



HAWAII LABOR RELATIONS BOARD

**ANNUAL REPORT TO
THE HONORABLE LINDA LINGLE
GOVERNOR OF THE STATE OF HAWAII**

2005-2006

PRESENTED BY THE HAWAII LABOR RELATIONS BOARD

BRIAN K. NAKAMURA, Chair
EMORY J. SPRINGER, Member

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I. EXECUTIVE SUMMARY

The Hawaii Labor Relations Board (HLRB or Board) is a quasi-judicial agency which administers the provisions of Hawaii Revised Statutes (HRS) Chapters 89 and 377 regarding collective bargaining in public and private employment. The mission of the Board is to enforce and protect the rights of employees and unions to organize and bargain collectively in balance with the employer's rights to manage operations as provided by law to fairly and efficiently resolve labor disputes brought before it. The Board is attached to the State Department of Labor and Industrial Relations for administrative purposes only.

The Board conducts hearings to decide complaints filed by public and private sector employees, employee organizations or unions, and employers alleging prohibited or unfair labor practices. 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.

The Board has jurisdiction over public employers, i.e., the State of Hawaii and the counties, the Judiciary, the Department of Education, including the public charter schools, the University of Hawaii system, and the Hawaii Health Systems Corporation. In the private sector, the Board has jurisdiction over primarily agricultural employees and employers, and those who are not subject to the jurisdiction of the National Labor Relations Board.

The Board also decides contests and appeals of decisions rendered by the Director of Labor and Industrial Relations, through the Hawaii Occupational Safety and Health Division (HIOSH) under HRS Chapter 396. Their mission under HRS Chapter 396 is to ensure the right of workers to a safe and healthful work environment and encourage employer and employee efforts to reduce injuries and illnesses arising from employment. These cases typically involve employer contests of citations and penalties issued and appeals in discrimination cases involving the reporting of health and safety violations.

There were three key changes in the HLRB's staff during the fiscal year. In July 2005, Emory J. Springer was appointed as the labor representative to the three-member Board. In June 2006, former legal clerk Nora Ebata rejoined the Board as its Secretary and at the end of the fiscal year, Kathleen Racuya-Markrich, the Board's management representative member, completed her six-year term.

In the 2005-2006 fiscal year, a total of 75 cases (37 public sector, 3 private sector and 35 HIOSH cases) were filed with the Board. Sixty-two cases were closed and 50 prehearing or status conferences, 26 motions hearings, and 36 days of hearings were conducted. The Board issued four decisions relating to collective bargaining and 39 orders, including 23 orders disposing of the cases. The Board also issued five Occupational Safety and Health decisions and 43 orders, including 27 dispositive orders. The Board was also party to 16 court appeals or proceedings and was affirmed in 63% of the Court appeals.

II. INTRODUCTION

Pursuant to Hawaii Revised Statutes (HRS) ' 89-5(a), the Hawaii Labor Relations Board (HLRB or Board) presents its annual report to the Governor describing its activities for fiscal year 2005 B 2006 (FY 2006) and reflecting the status of the Board on June 30, 2006.

III. MISSION STATEMENT

The mission of the Board is to enforce and protect the rights of employees and unions to organize 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 promote the harmonious and cooperative relations between the parties.

In 2002, the Board also acquired jurisdiction to conduct de novo hearings on contests from citations issued by the Director of the Department of Labor and Industrial Relations (DLIR) through the Hawaii Occupational Health and Safety (HIOSH) Division and appeals from HIOSH=s findings in discrimination complaints involving retaliation for reporting safety and health violations. The Board=s mission pursuant to HRS Chapter 396 is to ensure the right of workers to a safe and healthful work environment and encourage employer and employee efforts to reduce injury and illness arising out of employment.

VI. OVERVIEW

Governing Constitutional Provisions and Statutes

Private employees in the State of Hawaii have a constitutional right to organize. Article XIII, Section 1 of the State Constitution, provides that, ΔPersons in private employment shall have the right to organize for the purpose of collective bargaining.@ The Hawaii Employment Relations Act (HERA) was enacted in 1945 and codified as HRS 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 Hawaii 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 Hawaii the right to organize for the purpose of collective bargaining. Article XIII, Section 2 of the State Constitution, provides that, ΔPersons in public employment shall have the right to organize for the purpose of collective bargaining as provided by law.@ In 1970, the Legislature enacted Act 171, Session Laws of Hawaii, which was subsequently codified as HRS Chapter 89, Collective Bargaining in Public Employment, to encourage joint decision-making in administering government. The Act created the Hawaii Public Employment Relations Board (HPERB) to administer the provisions of HRS Chapter 89. In 1985, the Legislature abolished the HERB and transferred its functions to the HPERB and renamed it the Hawaii Labor Relations Board, effective January 1, 1986, to administer the provisions of both HRS Chapters 89 and 377.

Thereafter, in 2002, the Legislature enacted Act 104, Session Laws of Hawaii, which empowered the Board to conduct de novo hearings in reviewing contests from citations or orders of the Director of Labor and Industrial Relations involving occupational health and safety pursuant to HRS ' 396-11.¹

Functions

The Board is an agency within the DLIR for administrative and budgetary purposes. The Board exercises quasi-judicial powers with jurisdiction over disputes pertaining to collective bargaining in the public sector arising under HRS Chapter 89 and in the private sector under HRS Chapter 377. Accordingly, the primary duties of its members are to hear and decide contested cases involving prohibited or unfair labor practice

¹Prior to 2002, the Labor and Industrial Appeals Board of the DLIR (LIRAB) heard contests filed under HRS ' 396-11.

complaints and to render declaratory rulings on questions submitted. 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 to clarify the applicability of governing statutes and its rules. In addition, the Board also resolves disputes involving bargaining unit designations and determines the appropriateness of dues refunds for nonmembers.

In the public sector, the Board has jurisdiction over state and county employees, judiciary employees, public school teachers, faculty of the University of Hawaii and community college system, employees of the Hawaii Health Systems Corporation, and charter school employees.

In the private sector, the Board similarly conducts representation elections and resolves unfair labor practice complaints. The Board has jurisdiction over primarily agricultural employees and employers and those private employees and employers who are not subject to the jurisdiction of the National Labor Relations Board. Typically, the employees are members of unions or are involved with organizing activities.

In addition, the Board decides contests and appeals of decisions rendered by the Director of Labor and Industrial Relations, State of Hawaii, through HIOSH under HRS Chapter 396. These cases are typically employer contests of citations and penalties issued and appeals in discrimination cases involving retaliation against employees for reporting safety and health violations.

Board Members

The Board is composed of three members, one of whom is representative of management, one who is representative of labor and the third member, the Chair, who represents the public. Each member is appointed by the governor and confirmed by the Senate for six-year terms. Because cumulative experience and continuity in office are essential to the proper administration of HRS Chapter 89, the two-term appointment limit in HRS ' 26-34 is not applicable, and members can continue in office as long as efficiency is demonstrated. The Board is composed of the following:

BRIAN K. NAKAMURA, Chair, appointed July 1, 2000; annual salary \$84,303. Mr. Nakamura was an attorney in private practice who previously served for two years as general counsel for the Hawaii State Campaign Spending Commission and chief counsel for the Senate Judiciary Committee in 1997. From 1993 to 1996, he was the Executive Officer at the UH Hawaii Natural Energy Institute and prior to that time, served as chief of staff and legal officer in the Lieutenant Governor=s Office. Mr. Nakamura also served as U.S. Senator Daniel Inouye=s chief of staff and legal officer in his state office and chief of staff and legal officer in the U.S. Senate Sergeant-At-Arms Office, Washington, D.C., as well as legal counsel and legislative assistant to Senator Inouye in Washington, D.C.

Mr. Nakamura graduated from the University of Hawaii with a Bachelor of Arts degree from the College of Arts and Sciences in political science, a teaching certificate in secondary education from the College of Education, and a Juris Doctor degree from the William S. Richardson School of Law.

EMORY J. SPRINGER, Member, appointed July 1, 2005; annual salary \$80,088. Mr. Springer was a police officer for the County of Hawaii for 20 years. He also served eight years as Chair of SHOPO's Hawaii Chapter and in that capacity, participated in representing SHOPO members in grievances and in negotiations.

KATHLEEN RACUYA-MARKRICH, Member, appointed July 1, 2000; annual salary \$80,088. Ms. Racuya-Markrich served as press secretary to Governor Benjamin Cayetano for six years and previously served for seven years as a Deputy Attorney General in the Employment Law Division of the State Department of the Attorney General representing the public employer and specializing in employment litigation.

Ms. Racuya-Markrich graduated from the William S. Richardson School of Law with a Juris Doctor degree and also with a Bachelor of Science in Foreign Service from Georgetown University, School of Foreign Service. Prior to law school, Ms. Racuya-Markrich worked in Washington, D.C. as a staff aide/secretary to the Administrative Assistant for U.S. Senator Spark Matsunaga and an immigration caseworker. Ms. Racuya-Markrich served as the management representative to the Board. Her term expired on June 30, 2006.

Board Staff

Pursuant to HRS § 89-5(a), the Board may appoint the members of its staff. The legal clerk is in the civil service system and excluded from collective bargaining. Other staff members are exempt from civil service and excluded from collective bargaining. The staff is composed of the following:

Valri Lei Kunimoto, Executive Officer; annual salary \$84,000. As the executive officer Ms. Kunimoto serves as legal counsel to the Board, represents the Board in the courts, and performs such legal and administrative duties as may be delegated by the Board Chair. Her administrative duties may include supervising the other staff members and editing Board publications and decisions.

Nora A. Ebata, Secretary IV; SR 18L. Ms. Ebata provides clerical services for the Chair and Board members. She is the office manager, supervises the Board's clerical staff and is responsible for fiscal and personnel recordkeeping. Ms. Ebata also assists in typing Board decisions, orders, and notices and prepares court documents.

Sau Lan Leung, Legal Clerk; SR 14. Ms. Leung performs a variety of clerical tasks; types Board decisions, orders, notices and legislative documents; prepares and files court documents, including pleadings, records on appeals, and briefs; and maintains the Board's library.

V. DATA ON THE PUBLIC SECTOR BARGAINING UNITS

The collective bargaining law for public employees divides all State and county employees covered by Chapter 89, HRS, into 13 units based upon occupational and compensation plan groupings. These bargaining units, described in HRS § 89-6(a), are as follows:

- (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 Hawaii and the community college system;
- (8) Personnel of the University of Hawaii and the community college system, other than faculty;
- (9) Registered professional nurses;
- (10) Institutional, health and correctional workers;
- (11) Firefighters;
- (12) Police officers; and
- (13) Professional and scientific employees, who cannot be included in any of the other bargaining units.

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

Exclusive Representatives

All 13 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 (NEA-AAUP)
UPW United Public Workers, AFSCME, Local 646, AFL-CIO

Number of Employees in Units

The following table indicates, for each bargaining unit, the number of employees who are included in the unit, the union and the date that the union was initially selected and certified as the exclusive representative.

Unit	No. of Employees	Exclusive Representative	Date of Initial Certification
01	8,468 ²	UPW	10/20/71
02	799	HGEA	10/20/71
03	13,850	HGEA	04/03/72
04	861	HGEA	05/03/72
05	12,851	HSTA	05/21/71
06	770	HGEA	06/10/71
07	3,630	UHPA	11/01/74
08	1,731	HGEA	01/26/73
09	1,354	HGEA	07/10/79
10	2,846	UPW	02/11/72
11	1,844	HFFA	02/04/72
12	2,727	SHOPO	07/14/72
13	7,585	HGEA	05/03/72

²These figures are from HLRB Informational Bulletin No. 44, dated April 5, 2006, which was compiled from data supplied by the public employers. These figures are current as of December 31, 2005.

VI. CASES BEFORE THE BOARD DURING FY 2006

CODE USED TO DESIGNATE CASES

Public Sector

Each public sector petition filed with this Board is assigned a case number designated by a three-part code. The first part indicates the type of proceeding; the second part indicates the number of the bargaining unit referred in the petition; and the third part indicates the chronological number in the series for that type of case.

For example, "Case No. CE-05-03" is interpreted as follows:

CE indicates the case is a prohibited practice complaint against an employer;
05 indicates the case concerns Unit 05; and
03 indicates this is the third case filed in the CE series.

The following code letters represents the types of cases:

<u>Code Letters</u>	<u>Type of Case</u>
R	Representation
RD	Decertification
RA	Clarification or Amendment of Appropriate Bargaining Unit
CE	Prohibited Practice Complaint Against an Employer
CEE	Prohibited Practice Complaint Against an Employee
CU	Prohibited Practice Complaint Against an Exclusive Representative
I	Impasse
DR	Declaratory Ruling
PD	Review of Refunds
PE	Petition for Enforcement of Board Order
RM	Rulemaking

Private Sector

Each private sector petition filed with this Board is assigned a case number designated by a three-part code. The first part indicates the year in which the case was filed; the second part indicates the chronological number for cases filed within the year; and the third part indicates the type of case.

For example, "Case No. 06-1(RD)" is interpreted as follows:

05 indicates the case has been filed in 2006;
1 indicates this is the first case filed in 2006; and
(RD) indicates the case is a de-certification case.

The following code letters represents the types of cases:

<u>Code Letters</u>	<u>Type of Case</u>
R	Representation
RD	Decertification
RA	Determination of Collective Bargaining Unit
CE	Unfair Labor Practice of Employer
CEE	Unfair Labor Practice of Employee
CU	Unfair Labor Practice of Exclusive Representative
DR	Declaratory Ruling

Occupational Safety and Health

Each contest filed with the Board is assigned a two-part case number. The number following OSAB³ or OSH⁴ designation indicates the year in which the case was filed; the second part indicates the chronological number for cases filed within the year.

For example, ACase No. OSH 2006-1@ is interpreted as follows:

06 indicates the case has been filed in 2006; and
1 indicates this is the first case filed in 2006.

Case Statistics

The following represents the cases filed and pending before the Board in FY 2006:

Type of Case	Pending 6/30/05	Filed	Closed	Pending 6/30/06
Public Sector				
Prohibited Practice against Employer	30	21	13	38
Prohibited Practice against Union	3	9	6	6
Impasse	0	0	0	0
Declaratory Ruling	2	2	1	3
Investigation	1	0	0	1
Rule Making	0	0	0	0
Unit Clarification	1	4	3	2
Representation	0	1	0	1
Unfair Labor Practice against Employer	0	3	1	2
Unfair Labor Practice against Union	0	0	0	0
Type of Case	Pending 6/30/05	Filed	Closed	Pending 6/30/06
HIOSH Appeals				
Citation	9	34	28	15
Discrimination	9	1	10	0
Total	55	75	62	68

A total of 75 cases (37 public sector, 3 private sector and 35 HIOSH cases) were filed with the Board during the past fiscal year. The Board closed 62 cases as described in Appendix A. During the past fiscal year, the Board conducted 50 pre-hearing or status conferences, 26 motions hearings, and 36 days of hearings on the merits of the contested cases before it. The Board issued four decisions relating to collective bargaining and 39 orders, including 23 orders disposing of the cases. The Board also issued five Occupational Safety and Health decisions and 43 orders, including 27 dispositive orders. The Board was also party to 16 court appeals or proceedings and was affirmed in 63% of the Court appeals.

One measure of the Board=s efficiency is the percentage of cases disposed of within 30 days of submission. During FY2006, the Board closed 50 of the 76 cases or 79% of the cases within 30 days.

³ Occupational Safety Appeals Board, which is the designation assigned previously by LIRAB.

⁴ Occupational Safety and Health, which is the designation assigned by the Board in 2003.

These cases vary in complexity; some involving issues affecting one employee and others affecting the rights of a large number of employees. Some petitions filed did not result in formal Board decisions because they were either withdrawn by the petitioners or the cases were settled by the parties at some point in the proceedings with the Board's approval. Motions filed with the Board are not counted as separate filings and are disposed of by Order rather than Decision.

Cases Closed During FY 2006

The chart in Appendix A provides information on the cases closed by the Board during FY 2006.

Cases Pending on June 30, 2006

The chart in Appendix B provides information on the cases pending before the Board on June 30, 2006.

Cases on Appeal in the Courts in FY 2006

The chart in Appendix C provides information on the cases in the courts.

VII. PUBLICATIONS

1. HLRB Decisions: The Board, working with the Industrial Relations Center (IRC), University of Hawaii, publishes the Board's decisions in loose-leaf binders for sale on a subscription basis. Thus far Volume 1, containing Decision Nos. 1 through 85 covering the years 1971-77; Volume 2, containing Decision Nos. 86 through 155 covering the years 1978-81; Volume 3, containing Decision Nos. 156 through 209 covering the years 1982-85; Volume 4, containing Decision Nos. 210 through 311 covering the years 1986-90; Volume 5, containing Decision Nos. 312 through 393 covering the years 1991-97; and Volume 6 containing Decision Nos. 394 to 445, have been issued. Copies of recent decisions are available on the Board's website at www.hawaii.gov/labor.

The Board also distributes copies of its decisions as they are rendered to the respective parties in interest, the State agencies as required by HRS § 93-3, the IRC, and the Center for Labor Education and Research.

2. Informational Bulletin: Each year the Board issues an Informational Bulletin which provides, by employing jurisdictions, the number of public employees in each of the 13 collective bargaining units established by HRS § 89-6(a). The figures are compiled from data supplied by the public employers.

3. Website: Rules, forms, bulletins and recent decisions of the Board are posted on the DLIR website at www.hawaii.gov/labor

VIII. CONCLUSION

In reviewing the case activity for labor relations cases for this fiscal year, the Board believes it has continued to meet its goals of fairly administering the provisions of HRS Chapters 89 and 377, credibly and objectively resolving the labor-management disputes brought before it by promoting good faith and harmony in the working relationships of the respective parties. As all of the bargaining unit contracts, except the Unit 07 contract, will expire on June 30, 2007, most units will begin negotiating over the terms of renewed contracts in mid 2006.

With respect to the HIOSH contests, the Board conducted de novo hearings on the contests of citations and decisions in discrimination cases. The Board also endeavored to provide a forum for the fair and efficient adjudication of safety and health contests by balancing the rights of employers while securing the safety of their workers. As evidenced by the closed cases in Appendix A, the parties were successful in settling a number of contests. We commend the parties for their reasonableness in resolving their disputes.

Finally, the Board expresses its appreciation to Member Kathleen Racuya-Markrich whose term expired on June 30, 2006. Ms Racuya-Markrich served as management's representative on the Board for six years. During that time, Ms. Racuya-Markrich shared her boundless energy, passion for hard work and meticulous detail, and expertise in labor and collective bargaining matters gained from her many years with State service.

Respectfully submitted,

BRIAN K. NAKAMURA, Chair

EMORY J. SPRINGER, Member

Dated: October 31, 2006
Honolulu, Hawaii

HAWAII LABOR RELATIONS BOARD - CASES CLOSED FY 2006

Case No.	Parties	Concerns	Disposition	Date
OSH 2005-9	DLIR and Okada Trucking Co., Ltd.	Citation - \$900	Order No. 154 Approving Stipulation and Settlement Agreement issued. \$630.	08/22/05
RA-13-218	County of Hawaii and HGEA	Exclusion of Risk Management Officer	Dec. No. 454 issued.	08/23/05
CU-03-236a CU-04-236b	Morris E. Apana and Thomas J. Lenchanko v. HGEA; Dean Makimoto; Kevein Nakata; Leiomalama Desha; and Sanford Chun	DFR	Order No. 2345 granting Respondents' Motion to Dismiss.	08/25/05
OSH 2005-11	DLIR and DTB Construction Consultants, Inc.	Citation - \$5,775	Contest withdrawn. Order No. 157 granting Respondent's withdrawal of contest issued.	09/01/05
OSH 2004-11	DLIR v. Alliance Personnel, Inc.	Citation - \$1,500	Dismissed Citation. Order No. 158 issued.	09/07/05
RA-11-219	County of Hawaii and HFFA	Exclusion of Two Battalion Chiefs	Dec. No. 455 issued.	09/30/05
OSH 2005-15	DLIR and Nick's Construction Co.	Citation - \$5,700	Order No. 159 Approving Stipulation and Settlement Agreement issued. \$2,000.	10/06/05
CE-05-551	Stephanie Stucky v. Board of Education, Mary Cochran, Department of Education, and Donna Whitford	Motion to Enforce	Order No. 2346; Order Denying Complainant's Motion to Enforce Decision No. 450 in Accordance with Appellate Court's Order, filed on August 5, 2005 issued.	10/20/05
OSH 2004-20	DLIR v. Abhe & Svoboda, Inc.	Citation - \$8,000	Order No. 160 Order Approving Stipulation and Settlement Agreement issued. \$2,250.	10/21/05
OSH 2005-4	DLIR v. Abhe & Svoboda, Inc.	Citation - \$2,400	Order No. 161 Order Approving Stipulation and Settlement Agreement issued. Withdrawn.	10/21/05
CE-13-597	HGEA v. Thomas R. Keller, Nathaniel Kim, and David Maeshiro	Failure to return employee to position per agreement	Dec. No. 456.	11/08/05
CE-03-574	HGEA v. Linda Lingle, Peter Young, Carl T. Watanabe, Nicole Gega-Chang, and DLNR	Interference with protected rights; Harassment at the Bureau of Conveyances	Order No. 2347 granting Complainant's Motion to Withdraw Prohibited Practice Complaint filed on September 27, 2004.	11/10/05
CE-01-604a CU-01-204b	John Marques v. County of Kauai and UPW	Denied Promotion; DFR	Order No. 2348 granting Respondents' Motions to Dismiss issued.	11/14/05
OSH 2005-5	DLIR v. Integrated Construction, Inc.	Citation - \$375	Order No. 162 Approving Stipulation and Settlement Agreement.	11/28/05
CE-07-610	UHPA v. BOR	Failure to select arbitrator	Order No. 2351 Granting Complainant's Request to Withdraw Prohibited Practice Complaint, filed on December 9, 2005 issued.	12/16/05
OSH 2005-12	DLIR v. Aloha Roofing	Citation - \$375	Order No. 163 Approving Stipulation and Settlement Agreement issued.	12/12/05
OSH 2005-10	DLIR v. Kingdom Builders, Inc.	Citation - \$300	Order No. 165 Approving Stipulation and Settlement Agreement issued.	12/20/05
OSH 2005-14	DLIR v. Protech Roofing, LLC	Citation - \$375	Order No. 166 Approving Stipulation and Settlement Agreement issued. Withdrawn but implementation of safety program.	12/21/05

HAWAII LABOR RELATIONS BOARD - CASES CLOSED FY 2006

Case No.	Parties	Concerns	Disposition	Date
OSH 2005-20	DLIR v. Protech Roofing, LLC	Citation - \$750	Order No. 167 Approving Stipulation and Settlement Agreement issued. \$750.	12/21/05
OSH 2005-8	DLIR v. DTB Construction Consultants, Inc.	Citation - \$3,000	Order No. 169 Approving Stipulation and Settlement Agreement issued. Deleted.	12/29/06
OSH 2005-13 OSH 2005-23 Consolidated	DLIR v. Tory's Roofing & Waterproofing, Inc.	Citation - \$300 and \$375	Order No. 170 Approving Stipulation and Settlement Agreement.	12/29/05
CU-05-242 CE-05-608	Adelaide Nakamura v. HSTA; Adelaide Nakamura v. DOE	DFR; termination	Order No. 2353 Dismissing Complaints for Lack of Prosecution.	1/10/06
RA-01-220a RA-02-220b	County of Hawaii	Panaewa Recreation Complex Supervisor	Dec. No. 457.	01/12/06
OSH 2005-27	DLIR v. DTB Construction Consultants, Inc.	Citation - \$6,000	Order No. 174 Granting Respondent's Withdrawal of Contest issued.	01/26/06
OSH 2005-29	DLIR v. DTB Construction Consultants, Inc.	Citation - \$7,500	Order No. 175 Granting Respondent's Withdrawal of Contest issued.	01/26/06
OSH 2005-31	DLIR v. University of Hawaii Student Housing Services - Hale Laulima	Citation	Order No. 176 Granting Respondent's Withdrawal of Contest issued.	01/26/06
DR-10-91	PSD and UPW	Declaratory Ruling petition - negotiability of work assignments	Order No. 2357 granting withdrawal of petition issued.	01/30/06
CE-10-601	UPW v. James Propotnick and Linda Lingle	Limitation on number of stewards	Order No. 2358 granting Complainant's motion to withdraw complaint, filed on January 27, 2006 issued.	01/31/06
CE-01-600a CE-10-600b	UPW v. James Propotnick and Linda Lingle	Requests for Information	Order No. 2360 granting Complainant's Motion to Withdraw Complaint, filed on February 2, 2006 issued.	02/07/06
OSH 2005-21	DLIR v. Fern Community Park, Department of Parks and Recreation, C & C	Citation - \$0	Order No 177 Approving Stipulation and Settlement Agreement issued.	02/08/06
OSH 2005-22	DLIR v. Lanakila District Park, Department of Parks and Recreation, C & C	Citation - \$0	Order No. 178 Approving Stipulation and Settlement Agreement issued.	02/08/06
OSH 2005-25	DLIR v. Crestview Community Park, Department of Parks and Recreation, C & C	Citation - \$0	Order No. 179 Approving Stipulation and Settlement Agreement issued.	02/08/06
CU-03-214	Lewis W. Poe v. HGEA	DFR	Order No. 2362 Denying Poe's Ex Parte Motion to Quickly Resume Proceedings	02/15/06
OSH 2003-17	DLIR v. Si-Nor, Inc.	Wilful Citation	Dec. No. 11 affirming Citation and Penalty.	02/15/06
CE-03-589 CU-03-237	Earl M. Shiraki v. HGEA and Department of Planning & Permitting, C&C	Discrimination and DFR	Withdrawn. Order No. 2363.	02/16/06

HAWAII LABOR RELATIONS BOARD - CASES CLOSED FY 2006

Case No.	Parties	Concerns	Disposition	Date
OSH 2003-8 OSH 2003-9 OSH 2003-10 OSH 2003-11 OSH 2003-12 OSH 2003-13 OSH 2003-14	Sheldon Keliinoini v. Si-Nor, Inc. and DLIR; Samuel Keliinoini v. Si-Nor, Inc. and DLIR; Geno Akui v. Si-Nor, Inc. and DLIR; Leigh Westbrook v. Si-Nor, Inc. and DLIR; Russell Sanborn v. Si-Nor, Inc. and DLIR; and Perry Sua v. Si-Nor, Inc. and DLIR	Discrimination	Dec. No. 12 reversing Citation and Penalty.	02/23/06
OSH 2005-19	DLIR v. BCI dba Coca Cola Bottling Co., Inc.	Citation - \$3,575	Order No. 180 Approving Stipulation and Settlement Agreement issued. \$2,275.00	02/24/06
OSH 2005-16	DLIR v. Quality Sheetmetal & Air Conditioning Co., Ltd.	Citation - \$4,000	Order No. 181 Approving Stipulation and Settlement Agreement issued. \$1,750.00	02/24/06
RA-01-216a RA-02-216b	UPW and County of Hawaii and Department of Public Works, County of Hawaii	Unit Clarification petition - Road Construction Maintenance Supervisor	Order No. 2364 Approving Stipulation and Settlement Agreement issued.	02/24/06
CE-12-555	SHOPO v. Harry Kim	Police Commission policies	Order No. 2365 granting Complainant's Motion to Dismiss Case, filed on February 24, 2006 issued.	02/27/06
CE-12-614	SHOPO v. Boisse P. Correa	Failure to consult over procedures	Order No. 2369 granting Complainant's motion to withdraw prohibited practice complaint, filed on 3/17/06 issued.	03/20/06
OSH 2003-17	DLIR v. Si-Nor, Inc.	Wilful Citation	Order No. 187 denying motion for recon of Decision No. 11 issued on 2/15/06, issued.	03/23/06
OSH 2006-4	DLIR v. Ralph Sudbury, DWI, Inc.	Citation - \$5,600	Order No. 188 approving Stipulation and Settlement Agreement issued. \$2,800.	03/28/06
OSH 2006-2	DLIR v. Steven and Pamela Vreeken	Citation - \$3,000	Order No. 189 Granting DLIR's Motion to Dismiss Appeal.	04/10/06
CU-03-246 CE-03-612	UPW v. Frank Lopez; PSD v. UPW	Repudiation of settlement; Refusal to participate in arbitration	Withdrawn. Order No. 2371.	04/05/06
CU-10-245	Mark J. Struba v. UPW	DFR	Order No. 2374 granting Complainant's motion to withdraw complaint, without prejudice issued.	05/17/06
OSH 2005-17	DLIR v. Artesan Services	Citation \$750	Order No. 190 approving Stipulation and Settlement Agreement issued.	05/23/06
OSH 2006-3	DLIR v. Certified Construction, Inc.	Citation - \$11,000	Order No. 191 approving Stipulation and Settlement Agreement issued.	05/26/06
OSH 2006-1	DLIR v. International Roofing & Building Construction, Inc.	Citation - \$7,500	Order No. 192 approving Stipulation and Settlement Agreement issued. \$4,500.	05/30/06
CE-07-619	Jerome M. Comcowich v. Denise Konan	Interference with union election	Order No. 2377 granting Complainant's motion to withdraw, with prejudice issued.	06/06/06
97-002	DLIR v. Kiewit Pacific Co. (on Remand)	Citation	Decision No. 13 Adopting Proposed Findings of Fact, Conclusions of Law and Order.	06/13/06

HAWAII LABOR RELATIONS BOARD - CASES CLOSED FY 2006

Case No.	Parties	Concerns	Disposition	Date
CU-10-244	PSD v. UPW	Number of Shop Stewards violated HRS Section 89-8	Order No. 2378 granting Respondent's Motion to Dismiss or in the Alternative, Order Granting Summary Judgment in Favor of Respondent.	06/23/06
CE-01-511a CE-10-511b	UPW v. David Z. Arakawa, Cheryl Okuma-Sepe, and Jeremy Harris	Derogatory information	Order No. 2379 granting UPW's Motion to Withdraw Complaint, filed on June 20, 2006.	06/23/06
OSH 2005-24	Rowena Aguiar v. Windward Dodge, Inc. and DLIR	Discrimination	Order No. 195 approving Stipulation and Settlement Agreement.	06/27/06
OSH 2005-7	Timothy Santos v. Cascade Industries, Inc. and DLIR	Discrimination	Decision No. 14.	06/29/06
OSH 2005-6	Darren Gonsalves v. Cascade Industries, Inc. and DLIR	Discrimination	Decision No. 15.	06/29/06
CU-10-243	PSD v. UPW	Repudiation of Rodrigues MOA	Order No. 2380 granting UPW's motion to dismiss.	06/30/06
CE-10-620	UPW v. James Propotnick and Marie Laderta	Union stewards participating in grievances	Order No. 2381 granting Respondents' motion to dismiss.	06/30/06
CE-01-623a CE-10-623b	UPW v. Thomas M. Driskill, Jr.	Refusal to provide information	Order No. 2382 granting UPW's motion to withdraw complaint.	06/30/06

HAWAII LABOR RELATIONS BOARD - CASES PENDING JUNE 30, 2006

Case No.	Parties	Concerns	Status
CE-03-357a CE-10-357b CE-13-357c	UPW, et al. v. Benjamin J. Cayetano, et al.	Privatization of Hale Hauoli, Kauai	Pending decision.
CE-01-378a CE-03-378b CE-10-378c CE-13-378d	UPW, et al. v. Benjamin J. Cayetano, et al.	Privatization of Hale Hauoli	Taken under advisement.
INV-01-02 INV-02-02 INV-03-02 INV-04-02 INV-05-02 INV-06-02 INV-07-02 INV-08-02 INV-09-02 INV-10-02 INV-11-02 INV-12-02 INV-13-03	Benjamin J. Cayetano, et al. and UPW, et al.	Board investigation of bargaining unit exclusions	Pending; order to issue.
DR-01-68a DR-02-68b CU-01-137a CU-02-137b (Remanded)	Benjamin J. Cayetano and HGEA, et al.	Arbitration award involving temporary assignment out of the bargaining unit	Pending.
CE-01-532	UPW v. William Takaba, et al.	Contracting out of golf cart maintenance operations	Pending decision.
CE-01-537a CE-02-537b CE-03-537c CE-04-537d CE-06-537e	UPW and HGEA v. Kathleen Watanabe and Linda Lingle	Charter School employees	Pending decision.
CE-01-539	UPW v. Patricia Hamamoto and Connections	Termination of charter school employee	Pending disposition of motions.
DR-01-89a DR-10-89b	UPW and HGEA, Maui County, DHRD, Hawaii County, and Keller	Bargaining over Act 253 policies and procedures	Pending.
CE-01-545a CE-10-545b	UPW v. Kathleen Watanabe and Linda Lingle	Refusal to bargain over rules	Pending.

HAWAII LABOR RELATIONS BOARD - CASES PENDING JUNE 30, 2006

Case No.	Parties	Concerns	Status
CE-01-546a CE-03-546b CE-04-546c CE-09-546d CE-13-546e	HGEA v. Kathleen Watanabe and Linda Lingle	Failure to negotiate policies	Pending.
CE-01-550	UPW v. Robert Watada, Patricia Hamamoto, Board of Education and Waialae Elementary School Board	Closing of cafeteria	Pending.
CE-01-552a CE-10-552b	UPW v. Kathleen Watanabe and Linda Lingle	Discontinuation of prior practices	Pending.
CE-02-553a CE-03-553b CE-04-553c CE-09-553d CE-13-553e	HGEA v. Linda Lingle and Kathleen Watanabe	Discontinuation of prior practices	Consolidated with CE-01-552, et seq.
CE-03-563	HGEA v. Alan Arakawa	Failure to provide information	Pending.
CE-01-565a CE-02-565b CE-03-565c CE-04-565d	UPW and HGEA v. Patricia Hamamoto and BOE	Charter School employees	Pending answer.
CE-02-569a CE-03-569b CE-04-569c CE-09-569d CE-13-569e	HGEA v. Linda Lingle, Kathleen N.A. Watanabe, and Dept. of Human Services	At-will employment	Pending order.
CE-01-576	UPW v. Larry J. Leopardi, Frank Doyle, and Jeremy Harris	Failure to negotiate and provide information	Pending order.
CE-08-578	HGEA v. David McClain, BOR and Linda Lingle	RCUH work	Pending hearing on motion to dismiss.
CE-01-581	UPW v. Frank Doyle and Jeremy Harris	Request for Information	Pending order.
CE-03-586	HGEA v. Harry Kim, Patricia Englehard, and Larry Davis	Sick leave abuse program	Pending order.
CE-10-590	UPW v. Richard Bissen and Linda Lingle	Information request - 18 grievances	Pending resolution.
CE-01-591	UPW v. Richard Bissen and Linda Lingle	Information request	Pending resolution.
CE-10-595	UPW v. Richard Bissen and Linda Lingle	Failure to provide information	Pending order.
CE-05-599	HSTA and Henrietta Auho-y-Plomer v. Halau Lokahi, Public Charter School and BOE	Grievance procedure	Pending answer.
CE-03-602	HGEA v. Linda Lingle and Frank Lopez	Failure to provide information	Tentative settlement.
CE-03-603	HGEA v. Mufi Hanneman, Boisse P. Correa, Kenneth B. Simmons, and HPD	Consultation re: 911 operators	Hearing continued pending settlement discussions.
OSH 2005-18	DLIR v. Akamai Homes	Citation - Fall Protection \$300	Pending decision.

HAWAII LABOR RELATIONS BOARD - CASES PENDING JUNE 30, 2006

Case No.	Parties	Concerns	Status
CE-01-605a CE-10-605b	UPW v. Marie Laderta and Valerie Pacheco	Settlement agreements in workers compensation cases	Pending briefing.
CE-10-606	UPW v. Linda Lingle, Marie Laderta and Frank Lopez	Type 3 driver's license	Hearing continued.
CE-05-607	HSTA v. Mary Ann Bode and Daniel Hamada	Discrimination	Hearing continued.
CE-01-609	UPW v. Hawaii Health Systems Corporation - Hilo Medical Center	Failure to provide information	Pending hearing.
RA-03-221	County of Hawaii and HGEA	Exclusion of Personnel Assistant I	County to submit revised Position Description
OSH 2005-26	DLIR v. Sunstone Builders, LLC	Citation - Open elevator pits - \$3,150	Pending trial.
OSH 2005-28	DLIR v. DTB Construction Consultants, Inc.	Citation - Fall Protection - \$55,000	DLIR to submit settlement agreement to bankruptcy trustee
OSH 2005-30	DLIR v. Sunstone Builders, LLC	Citation -	Pending trial.
CE-01-611	UPW v. Department of Environmental Services, Ray Mumford, and Wayne Harada	Retaliation for filing grievance	Consolidated with CE-01-617; pending conclusion of hearings.
CE-01-615	UPW v. C&C of Honolulu	Surveillance of shop steward	Hearing continued.
CE-01-616	UPW v. C&C of Honolulu	Shop steward selection	Pending decision.
CE-01-617	UPW v. C&C of Honolulu	Discrimination against Delapena	Consolidated with CE-01-611
CU-10-247	PSD, State of Hawaii v. UPW	Confirmation of Stipulated Award	Order to issue.
CE-01-558	UPW v. Watada, Waialae School and Jonathan Swanson	Motion to Reopen	Order to issue.
CE-01-594	UPW v. Robert Watada, DOE, Patricia Hamamoto	Motion to Reopen	Order to issue.
CU-10-248	PSD v. UPW	Improper Citation of Settlement Agreement	Defer to Court's ruling in related court case.
CE-01-618	UPW v. C&C of Honolulu	Written reprimand - retaliation	Hearing continued.
OSH 2006-5	DLIR v. Five Star Roofing, LLC	Citation - Fall protection - \$5,500	Possible settlement.
OSH 2006-6	DLIR v. Yamada Paint Contracting, Inc.	Citation - Fall protection - \$2,250	Initial conference continued.
06-1(R)	ILWU and Monsanto Company	Representation proceeding	Hearing scheduled on unit composition.
OSH 2006-7	DLIR v. UPS Cartage Services, Inc.	Citation - Electrical plugs - \$375	Settled.
OSH 2006-8	DLIR v. DOT-Airports	Citation - Exposure to smoke and pathogens - \$6,000	Pending trial.
CE-05-621	HSTA v. Liliuokalani School, James Toyooka, BOE and DOE	School librarian reassigned	Settlement conference scheduled.
CE-01-622	UPW v. Clifford Lum, Randall Y.S. Chung, and Mufi Hanneman	Repudiation of agreement for multi-skilled worker program	Prehearing to be scheduled.
2006-2(CE)	ILWU and Maui Pineapple Co., et al.	Reorganization	Prehearing to be scheduled.
CU-10-249	PSD v. UPW	Number of union stewards	Hearing to be scheduled.
CE-01-624a CE-10-624b	UPW v. Kenneth Nakamatsu	Refusal to provide information	Hearing to be scheduled.
CE-12-625	SHOPO v. Mayor Hanneman, Boisse Correa and C&C	Assignment of officers to Internal Affairs	Notice issued.

HAWAII LABOR RELATIONS BOARD - CASES PENDING JUNE 30, 2006

Case No.	Parties	Concerns	Status
OSH 2006-9	DLIR v. Global Horizons	Citation - Hazard communication program	Initial conference scheduled.
OSH 2006-10	DLIR v. Global Horizons	Citation - Animal waste - \$1,100	Initial conference scheduled.
OSH 2006-11	DLIR v. Global Horizons	Citation - Broken screen doors and no first aid person - \$160	Initial conference scheduled.
OSH 2006-12	DLIR v. Global Horizons	Citation - Electrical hazards - \$3,250	Initial conference scheduled.
OSH 2006-13	DLIR v. Global Horizons	Citation - Overcrowding and inadequate toilets \$2,250	Initial conference scheduled.
OSH 2006-14	DLIR v. Global Horizons	Citation - Overcrowding and broken window - \$2,275	Initial conference scheduled.
OSH 2006-15	DLIR v. Global Horizons	Citation - Overcrowding, broken screen door and shower head - \$400	Initial conference scheduled.

HAWAII LABOR RELATIONS BOARD - COURT CASES IN FY 2006

Case No.	Parties	Concerns	Status
S. Ct. No. 24237 Civil No. 00-1-2134-07 Case Nos. DR-01-68a, DR-02-68b; CU-01-137a, CU-02-137b	Benjamin J. Cayetano v. HGEA, et al., UPW and HLRB	HGEA filed an appeal from Order No. 1881 where Board dismissed petition and complaint as moot.	The First Circuit Court reversed the Board's Order. Upon further appeal, the S. Ct. reversed the Board decision and remanded to the Circuit Court and Board for further proceedings (9/8/05).
S.C. 26568 Civil No. 03-1-0546-03 Case No. CE-01-500 consolidated with Civ. No. 03-1-0552-03	UPW v. Frank Doyle, et al. and HLRB, et al.	UPW filed appeal from Dec. No. 440 dismissing prohibited practice complaint alleging repudiation of agreement to expand refuse services.	First Circuit Court reversed and modified decision, in part. Judgment and Notice of Judgment on Appeal filed on 9/18/03. UPW filed Motion for Show Cause Order and for Contempt in the First Circuit Court. First Circuit Court denied UPW's motion and UPW appealed to the Supreme Court. Case referred to mediation and then back to the calendar. Pending decision.
Civil No. 03-1-1797-09 Case No. CE-01-515	Glenn Okimoto, et al. v. UPW and HLRB.	Okimoto, et al. filed appeal from Dec. No. 443 finding Respondents guilty of prohibited practices.	First Circuit Court remanded case to the Board for further findings on 3/19/04. Board rendered further findings on 6/30/06.
Civil No. 04-1-0393-03 OSAB 2002-35	Craig Gomes v. HLRB, Hawaii Electric Company, and DLIR	Gomes filed an appeal from Order No. 87 dismissing his appeal.	First Circuit Court affirmed Order No. 87. Gomes appealed to the Supreme Court. Assigned to the Intermediate Appellate Court. Pending decision.
S. Ct. 27265 Civil No. 04-1-0765-04 Case No. 03-3(CE)	Del Monte v. HLRB and ILWU	Del Monte filed an appeal from Dec. No. 447 finding Respondents guilty of prohibited practices.	First Circuit Court affirmed Dec. No. 447. Employer appealed to the Supreme Court. Pending decision.
S. Ct. 27304 Civil No. 04-1-1844-10 Civil No. 04-1-1847-10 OSH 2003-3	Si-Nor, Inc. v. DLIR and HLRB; DLIR v. Si-Nor, Inc.	DLIR and the employer appealed Dec. No. 8.	First Circuit Court dismissed the appeals for lack of jurisdiction and entered judgment for the DLIR. Judgment and Notice of Judgment filed on 4/20/05. Si-Nor appealed to the Supreme Court. Assigned to the Intermediate Appellate Court. Pending decision.
S. Ct. 27497 Civil No. 04-1-2194 OSH 2003-4	DLIR v. Si-Nor, Inc., Charles Ke-a, and HLRB	DLIR appealed Dec. No. 9.	First Circuit Court reversed Dec. No. 9. Si-Nor filed appeal to the Supreme Court. Assigned to Intermediate Appellate Court. Pending decision.
S. Ct. 27531 Civil No. 05-1-0006(3) Case No. CE-05-551	Stephanie Stucky v. BOE, et al. and HLRB	BOE, et al. appealed Dec. No. 450 where Board found prohibited practice by directly dealing with employee whose union had reached a settlement of a grievance.	Second Circuit affirmed Board decision on 9/2/05; BOE, et al. appealed to the S.Ct. Appeal withdrawn 1/17/06.

HAWAII LABOR RELATIONS BOARD - COURT CASES IN FY 2006

Case No.	Parties	Concerns	Status
S. Ct. 27788 Civil No. 05-1-1281-07 Case Nos.: CE-02-559, et seq.	Linda Lingle v. HGEA and HLRB	Lingle appealed Order No. 2343 finding a prohibited practice when the Governor repudiated arbitrated pay raises for HGEA members.	First Circuit Court reversed Order No. 2343 finding the case moot. HGEA filed appeal to the Intermediate Appellate Court. Pending briefing.
S.Ct. 27800 Civil No. 05-1-1373-07 Case No. CE-03-579	HGEA v. Amador Casupang, et al. and HLRB	HGEA filed an appeal from Dec. No. 453 dismissing prohibited practice charges stemming from political materials on union bulletin boards.	First Circuit Court affirmed Dec. No. 453. HGEA filed notice of appeal to the Supreme Court on 3/3/06. Pending briefing.
No. 27962 Civil No. 05-1-1388 Civil No. 05-1-1391 Case No. CE-01-538	UPW v. City and County of Honolulu, et al., and HLRB	UPW and City filed appeals from Dec. No. 452; cases consolidated.	First Circuit Court affirmed Dec. No. 452. UPW and City filed appeals to the appellate court.
No. 27930 Civil No. 05-1-1700-09 Case No. CU-02-236a Case No. CU-04-236b	Morris E. Apana and Thomas J. Lenchanko v. HGEA, et al.	Apana and Lenchanko filed appeals from Order No. 2345 dismissing their dfr charges against HGEA in the handling of their grievances.	First Circuit Court affirmed Order No. 2345 (Judgment filed 4/13/06). Lenchanko filed appeal to Supreme Court. Assigned to the Intermediate Appellate Court.
Civ. No. 05-01-2114 Case No. CE-13-597	HGEA v. Thomas R. Keller, et al. and HLRB	Thomas R. Keller, et al. appealed Dec. No. 456 where the Board found the Employer committed prohibited practices by interfering with employee's right to return to position.	First Circuit Court affirmed Dec. No. 456 (Judgment filed).
Civ. No. 06-1-0474-03 Case No. CU-03-214	Lewis W. Poe v. HLRB, and HGEA	Poe filed an appeal from Board's refusal to reopen proceedings finding HGEA guilty of breach of DFR where the matter was taken to arbitration and dismissed.	Pending briefing.
Civ. No. 06-1-0485-03 OSH 2003-17	Si-Nor, Inc. v. DLIR	Si-Nor appeals Board's affirming Citation for willful violation of HIOSH standards.	Pending briefing.
Civ. No. 06-1-0708-04 OSH 2003-8, et seq.	Samuel Keliinoi v. Si-Nor, et al.	DLIR filed appeal from Decision No. 12 for Samuel and Sheldon Keliinoi, Geno Akui and Leigh Westbrook.	Pending briefing.