Appeal Case Name	HLRB Case Filed	HLRB Case #	Appeal Filed Date	Civil Appeal #
1.	HGEA v. Adult Mental Health Division, Department of Health, State of Hawai‘i <i>Department of Health, AMHD v. HGEA and HLRB</i>	9/22/2023	23-CE-03-980a 23-CE-09-980b 23-CE-13-980c	5/31/2024	1CCV-24-000725 Active
2.	HGEA v. JOSH GREEN, Governor, State of Hawai‘i; RICK BLANGIARDI, Mayor, City and County of Honolulu; BOARD OF EDUCATION, State of Hawai‘i; KEITH T. HAYASHI, Superintendent, Department of Education, State of Hawai‘i <i>Green, et al. v. HGEA and HLRB</i>	10/25/2021	21-CE-02-962a 21-CE-03-962b 21-CE-04-962c 21-CE-06-962d 21-CE-09-962e 21-CE-13-962f 21-CE-14-962g 21-CE-15-962h	5/30/2024	1CCV-24-0000717 Active (CONSOLIDATED with 1CCV-24-0000703 6/17/2024)
3.	HGEA v. JOSH GREEN, Governor, State of Hawai‘i; RICK BLANGIARDI, Mayor, City and County of Honolulu; BOARD OF EDUCATION, State of Hawai‘i; KEITH T. HAYASHI, Superintendent, Department of Education, State of Hawai‘i <i>Blangiardi, et al. v. HGEA and HLRB</i>	10/25/2021	21-CE-02-962a 21-CE-03-962b 21-CE-04-962c 21-CE-06-962d 21-CE-09-962e 21-CE-13-962f 21-CE-14-962g 21-CE-15-962h	5/28/2024	1CCV-24-0000703 Active (CONSOLIDATED with 1CCV-24-0000717 6/17/2024)
4.	Taum v. Department of Public Safety, State of Hawai‘i <i>Department of Corrections and Rehabilitation v. Taum</i>	12/20/2017	17-CE-10-906	5/14/2024	1CCV-24-0000630 Active (Stipulation to Stay Proceedings 6/24/2024)
5.	HGEA v. Adult Mental Health Division, Department of Health, State of Hawai‘i <i>Department of Health, AMHD v. HGEA and HLRB</i>	9/22/2023	23-CE-03-980a 23-CE-09-980b 23-CE-13-980c	12/05/2023	1CCV-23-0001573 Active

	HLRB Case Name / Appeal Case Name	HLRB Case Filed	HLRB Case #	Appeal Filed Date	Civil Appeal #
6.	Asato, et al. v. HGEA and Board of Regents, University of Hawai'i <i>UH v. HLRB, et al.</i>	9/14/2018	18-CU-08-365a-h 18-CE-08-921a-h	9/8/2023	1CCV-23-0001175 Active (Order Denying Appeal 6/26/2024)
7.	Condon v. BCI Blackstone Consulting, Inc.; Kaiser Foundation Health Plan, Inc.; and Director, DLIR <i>Condon v. BCI, Kaiser, and DLIR</i>	7/14/2021	OSH 2021-09	8/31/2023	1CCV-23-0001138 Active
8.	HGEA v. JOSH GREEN, Governor, State of Hawai'i; RICK BLANGIARDI, Mayor, City and County of Honolulu; BOARD OF EDUCATION, State of Hawai'i; KEITH T. HAYASHI, Superintendent, Department of Education, State of Hawai'i <i>Blangiardi v. HGEA, et al.</i>	10/25/2021	21-CE-02-962a 21-CE-03-962b 21-CE-04-962c 21-CE-06-962d 21-CE-09-962e 21-CE-13-962f 21-CE-14-962g 21-CE-15-962h	8/4/2023 8/2/2023	SCPW-23-0000461 (Order Denying Petition for Writ of Mandamus 8/7/2023) 1CCV-23-0000998 Active (Motion to Stay Proceedings Before the Board Denied 9/6/2023)
9.	Taum v. Department of Public Safety, State of Hawai'i <i>Department of Public Safety v. Taum and HLRB</i>	12/20/2017	17-CE-10-906	2/20/2024 3/16/2023	CAAP-24-0000096 Active 1CCV-23-0000356 (Order Denying Appeal; 1/23/2024 Final Judgment and Notice of Entry of Final Judgment 1/23/2024)
10.	HGEA v. Hawaii Health Systems Corporation <i>HGEA v. HLRB, et al. and HHSC</i>	10/20/2022	22-CE-02-972	12/13/2022	1CCV-22-0001585 Active

	HLRB Case Name / Appeal Case Name	HLRB Case Filed	HLRB Case #	Appeal Filed Date	Civil Appeal #
11.	Stucky v. Wilfred Okabe, Wilbert Holck, Eric Nagamine, David Forrest, HSTA <i>STEPHANIE C. STUCKY v. WILFRED OKABE, President, Hawaii State Teachers Association; WILBERT HOLCK, UniServ, Hawaii State Teachers Association; ERIN NAGAMINE, Maui UniServ, Hawaii State Teachers Association; DAVID FORREST, O'ahu Uniserv, Hawaii State Teachers Association; and HAWAII STATE TEACHERS ASSOCIATION, and HAWAI'I LABOR RELATIONS BOARD</i>	4/7/2011	CU-05-303	7/30/2021	2CCV-21-0000228 (Appeal Denied 5/20/2024; Final Judgment and Notice of Entry of Final Judgment 6/21/2024)
12.	Asato v. HGEA and Department of Education, State of Hawai'i <i>Valerie Asato v. HGEA and DOE</i>	10/4/2019	19-CU-03-375, 19-CE-03-934	5/17/2022 6/4/2021	CAAP-22-0000339 Active 1CCV-21-0000736 Reopened (Order Denying Appeal 4/18/2022; Final Judgment and Notice of Entry of Final Judgment 5/13/2022)
13.	Hsiao v. HGEA <i>Ya-Wen Hsiao v. Hawai'i Labor Relations Board</i>	5/7/2020	20-CU-08-383	11/18/2020	1CCV-20-0001696 Active
14.	Taum v. UPW and Department of Public Safety <i>Department of Public Safety and UPW v. Taum and HLRB</i>	12/20/2017	17-CU-10-357 17-CE-10-906	10/2/2019	1CC191001552 Active (Order Granting Motion to Dismiss 1/21/2020; Pending Judgment)
15.	Yang v. Loretta J. Fuddy, DOH <i>HENRY H. YANG, M.D., v. BRUCE ANDERSON, Ph.D., Director, Department of Health, State of Hawai'i; HAWAI'I LABOR RELATIONS BOARD</i>	11/25/2011	CE-13-788	7/31/2019	3CC191000208 (Oral Arguments 5/10/2024)

	HLRB Case Name / Appeal Case Name	HLRB Case Filed	HLRB Case #	Appeal Filed Date	Civil Appeal #
16.	UPW v. Christina Kishimoto <i>UPW v. Christina Kishimoto</i>	10/23/2017	17-CE-01-902	6/9/2020 7/25/2019	CAAP-20-0000415 (Order Approving in Part Stipulation for Dismissal 7/22/2020) 1CC191001179 Active (Board Order Nos. 3529 and 3543 Reversed and Remanded 5/11/2020; Minute Order 7/17/2020)
17.	SHOPO v. Susan Ballard, Chief of Police, Honolulu Police Department, City and County of Honolulu <i>SHOPO v. HLRB; Marcus R. Oshiro, Sesnita A.D. Moepono, and J N. Musto</i>	2/5/2018	18-CE-12-910	2/23/2024 9/16/2019 2/15/2019	SCWC-19-0000643 (Order Denying Application for Writ of Certiorari 4/8/2024) CAAP-19-0000643 (Judgment on Appeal Affirmed 1/24/2024) 1CC191000270 (Order Affirming Board Order 8/29/2019; Notice of Entry of Judgment 9/11/2019)
18.	HFFA v. KIRK CALDWELL, Mayor, City and County of Honolulu; MANUEL P. NEVES, Fire Chief, Honolulu Fire Department, City and County of Honolulu; HONOLULU FIRE DEPARTMENT, City and County of Honolulu; and CITY AND COUNTY OF HONOLULU HFFA v. KIRK CALDWELL, Mayor, City and County of Honolulu; MANUEL P. NEVES, Fire Chief, Honolulu Fire Department, City and County of Honolulu; HONOLULU FIRE DEPARTMENT, City and County of Honolulu; and CITY AND COUNTY OF HONOLULU	11/14/2016	14-CE-11-845, 16-CE-11-887	12/3/2021 6/10/2021 5/5/2021	CAAP-21-0000680 (Dismissal for Lack of Appellate Jurisdiction 9/6/2022) CAAP-21-0000365 Active 1CCV-21-0000579 Active (Board Order No. 3730 Reversed; Appellant to Prepare and Submit Order and Judgment 10/01/21)

	HLRB Case Name / Appeal Case Name	HLRB Case Filed	HLRB Case #	Appeal Filed Date	Civil Appeal #
	CONSOLIDATED <i>KIRK CALDWELL, Mayor, City and County of Honolulu; MANUEL P. NEVES, Fire Chief, City and County of Honolulu; Honolulu Fire Department, City and County of Honolulu; HONOLULU FIRE DEPARTMENT, City and County of Honolulu; and CITY AND COUNTY OF HONOLULU v. HAWAII FIRE FIGHTERS ASSOCIATION, IAFF, LOCAL 1463, AFL-CIO, and HAWAI'I LABOR RELATIONS BOARD; MARCUS R. OSHIRO, SESNITA A.D. MOEPONO, and J N. MUSTO</i>			10/23/2020 7/9/2018	1CCV-20-0001454 (Board Order No. 3658 Affirmed 5/11/21) 1CC181001088 (Remanded 11/6/20)
19.	Elaban v. SOH, DOT, and UPW <i>Catherine Elaban v. Department of Transportation, State of Hawai'i, and UPW</i>	5/19/2017	17-CE-01-897, 17-CU-01-351	3/29/2018 8/31/2017	CAAP-18-0000254 (Judgment on Appeal Affirmed 9/19/2023) 1CCV-17-1-1420-08 (Decision and Order Affirming HLRB Order No. 3280 2/27/2018)
20.	Makino v. County of Hawaii & UPW <i>NATHAN MAKINO v. COUNTY OF HAWAI'I; UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO; and HAWAI'I LABOR RELATIONS BOARD, STATE OF HAWAI'I</i>	4/20/2015	CE-01-856 CU-01-332	6/1/2023 10/12/2018 11/17/2017	SCWC-18-0000782 (Order Denying Application for Writ of Certiorari 7/10/2023) CAAP-18-0000782 (Judgment on Appeal Affirmed 5/8/2023) 3CC171000368 (Board Decision Affirmed 7/3/2018)
21.	SHOPO v. Bernard Carvalho, Jr. Mayor of Kauai; et al <i>STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS (SHOPO), and HAWAI'I LABOR RELATIONS BOARD; SESNITA A.D. MOEPONO;</i>	1/11/2016	CE-12-875	5/20/2024 5/1/2017	SCWC-17-0000375 Active CAAP-17-0000375 (Judgment on Appeal Affirmed 3/21/2024)

	HLRB Case Name / Appeal Case Name	HLRB Case Filed	HLRB Case #	Appeal Filed Date	Civil Appeal #
	<i>and J N. MUSTO, and BERNARD P. CARVALHO, JR., Mayor of the County of Kaua'i, State of Hawai'i; DARRYL D. PERRY, Chief of Police of the Kaua'i Police Department; and COUNTY OF KAUA'I, a political subdivision of the State of Hawai'i</i>			7/1/2016	1CC1611259 (Order Dismissing Appeal 4/25/2017)

During FY 2024, these 21 cases were at various stages of the appellate process. The oldest appeal of an HLRB decision and/or order was filed on July 1, 2016, and the most recent was filed on May 31, 2024.

APPENDIX 5: OPEN HRS CHAPTER 89 CASES

Twenty-seven HRS Chapter 89 cases remain open at the close of FY 2024.

Date Filed	Case Number(s)	Case Name
11/13/2009	CE-10-737, CU-10-284	Ross, et al. v. DHRD & UPW ²⁰
10/2/2017	17-CE-10-900, 17-CU-10-356	Pinkney v. PSD & UPW
2/7/2020	20-CU-06-379, 20-CE-06-940	Kusumoto v. HGEA & DOE
4/9/2020	20-CU-10-381, 20-CE-10-943, 20-CU-10-382 (Consolidated)	Leslie, et al v. UPW & PSD ²¹
11/2/2020	20-CE-01-952	Salera v. Kahikina, & DES
2/28/2023, 7/14/2023 3/9/2023, 7/13/2023 3/13/2023, 7/14/2023	23-CE-05-976, 23-CU-05-400 23-CE-05-978, 23-CU-05-398 23-CE-05-979, 23-CU-05-979 (Consolidated)	Campbell v. DOE and HSTA Reid v. DOE and HSTA Best v. DOE and HSTA
3/6/2023	23-CE-05-977	Kramer v. DOE
10/6/2023	23-CU-05-401	Reyes Oda v. HSTA
10/25/2023	23-CE-00-981, 23-CEE-00-004	HGEA v. Johnson, et al.
2/23/2024	24-CE-10-983	UPW v. Johnson, et al.
4/8/2024	24-CE-01-984a, 24-CE-10-984b	UPW v. DHRD
6/5/2024	24-CU-03-403a, 24-CU-04-403b, 24-CE-03-985a, 24-CE-04-985b	Omelau v. HGEA and County of Hawai‘i, Dept. of Finance

²⁰ In Case Nos. CE-10-737 and CU-10-284, the Complainants are Chad Ross; Carl L. Kahawai; Quincy G.K. Pacheco; Bradford J. Leialoha; and Julieann L. Salas.

²¹ In Case No. 20-CU-10-381, the Complainants are Gordon Leslie, Bernard Kuamoo, George Sheridan, Deangelo Dixon, and Felicianyyo Samson v. UPW; in Case No. 20-CE-10-943, the Complainants are Gordon Leslie; James Akau; Marc S. Amerino; Anthony Baysa; Daniel J. Bryant; Levi Christenson; Michael Costa; Neemia Feagai; Lee Fields, Jr.; William T.K. Greig; William S. Gonsalves; Henry C. Hope; Sheen H. Ikegami; Cranston M. Kamaka, Jr.; Austin R. Keanu; Bernard Kuamoo, Jr.; John P. Lalotoa; Wyatt G. Lee; Alton Lorico, Jr.; Raymond R. Lyman, Sr.; Raymond A. Maae; Chad K. Mahuka; Gary D. Mendonca; David Murray; Dale U. Newcomb; Potumoe Olomua; Robert L. Prado; Steven Preza; Adrian P. Salas; Feliciano Samson; Fiafia S. Sataraka; Iafeta Save; Deborah Segich; George Sheridan, III; Kenneth Siilata; Michael Taamilo; William Taamu-Perifanos; Jared Tajon; Thomas Taum; Maria Elena Y.L.W. Tom; Pilipo Tuitama; Edward F. Vaovasa; Bradley Wakuta; Mark M. Watanabe; and Lance F.P. Wong; and in Case No. 20-CU-10-382, the Complainants are Gordon Leslie; James Akau; Marc S. Amerino; Anthony Baysa; Daniel J. Bryant; Levi Christenson; Michael Costa; Neemia Feagai; Lee Fields, Jr.; William T.K. Greig; William S. Gonsalves; Henry C. Hope; Sheen H. Ikegami; Cranston M. Kamaka, Jr.; Austin R. Keanu; Bernard Kuamoo, Jr.; John P. Lalotoa; Wyatt G. Lee; Alton Lorico, Jr.; Raymond R. Lyman, Sr.; Raymond A. Maae; Chad K. Mahuka; Gary D. Mendonca; David Murray; Dale U. Newcomb; Potumoe Olomua; Robert L. Prado; Steven Preza; Adrian P. Salas; Feliciano Samson; Fiafia S. Sataraka; Iafeta Save; Deborah Segich; George Sheridan, III; Kenneth Siilata; Michael Taamilo; William Taamu- Perifanos; Jared Tajon; Thomas Taum; Maria Elena Y.L.W. Tom; Pilipo Tuitama; Edward F. Vaovasa; Bradley Wakuta; Mark M. Watanabe; and Lance F.P. Wong.

APPENDIX 6: INFORMATIONAL BULLETIN

MARCUS R. OSHIRO
CHAIRPERSON



SESNITA A.D. MOEPONO
BOARD MEMBER

STACY MONIZ
BOARD MEMBER

830 PUNCHBOWL STREET, ROOM 434
HONOLULU, HAWAII 96813

HAWAII LABOR RELATIONS BOARD
KA PAPA LIMAHANA O HAWAII

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February 21, 2024

HLRB INFORMATIONAL BULLETIN NO. 62

This is the 50th annual informational bulletin issued by the Hawai'i Labor Relations Board (HLRB or Board) providing, by employing jurisdictions, the number of public employees included in each of the 15 collective bargaining units established by Hawai'i Revised Statutes § 89-6(a). The figures reported are provided by each employing jurisdiction and are current as of December 31, 2023.

The 15 collective bargaining units are:

- 1 Nonsupervisory employees in blue collar positions;
- 2 Supervisor employees in blue collar positions;
- 3 Nonsupervisory employees in white collar positions;
- 4 Supervisory employees in white collar positions;
- 5 Teachers and other personnel of the department of education under the same salary schedule, including part-time employees working less than twenty hours a week who are equal to one-half of a full-time equivalent;
- 6 Educational officers and other personnel of the department of education under the same schedule;
- 7 Faculty of the University of Hawai'i and the community college system;
- 8 Personnel of the University of Hawai'i and the community college system, other than faculty;
- 9 Registered professional nurses;
- 10 Institutional, health, and correctional workers;
- 11 Firefighters;
- 12 Police Officers;
- 13 Professional and scientific employees, who cannot be included in any of the other bargaining units;
- 14 State law enforcement officers
- 15 State and county ocean safety and water safety officers

Equal Opportunity Employer/Program
Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY Dial 711 then ask for (808) 586-8866

NUMBER OF EMPLOYEES

The following figures indicate the number of employees who are included in the respective bargaining units by employing jurisdictions.

Unit	State of Hawai'i	C&C of Honolulu	County of Hawai'i	County of Maui	County of Kaua'i	Dept. of Education	Judiciary	UH	HHSC	TOTAL
01	1,819	1,814	582	669	374	2,205	110	460	384	8,417
02	165	203	52	43	17	226	1	12	16	735
03	2,888	1,355	601	569	203	4,337	657	401	430	11,441
04	214	130	38	28	17	262	51	34	17	791
05	0	0	0	0	0	13,033	0	0	0	13,033
06	0	0	0	0	0	986	0	0	0	986
07	0	0	0	0	0	0	0	3,157	0	3,157
08	0	0	0	0	0	0	0	2,375	0	2,375
09	397	0	0	0	0	2	4	9	878	1,290
10	1,415	269	0	0	0	34	49	1	723	2,491
11	209	1,001	364	300	136	0	0	0	0	2,010
12	0	1,753	407	297	130	0	0	0	0	2,587
13	4,236	1,082	343	417	164	991	518	0	325	8,076
14	400	0	0	0	0	0	0	0	0	400
15	0	223	57	82	58	0	0	0	0	420
TOTAL	11,743	7,830	2,444	2,405	1,099	22,076	1,390	6,449	2,773	58,209

The State Public Charter School Commission Office submitted bargaining unit information to the Board, and the information is included on page 4 of this bulletin.

CHANGES IN NUMBER OF EMPLOYEES

The following figures indicate the differences in the number of public employees as reported in HLRB Informational Bulletin No. 61 dated July 5, 2023, and the figures reported in the foregoing table.

Unit	State of Hawai'i	C&C of Honolulu	County of Hawai'i	County of Maui	County of Kaua'i	Dept. of Education	Judiciary	UH	HHSC	TOTAL
01	62	20	(1)	30	3	7	4	1	28	154
02	(11)	(1)	2	2	3	(5)	N/C	N/C	2	(8)
03	(93)	10	29	85	3	10	(9)	(23)	30	42
04	N/C	5	(1)	3	N/C	1	4	(1)	(1)	10
05	/	/	/	/	/	233	/	/	/	233
06	/	/	/	/	/	31	/	/	/	31
07	/	/	/	/	/	/	/	(129)	/	(129)
08	/	/	/	/	/	/	/	100	/	100
09	1	/	/	/	/	N/C	N/C	N/C	43	44
10	6	5	/	/	/	(1)	(1)	N/C	62	71
11	11	(19)	12	14	4	/	/	/	/	22
12	/	(55)	9	16	(5)	/	/	/	/	(35)
13	27	28	22	132	14	(6)	15	/	16	248
14	(9)	/	/	/	/	/	/	/	/	(9)
15	/	11	1	13	6	/	/	/	/	31
TOTAL	(6)	4	73	295	28	270	13	(52)	180	805

N/C: No change

/: Not applicable

(): Denotes a Negative Number

STATE PUBLIC CHARTER SCHOOL EMPLOYEES

School	Unit 01	Unit 02	Unit 03	Unit 04	Unit 05	Unit 06	Unit 13	TOTAL
Alaka'i O Kaua'i PCS	2	0	9	1	14	1	1	28
Connections PCS	7	1	14	1	28	4	4	59
Dreamhouse 'Ewa Beach	0	0	5	0	29	4	2	40
Hakipu'u Academy	0	0	8	0	6	0	2	16
Hālau Kū Māna PCS	0	0	3	2	17	1	1	24
Hawai'i Academy of Arts & Sciences PCS	8	2	45	7	55	2	0	119
Hawai'i Technology Academy	0	0	26	0	109	10	25	170
Innovations PCS	2	0	6	0	13	1	4	26
Ka 'Umeke Kā'eo	2	0	8	2	22	1	5	40
Ka Waihona o Ka Na'auao PCS	7	0	22	0	41	3	3	76
Kamaile Academy PCS	8	1	67	5	102	7	1	191
Kamalani Academy Charter School	1	0	5	1	11	1	0	19
Kanu o ka 'Āina New Century PCS	0	0	30	2	52	4	1	89
Kanuikapono PCS	2	0	13	1	16	0	7	39
Ka'ōhao School	2	0	18	1	23	1	3	48
Kapolei Charter School	0	0	5	0	9	2	5	21
Kawaikini New Century PCS	0	0	5	2	17	2	2	28
Ke Ana La'ahana PCS	0	0	4	0	3	1	0	8
Ke Kula Ni'ihau O Kekaha PCS	1	0	5	0	5	1	3	15
Ke Kula 'o Nāwahīokalani'opu'u Iki, LPCS	6	0	20	4	37	0	2	69
Ke Kula 'o Samuel M. Kamakau Lab, LPCS	2	0	3	0	8	2	1	16
Kihei Charter School	0	0	23	0	44	0	13	80
Kona Pacific PCS	1	0	13	0	20	2	0	36
Kua o ka Lā New Century PCS	3	0	10	0	17	2	1	33
Kualapu'u School	8	2	23	2	28	3	0	66
Kula Aupuni Niihau A Kahelelani Aloha PCS	0	0	0	0	1	0	0	1
Laupāhoehoe Community PCS	8	1	15	3	31	1	0	59
Mālama Honua PCS	0	0	10	0	12	2	0	24
Myron B. Thompson Academy	0	0	13	0	28	3	0	44
Nā Wai Ola PCS	2	0	7	2	9	0	0	20
SEEQS PCS	0	1	3	1	16	1	3	25
University Laboratory School	0	0	9	0	42	4	5	60
Volcano School of Arts & Sciences	4	2	15	0	28	2	1	52
Voyager PCS	0	0	4	0	23	2	1	30
Wai'alaie Elementary PCS	5	0	13	2	46	4	2	72
Waimea Middle School	5	0	6	2	21	2	3	39
West Hawai'i Explorations Academy	2	0	6	0	25	2	1	36
TOTAL	88	10	491	41	1008	78	102	1818

There were no public charter school employees reported in Units 07, 08, 09, 10, 11, 12, 14, and 15.

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