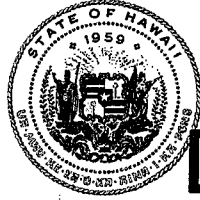


DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA
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DEPT. COMM. NO. 299

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
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February 3, 2017

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

The Honorable Joseph M. Souki, Speaker
and Members of the House of
Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, HI 96813

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

For your information and consideration, I am transmitting two (2) copies of Hawaii Labor Relations Board Annual Report for the fiscal year ending June 30, 2016, as required by Section HRS 89-5 Hawai'i Revised Statutes (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,

Linda Chu Takayama
Director

ORIGINAL

DEPT. COMM. NO. 299



HAWAII LABOR RELATIONS BOARD
ANNUAL REPORT TO
THE HONORABLE DAVID IGE
GOVERNOR OF THE STATE OF HAWAII
FY 2015-2016

PRESENTED BY THE HAWAII LABOR RELATIONS BOARD

KERRY M. KOMATSUBARA, Chair
SESNITA A.D. MOEPOHO, Member
J N. MUSTO, Member

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ATTACHMENTS

Attachment 1: Pending Cases Beginning of FY 2016

Attachment 2: New Cases Filed FY 2016

Attachment 3: Cases Closed in FY 2016

Attachment 4: Pending Cases at End of FY 2016

I. INTRODUCTION

Pursuant to HRS § 89-5(a), the Board presents its annual report to the Governor describing its activities for fiscal year 2016 and reflecting the status of the Board on June 30, 2016.

II. EXECUTIVE SUMMARY

A. Brief Background of the Board

The Hawaii Labor Relations Board (Board) is a quasi-judicial agency that oversees two areas of laws in the State of Hawaii: (1) collective bargaining and unfair labor practices under Chapters 89 and 377 of the Hawaii Revised Statutes (HRS), and (2) contests involving citations or orders of the Director of Labor and Industrial Relations involving occupational safety and health laws set forth in Chapter 396, HRS. The Board is attached to the State Department of Labor and Industrial Relations (DLIR) for administrative and budgetary purposes only.

In its capacity as a quasi-judicial body overseeing Chapters 89 and 377 disputes, the Board adjudicates disputes between public employers, unions and employees involving Chapter 89, and also adjudicates disputes that most often arise between certain private sector employers, unions and employees involving Chapter 377 claims.

In its capacity as a quasi-judicial body overseeing Chapter 396 contests, the Board conducts de novo hearings on contests of citations issued by the DLIR Director through the Hawaii Occupational Safety and Health Division (HIOSH) and appeals from HIOSH's findings in discrimination complaints involving retaliation for reporting safety and health violations.

B. Reduction of the "Backlog" of Cases

Through diligent efforts in FY 2016, the Board has reduced significantly the backlog of its pre-FY 2016 cases. These cases are in effect the "old cases" before the Board and are herein called the "Backlog Cases." In FY 2016, 66 of the Backlog Cases have been closed by Board action (whether in the form of Board decisions, orders or stipulations). The primary focus on the Board's effort to eliminate the Backlog Cases has been on the 27 pending and undecided Chapter 396 cases which involve worker safety violations. 26 of the 27 Chapter 396 Backlog Cases were closed by Board action. The sole pending case (which is pending the conclusion of a concurrent criminal trial) is scheduled for final hearing before the Board after the conclusion of the pending criminal trial.

C. Enhancing the Handling of “Current” Cases

Through diligent efforts and procedural changes implemented by the Board since January 2016,¹ the Board significantly improved its ability to quickly hear and bring to conclusion cases filed in the first six months of 2016. These cases are in effect the “new cases” that recently have been filed with the Board and are herein called the “Current Cases.” The primary focus of the Board on the Current Cases has been on the Chapter 89/377 cases. In the first six-months of the calendar year under the Board’s new process, a total of nine Chapter 89/377 cases were filed and seven of the nine cases were closed by Board action prior to June 30, 2016. The two cases that remain pending as of June 30, 2016 were recently filed in late-May and late-June and are both on track for timely Board action.

D. Overall Case Numbers in FY 2016

There were a total of 81 new cases filed with the Board in FY 2016, which is a 9.5% increase over the numbers of cases filed in FYs 2014 and 2015. Most significant is the 40.5% increase in the number of new Chapter 396 cases filed in FY 2016 verses FY 2015.

The total number of cases closed by the Board in FY 2016 is 122. This is a 56.4% increase from the numbers of cases closed in FY 2015 (78 cases).

A more detailed report of the Board’s handling of its caseload in FY-2016 can be found in Section VII, on pages 16 - 20, of this report.

III. OVERVIEW AND HISTORY OF THE BOARD

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 promoting the harmonious and cooperative relations between the parties.

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 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 conducts hearings pursuant to HRS Chapters 89 and 377 to adjudicate complaints filed by employees, unions, and employers alleging prohibited or unfair labor practices. These cases

¹ See discussion in Section IX.E., below.

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 also acquired jurisdiction to conduct de novo hearings on contests of citations issued by the Director of the DLIR through HIOSH under HRS Chapter 396 or appeals of HIOSH determinations involving other violations of HRS Chapter 396, except where HIOSH's rules require a prior formal hearing at the HIOSH level and the proceedings are required to be transcribed. In those cases, the Board's case review is confined to the record only. 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.

A. 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, "Persons 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, "Persons 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 HERB, transferred its functions to 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 of citations or orders of the Director of Labor and Industrial Relations involving occupational health and safety pursuant to HRS § 396-11, except as provided in HRS § 396-11(h) where the Board's review is confined to the record only.

B. Board 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 377.² Accordingly, the primary duties of its members are to hear and adjudicate contested cases involving prohibited or unfair labor practice 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 private employees and employers who are not subject to the jurisdiction of the National Labor Relations Board. Historically this includes primarily agricultural employees, employers and their unions. Typically, the employees are members of unions or are involved with organizing activities.

In addition, the Board adjudicates contests and appeals of decisions rendered by the DLIR Director, 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.

C. FY 2016 Board Members

The Board is composed of three members: one member is representative of management, one member is representative of labor and the third member, the Chair, is representative of the public. Each member is appointed by the governor and confirmed by the Senate. 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 HRS § 26-34 is not applicable, and members can continue in office as long as efficiency is demonstrated. For FY 2016, the Board was composed of the following members:

² Pursuant to HRS § 92-6(2)(A), the Board is exempt from Part I of Chapter 92, HRS, when performing "adjudicatory functions."

KERRY M. KOMATSUBARA, Chair, was appointed to the Board on July 1, 2015, and his term ends on June 30, 2018. Mr. Komatsubara's annual salary as of June 30, 2015 was \$120,876. Mr. Komatsubara graduated from Punahou School in Honolulu, and received his Bachelor of Arts in Economics, With Distinction, from the University of Hawaii at Manoa. He attended the William S. Richardson School of Law, served on the Law Review from 1979-81, and graduated with a Juris Doctorate in 1981. He was admitted to the Hawaii State Bar in 1981 and is licensed to practice in the Hawaii State Courts as well as the U.S. District Court (Hawaii) and the 9th Circuit Court of Appeals. During his professional career he served as an arbitrator in labor and civil cases, and as an attorney and consultant to both private-sector clients and government agencies.

SESNITA A.D. MOEPOONO, Member, representative of management, was appointed and confirmed for a six-year term beginning on July 1, 2011 and ends on June 30, 2017. Ms. Moepono's annual salary as of June 30, 2015 was \$114,828. Ms. Moepono graduated from Punahou School, University of Hawaii at Manoa with a Bachelor of Arts, and the William S. Richardson School of Law in 1986 with a J.D. She is a member of the Hawaii State Bar Association. Ms. Moepono was in private practice from 1998-2011. From 1994-1997, she served as the Deputy Administrator of Operations, Office of Hawaiian Affairs, responsible for the administrative functions, i.e. fiscal, personnel, public information, cultural, legislative and public information. She has worked in the Legislature as a budget analyst for the Senate Ways and Means Committee and legislative researcher for the Senate Majority Research Office and the Committees on Judiciary, Labor, Transportation and Health. Ms. Moepono served as the Chair of the Liliha Neighborhood Board 2003-2007, served as Vice Chair during her tenure on the Honolulu Planning Commission 1994-2007, and a member of the Downtown Business Association, Kupuna Caucus, the Honolulu Committee on Aging, the Juvenile Justice SAC, and the Lanakila Multi-Purpose Committee, among others.

ROCK B. LEY³, Member, representative of labor, was appointed and confirmed for a five-year term beginning July 1, 2011 and ends on June 30, 2016. Mr. Ley's annual salary as of June 30, 2015 was \$114,828. Mr. Ley previously served as the hearings officer for the Department of Labor and Industrial Relation's Labor & Industrial Relations Appeal Board (LIRAB.) Prior to that, Mr. Ley was in private practice after having served as a deputy attorney general in the Labor Division of the Department of the Attorney General, State of Hawaii. Mr. Ley graduated from Dartmouth College with a Bachelor of Arts degree in History and from the Johns Hopkins University with a Doctor of Philosophy degree in modern social and economic history. He received his Juris Doctorate degree

³ Mr. Ley's term ended on June 30, 2016. J.N. Musto's term on the Board started on July 1, 2016, and ends on June 30, 2022. Dr. Musto graduated with a Bachelor of Science in Biology from Hillsdale College in 1963. He attended the University of Michigan from 1968 to 1973, receiving a Master's degree and Ph.D. from the Rackham Graduate School in a combined curriculum of education, law, and business. His dissertation explored the potential impact of Title VII of the 1964 Civil Rights Act on affirmative action hiring programs in selected Michigan public school districts. He has taught in public secondary schools and universities. For more than 35-years, Dr. Musto served as the Executive Director and Chief Negotiator for the University of Hawaii Professional Assembly. He has been appointed to serve on impasse resolution interest arbitration panels in both Hawaii and other states. He was appointed as one of Hawaii's Commissioners to the Education Commission of the States. He was a member of the Research Corporation of the University of Hawaii Board of Directors. He also participated in the early formation of the Neighborhood Justice Center of Honolulu, serving as both a mediator and its president.

from Southwestern University School of Law, and was admitted to the Hawaii State Bar in 1986.

D. FY 2016 Board Staff

Pursuant to HRS § 89-5(a), the Board may appoint the members of its staff. The Board's secretary and legal clerk are in the civil service system and excluded from collective bargaining. Other staff members are exempt from civil service and excluded from collective bargaining. For FY 2016, the Board's staff was composed of the following:

PAUL H. SATO, Executive Officer. Mr. Sato 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. His administrative duties include supervising the Board staff; drafting and editing Board publications and decisions; and responding to inquiries from the public. His annual salary as of June 30, 2016 was \$104,760. Mr. Sato began serving as the Board's Executive Officer on November 15, 2015.⁴ Mr. Sato graduated from Farrington High School (honor graduate) in 1968 and the University of Hawaii in December 1972 with a Bachelor of Arts in Mathematics. He received his Juris Doctorate from Loyola School of Law at Los Angeles (summa cum laude) in 1976, and has been a member of the Hawaii State Bar Association since 1976. Mr. Sato is also admitted to practice before the United States District Court for the District of Hawaii, the 9th Circuit Court of Appeals and the United State Supreme Court. Prior to working for the Board, Mr. Sato has been in private practice, primarily in civil litigation, real estate transactions, corporate and general business, and he has served as a labor arbitrator.

LINDA K. GOTO, Hearings Officer. Ms. Goto serves as legal counsel 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. Her annual salary as of June 30, 2015 was \$86,940. Ms. Goto graduated from Punahou School and Mount Holyoke College in South Hadley, Massachusetts with a Bachelor of Arts in Psychology. She received a Juris Doctorate from the Columbus School of Law, Catholic University of America, Washington, D.C. and has been a member of the Hawaii State Bar Association since 1978. Ms. Goto served briefly as a law clerk in the Office of the Administrative Director of the Family Court for the First Circuit after her graduation from law school. She then joined the Board for her first term as the Hearings Officer in 1978. In 1981, Ms. Goto left the Board to work in private practice, primarily in the area of civil litigation. After several years in private practice, Ms. Goto returned to work in state government as a legal researcher with the Legislative Reference Bureau, Hawaii State Legislature, and an administrative rules drafter with the State Department of Taxation. In 1993, she became a solo practitioner performing legal research and writing on a contract basis, primarily in the area of private sector labor law, until returning to the Board for a second term as the Hearings Officer in 2014.

NORA A. EBATA, Secretary IV; SR 18M. Ms. Ebata provides clerical services for the Chair and Board members. Her annual salary as of June 30, 2015 was \$63,168. She also serves as the office manager, supervises the Board's clerical staff and is responsible for fiscal and personnel

⁴ Prior to Mr. Sato's arrival to the Board, Ms. Sarah Hirakami served as the Board's Executive Officer.

recordkeeping, including purchasing and travel for the Board. Ms. Ebata types from a draft and finalizes Board decisions, orders, notices, and other Board publications; proofs and finalizes court documents; and responds to public inquiries.

MILTON Y. HIRATA, Researcher. Mr. Hirata worked on the Board's FY16 annual report and also managed File and ServeXpress. File and ServeXpress is a vendor contracted by the Board to provide free filing and e-service for law firms and pro se appearing before the Board. The files on File and ServeXpress are the official record of all the cases before the Board. Mr. Hirata also maintains a working back-up of the File and ServeXpress filings on the Boards' local server. In addition, he helped users with questions and problems, and conducted trainings for new users. Mr. Hirata's annual salary as of June 30, 2015 was \$45,576. Hirata graduated from the University of Hawaii at Manoa with a Bachelor of Arts degree in Political Science. From 1980 to 2005, Hirata started, ran and managed several communications agencies. From 2005 to 2013, Hirata was the director of regional communications for the American Cancer Society, Hawaii Pacific, Inc.

IV. 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 14 units based upon occupational and compensation plan groupings. These bargaining units, described in HRS § 89-6(a), 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 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;
13	Professional and scientific employees, who cannot be included in any of the other bargaining units; and
14	State law enforcement officers and state and county ocean safety and water safety officers.

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.

A. Exclusive Representatives

All 14 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

B. Number of Employees in Units

Unit	No. of Employees	Difference From Previous Year	Exclusive Representative	Date of Initial Certification
1	8,375	(104)	UPW	10/20/1971
2	779	(10)	HGEA	10/20/1971
3	13,055	(418)	HGEA	4/3/1972
4	844	3	HGEA	5/3/1972
5	12,638	(98)	HSTA	05/21//71
6	880	25	HGEA	6/10/1971
7	3,804	(116)	UHPA	11/1/1974
8	2,334	(6)	HGEA	1/26/1973
9	1,700	140	HGEA	7/10/1979
10	3,094	93	UPW	2/11/1972
11	1,977	52	HFFA	2/4/1972
12	2,894	(23)	SHOPO	7/14/1972
13	8,143	33	HGEA	5/3/1972
14	212	60	HGEA	7/1/2013

There are approximately 60,729 public employees in bargaining units as shown in the chart above. The above chart also indicates the number of employees in each bargaining unit, the union and the date that the union was initially selected and certified as the exclusive representative.

The chart below indicates the number of Unit 14 employees by employing jurisdiction. It is anticipated that a more accurate number of Unit 14 employees will be reported in the next

HLRB Informational Bulletin.

Unit	State of Hawaii	C & C	Hawaii County	Maui County	Kauai County	DOE	Jud.	UH	HHSC	TOTAL
14 ⁵	0	170	0	0	42	0	0	0	0	212

The information in the above two charts are from HLRB Informational Bulletin No.54, dated April 4, 2016, and can be found on the Board's Web site <http://labor.hawaii.gov/hlrb/find-a-report/>.

⁵ Governor Neil Abercrombie signed Act 137-2013 into law on June 21, 2013, creating Unit 14. Unit 14 is still in the process of being established and the reported number of 212 employees is a reflection of only those employees assigned to Unit 14 as of December 31, 2015. It is anticipated that a more accurate number of Unit 14 employees will be reported in the next annual report of the Board.

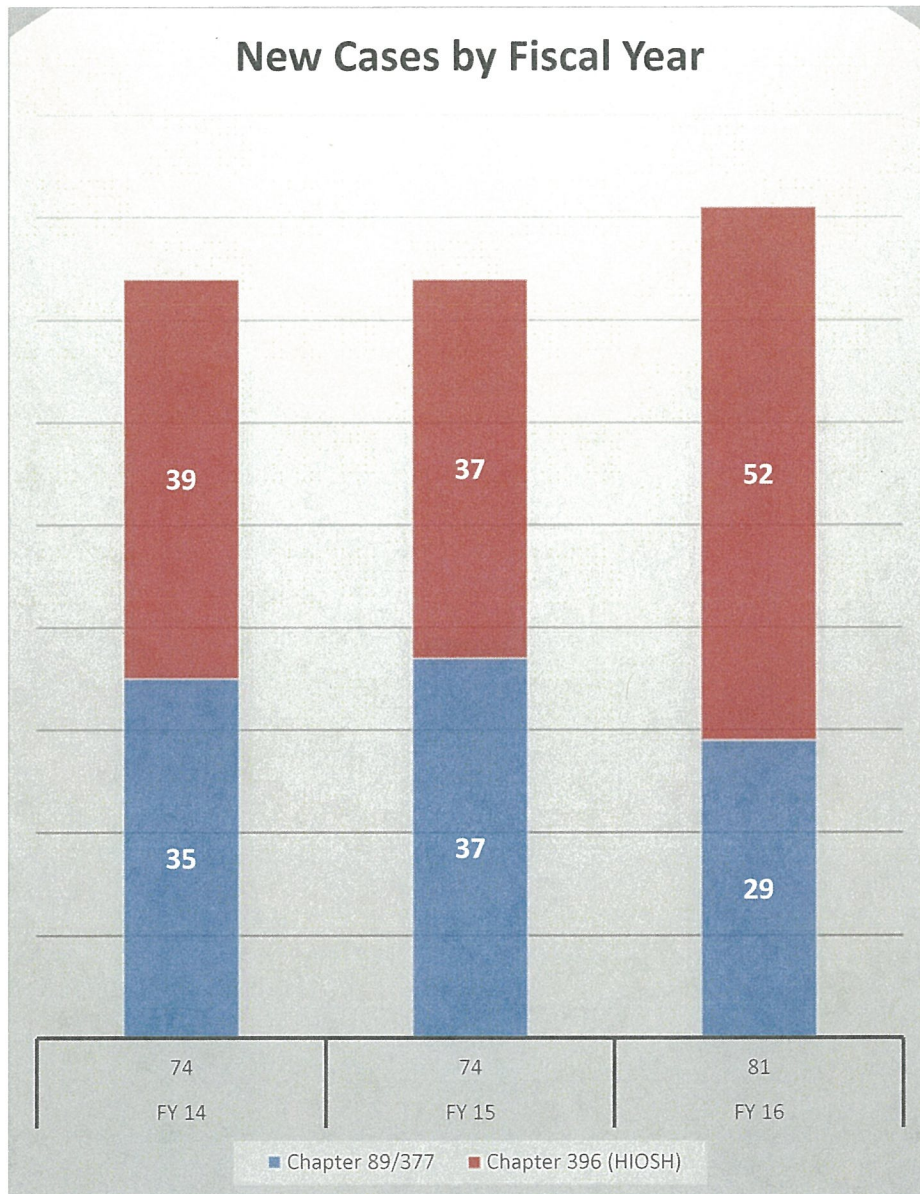
V. CASES BEFORE THE BOARD DURING FY 2016

Type of Case	Old Cases (Open Cases Start of FY16)	Old Cases Closed in FY16	New Cases (Cases Opened in FY16)	New Cases Closed in FY16	Pending Cases End of FY16
CHAPTER 377					
Unfair Labor Practice Against Union - (CU)	0	0	1	1	0
Unfair Labor Practice Against Employer - (CE)	0	0	1	1	0
CHAPTER 89					
Prohibited Practice Against Employer – CE	116	31	18	14	89
Prohibited Practice Against Union – CU	14	7	7	7	7
Prohibited Practice Against Employee - CEE	0	0	0	0	0
Impasse – I	2	0	0	0	2
Declaratory Ruling - DR	2	1	1	0	2
Unit Clarification – RA	2	1	0	0	1
MISCELLANEOUS					
Misc-2015	0	0	1	1	0
TOTAL 89/377 CASES	136	40	29	24	101
CHAPTER 396 (HIOSH)					
Contested Citation	22 ⁶	21	51	32	20
Discrimination	5	5	1	0	1
TOTAL 396 (HIOSH) CASES	27	26	52	32	21
TOTAL OF CASES FILED	163	66	81	56	122

Chart of pending, filed and closed cases before the Board in FY 2016 (July 1, 2015 – June 30, 2016).

⁶ Through a counting error, the Board incorrectly reported 23 pending Chapter 396 contested citation cases in the FY 2015 Annual Report. The correct count, 22, is reported here.

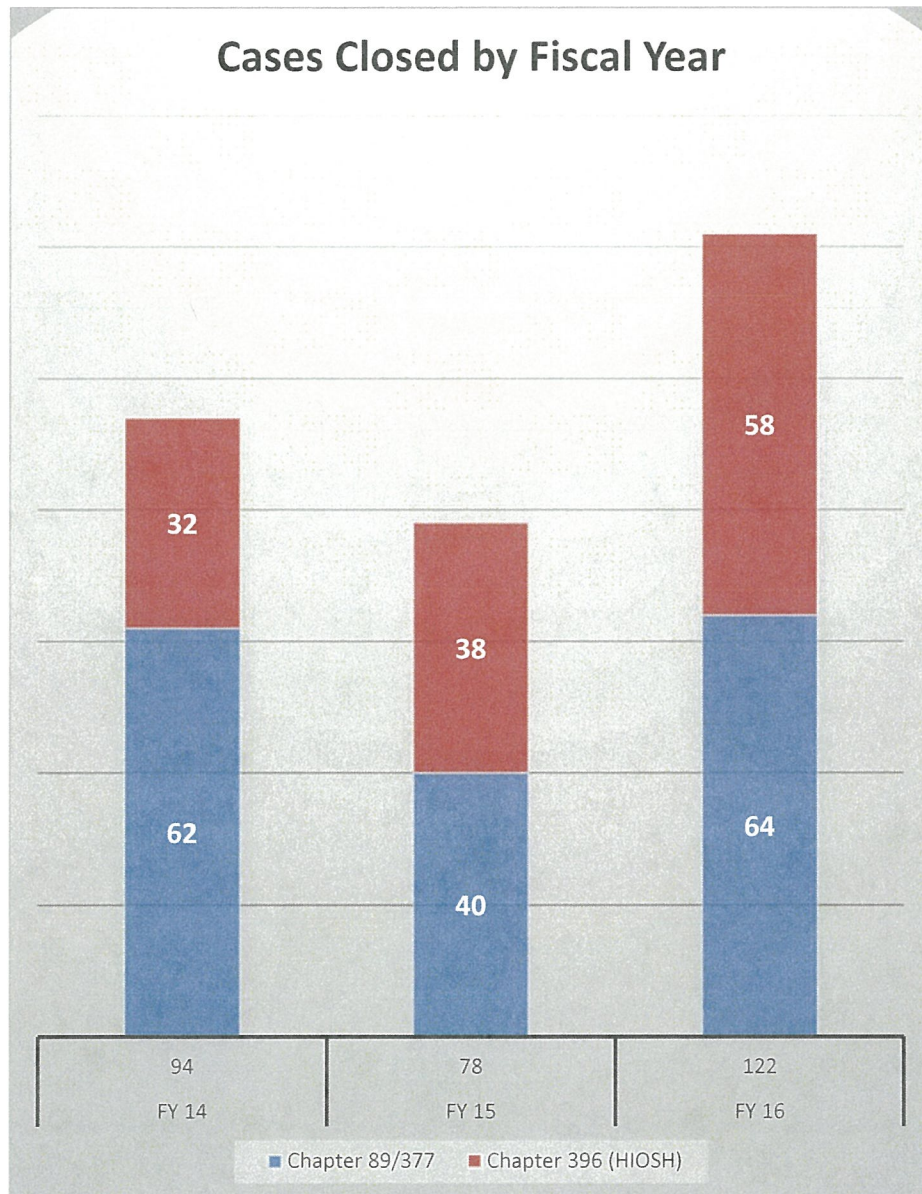
A. Trends Chart – New Cases Filed by Fiscal Year



There were a total of 81 new cases filed with the Board in FY 2016.

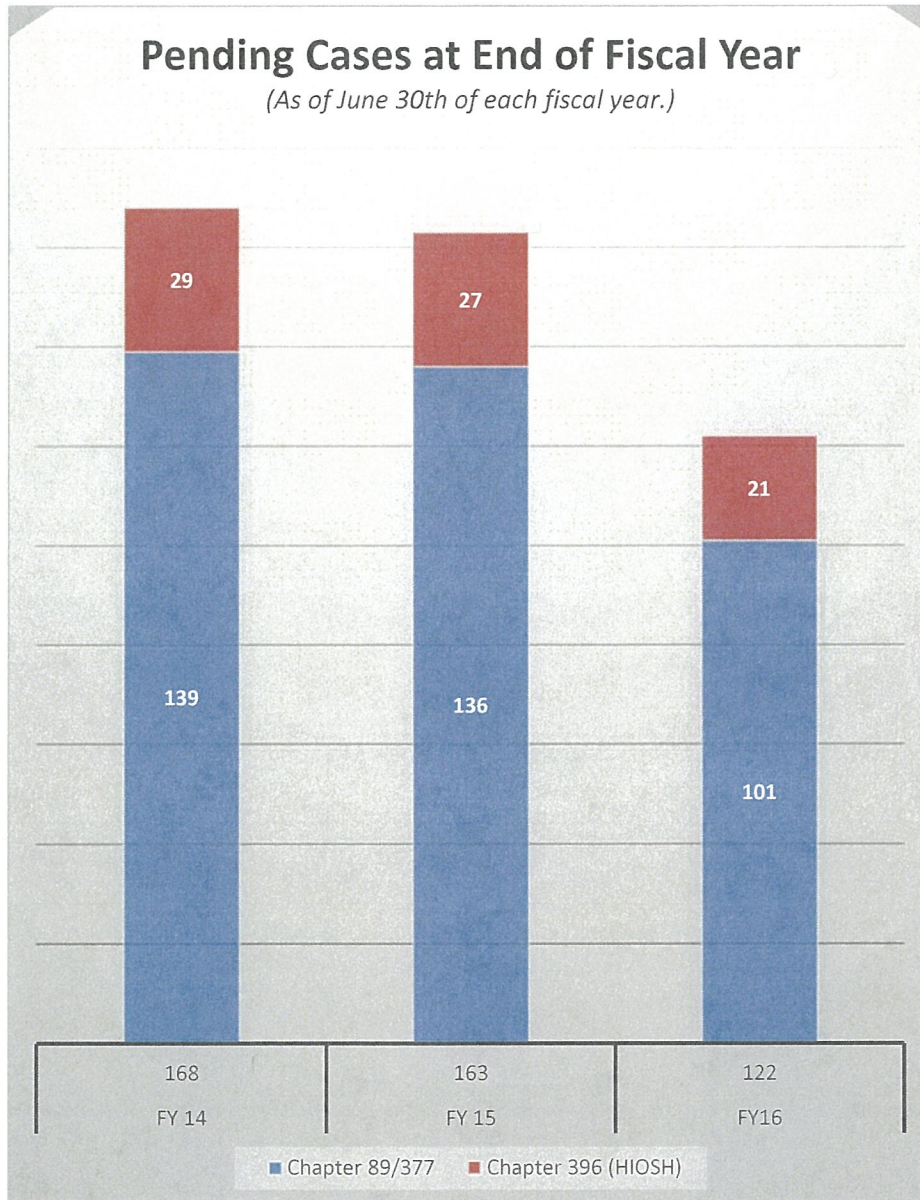
The number of new cases filed in FY 2016 is an increase over the number of new cases filed in FY 2014 (74 new cases) and FY 2015 (74 new cases). Especially dramatic is the increase in the number of new Chapter 396 cases filed in FY 2016 (52 new cases) compared to FY 2014 (39 new cases) and FY 2015 (37 new cases).

B. Trends Chart - Cases Closed by Fiscal Year



The total number of cases closed by the Board in FY 2016 is 122. This represents a significant increase from the numbers of cases closed by the Board in FY 2015 (78 cases completed/closed) and FY 2014 (94 cases completed/closed).

C. Trends Chart – Pending Cases at End of Fiscal Year



The total number of cases that remain pending (i.e., cases that have not been brought to final decision) at the end of FY 2016 is 122. This represents a significant decrease from the numbers of pending cases at the end of FY 2015 (163 cases pending) and FY 2014 (168 cases pending).

VI. PUBLICATIONS

HLRB Informational Bulletin: This annual bulletin issued by the Hawaii Labor Relations Board provides by employing jurisdictions, the number of public employees included in each of the 14 collective bargaining units established by Hawaii Revised Statutes § 89-6(a). The bulletin is published in the Spring and posted on the Board's Website in the Find a Report section.

Website: Rules, forms, bulletins, recent decisions of the Board, and the Board's List of Arbitrators with their resumes and fees are posted on the Hawaii Labor Relations Board section of the DLIR website at www.hawaii.gov/labor.

VII. CONCLUSION

A. Reduction of the Backlog Cases (i.e. "old cases")

Through diligent efforts in FY 2016, the Board has reduced significantly the backlog of the pre-FY 2016 cases. In FY 2016, a total of 66 of the Backlog Cases have been closed by Board action (whether in the form of Board decisions, orders or stipulations).

The primary focus of the Board on the Backlog Cases has been on the Chapter 396 cases which involve worker safety violations. With respect to the backlog of pre-FY 2016 Chapter 396 cases, 26 of the 27 Backlog Cases were closed by Board action. The sole case remaining in the Chapter 396 Backlog is scheduled for trial upon the completion of a pending criminal trial in the U.S. District Court of Hawaii.

B. Enhancing the Handling of Current Cases (i.e. "new cases")

Through procedural changes implemented by the Board since January 2016,⁷ the Board has significantly improved its ability to hear and adjudicate the Current Cases in a timely fashion.

The primary focus of the Board on the Current Cases has been on the Chapter 89/377 cases. In FY 2016, a total of 24 new Chapter 89/377 cases were filed with the Board. Nine of these new cases were filed under the Board's new process (i.e., filed between 1/1/16 and 6/30/16), and seven of the nine cases have already been closed by Board action (whether in the form of Board decisions, orders or stipulations) prior to June 30, 2016. The two remaining cases were filed just before the end of FY 2016 and both are on track for timely Board action.

C. Summary of Board's Improvement in Handling its Caseload

An analysis of the Board's caseload in FY 2016 must focus on three major points.

⁷ See discussion in Section IX.E., below.

First, the numbers of new cases filed with the Board in FY 2016 dramatically increased, especially with respect to Chapter 396 cases. The number of new Chapter 396 cases increased in FY 2016 by 15 from the previous year, an increase of more than 40%. The Board anticipates this trend to continue and the numbers of new Chapter 396 cases for FY 2017 probably will continue to rise in light of the increase in the numbers of HIOSH inspectors and the continuation of construction work in Hawaii.

Second, through diligent efforts and revisions to the Board's pre-hearing procedures, the Board has significantly reduced the number of Backlog Cases and improved its ability to timely hear and efficiently bring to conclusion the new cases brought before the Board (i.e., the Current Cases). In FY 2016, the Board was able to complete and bring to closure a total of 122 cases, an increase of 44 cases from FY 2015. This increase in the number of closed cases in FY 2016 represents an improvement of 56.4% from the previous year.

Third, the number of cases that remain "pending" (i.e., pending cases awaiting Board action) in FY 2016 dropped down to 122, this represents an improvement by 42 cases (i.e., 25.6% decrease/improvement from FY 2015) from the previous year.

In summary, although the numbers of new cases filed with the Board increased in FY 2016, the Board has managed to reduce the number of Backlog Cases and more efficiently bring to conclusion the Current Cases. The end result is that the number of unresolved and pending cases before the Board has been reduced significantly.

D. Revisions of the Board Rules

The Board is currently in the process of changing its administrative rules which were last revised in 1981. Since that time, much has happened: (i) the Board has expanded its responsibilities to adjudicate HIOSH cases under Chapter 396 of the Hawaii Revised Statutes, (ii) the Board was assigned the task of adopting new rules for Hawaii's "card-check program" under Act 6-2009, (iii) in 1985, the Legislature abolished HERB, transferred its functions to HPERB, and renamed it the Hawaii Labor Relations Board, effective January 1, 1986, to administer the provisions of both HRS Chapter 89 and 377, and (iv) the Board has proceeded to use electronic means to serve complaints, hearing notices and other document files. A broad "overhaul" of the Board's rules is needed.

We have completed our draft rules in two parts. One part involves Hawaii's "card-check program" and the Board anticipates proceeding toward Statewide hearings later this year. The second part involves the Board's overhaul of its other rules with special focus on the new Board's responsibilities with respect to Chapter 396 cases and electronic filing of documents. With respect to this second part, the Board has received comments and suggested changes from two divisions (Employment Law Division and Labor Division) within the Department of the Attorney General that regularly appear before the Board. We anticipate proceeding toward Statewide hearings on this second part sometime the following year.

E. Changes to Hawaii Statutory Laws

The 2016 Legislature and the Governor enacted legislation (Act 191-2016) that amends Hawaii Revised Statutes (HRS) § 377-9 to clarify that the Board may serve complaints and notices of hearings for cases before the Board on parties by first class mail or by electronic means. The electronic service of complaints and notices is a faster and less expensive way to provide notice to parties. The Board and the parties before it, including the legal offices of the governmental agencies, will avoid unnecessary postage expenses and gain clerical labor savings.

F. Modification of Pre-Hearing and Settlement Processes

The Board modified its pre-hearing and settlement discussion processes for Chapter 89/377 and 396 cases.

For the Chapter 89/377 cases, the Board has been holding prehearing conferences with a hearings officer for all newly filed cases in 2016. The hearings officer was charged with the task of clarifying the issues, attempting to reach an agreement among the parties regarding undisputed facts and procedures which will facilitate the expediting of the hearing or adjudication of issues, and to establish deadlines and prehearing procedures. The Board has found this new process to be more conducive to resolving disputes prior to a full hearing on the merits, and for cases that do proceed to hearing, the Board is better able to hear and decide said cases within a shorter timeframe.

For the Chapter 396 cases, the Board has revised its prehearing conferences and procedures. Under the Board's new procedures, upon receipt of the transmittal of notice of contest from HIOSH, the Board issues to the parties a notice of case assignment and order allowing the parties seventy-five (75) days to identify the contested issues, to conduct any necessary discovery and to engage in settlement negotiations before committing, if necessary, to pretrial deadlines and trial dates assigned by the Board. By this procedure, the parties avoid the prior common practice of filing multiple requests for continuances in the prehearing process. The Board's goal is to work with the parties in resolving HIOSH cases as efficiently and successfully as possible, all while protecting the safety of the workers in the workplace. The Board has received positive comments regarding these new procedures and, most important, the parties that appear before the Board in Chapter 396 cases have engaged in positive and continuing discussions with us to further improve these procedures.

G. E-Filing System

As reported in the FY 2014 Annual Report, it was the Board's intent to address the backlog of cases by pursuing, among other things, the development of a comprehensive e-Filing system to include both Chapter 89/377 and Chapter 396 cases. In early 2014, the Board contracted with File and ServeXpress (FSX) to provide e-Filing services on FSX's website, which services include online filing of pleadings and case related correspondence, and service of pleadings and correspondence by email, and storage of all case files. The current voluntary e-Filing service allows all participating parties to file and serve their documents on the opposing party 24 hours/7 days a week. Like the Hawaii Supreme Court, the Board accepts digital signatures on documents filed with the Board. Because of online filing and digital signatures, the Board has started to realize savings on paper cost, postage and labor which benefits the State, the Board and the parties.

Through the diligent efforts of the Board's staff and the cooperation of the various government and private law offices that practice before the Board, e-Filing through FSX has now been adopted by 99% of the government attorneys that appear before the Board and many new private-sector law firms and pro se parties. These participants include:

- State of Hawaii Attorney General Department – Both Employment Law, and Labor Divisions
- University of Hawaii Office of the General Counsel
- City and County of Honolulu, Department of the Corporation Counsel,
- County of Hawaii, Corporation Counsel,
- County of Maui, Department of the Corporation Counsel,
- County of Kauai, Office of the County Attorney,
- Approximately 20 private-sector Hawaii law firms, and
- Approximately 3 mainland law firms or in-house counsel located on the mainland.

In FY 2016, the Board conducted four trainings for FSX users.

- All Corporation Counsels, Kauai, Oahu, Maui and Hawaii
- State of Hawaii Attorney General Department – Labor Division
- County of Maui Department of the Corporation Counsel
- Marr Jones & Wang LLLP
- Kobayashi, Sugita & Goda

H. Labor Arbitration Program

The Board has changed its method of overseeing the list of labor arbitrators and mediators as required by Hawaii Revised Statutes, Section 89-5(i)(6) and (7). Annual submissions of updated resumes together with the arbitrator's/mediator's fee schedule and terms of retention for the calendar year are now required. With the updated resumes and reported fee schedule, the parties selecting an arbitrator/mediator are now equipped with information that is more relevant and current than what was previously available. This change in reporting is the result of a recent case that was before the Board regarding a dispute involving an arbitrator's fee schedule and terms.

I. Changes to the Board's Website

The Board is continually working on updating its Website. The following are improvements made to the Website this past year:

- The current HIOSH and Chapter 89 case decisions have been added
- The last two HLRB Annual Reports have been added to the Web site.
- The "Find a Report" page has been updated with the inclusion of HLRB Informational Bulletin Nos. 52, 53 and 54.
- The Board is currently working on revising all of its legal forms on the Website and converting them to eSign "Widgets." These revisions should be completed and available on the Website by the end of this calendar year.
- The Board is working on revising its online legal forms and replacing the requirement for a notary with a declaration of the person filing.
- Since the Board's inception, it has rendered 483 decisions and 3,175 orders in chapter 89 & 377 cases, and 33 decisions and 816 orders in chapter 396, HIOSH cases. Working with the most current decisions and orders, the Board will be putting its decisions and orders into an online database similar to what is done with the State Ethics Commission opinions and decisions.

J. Conclusion

The Board recognizes the need to continue to work diligently and more efficiency to reduce the backlog of pending cases. Although the reduction of the number of Backlog Cases is important, the Board also recognizes the need to deliver quality and thoughtful legal decisions that will provide guidance and insight to the collective bargaining process and also to the continuing effort to ensure the safe and healthful workplace conditions in our community.

Respectfully submitted,



KERRY M. KOMATSUBARA, Chair



SESNITA A.D. MOEPONO, Board Member

J N. Musto

J N. MUSTO, Board Member

ATTACHMENT 1: Pending Cases at the Beginning of FY 2016 (Backlog)

as of July 1, 2015

Case No.	DATE FILED	CASE NAME	Union	DATE CLOSED	CLOSING DECISION OR ORDER
CE-01-537a, CE-02-537b, CE-03-537c, CE-04-537d, CE-06-537e	7/3/2003	UPW, HGEA and Kathleen Watanabe, Dir, DHRD & Linda Lingle, Governor (Charter School)	UPW		
CE-01-539	8/18/2003	UPW and Patricia Hamamoto and Connections	UPW		
CE-02-546a, CE-03-546b, CE-04-546c, CE-09-546d, CE-13-546e	11/7/2003	HGEA and Kathleen Watanabe & Linda Lingle	HGEA		
CE-01-550	12/23/2003	UPW & Robert Watada, Patricia Hamamoto, et al.	UPW		
CE-01-558	3/24/2004	UPW and Robert Watada, Waiialae School and Swanson	UPW		
CE-01-565a, CE-02-565b, CE-03-565c, CE-04-565d	6/22/2004	UPW & HGEA and Patricia Hamamoto & BOE	UPW, HGEA	4/6/2009	Order No. 2602 Grants HGEA to Withdraw PPC, only UPW remains in case.
CE-01-594	3/28/2005	UPW v. Robert Watada & Patricia Hamamoto, Supt., DOE	UPW		
CE-01-605a, CE-10-605b	9/2/2005	UPW v. Marie Laderta, Dept. of Human Resources & Valrie Pacheco	UPW		
CE-01-609	11/28/2005	UPW v. Hawaii Health	UPW		
CE-01-627	7/7/2006	UPW v Kenneth Nakamatsu & Mufi Hanneman	UPW		REMAND for reconsider
CE-02-632a, CE-03-632b, CE-04-632c, CE-09-632d, CE-13-632e	11/17/2006	HGEA v. Linda Lingle, Chiyome L. Fukino, MD & Mark A. Fridovich, MD	HGEA		
CE-01-634	1/4/2007	UPW & Clifford Lum, et al.	UPW		
CE-03-635a, CE-04-635b	2/13/2007	HGEA v. Linda Lingle & Iwalani D. White, PSD	HGEA		
CE-02-639a, CE-03-639b, CE-04-639c, CE-09-639d, CE-13-639e	6/7/2007	HGEA v. Linda Lingle, Chiyome Fukino, MD, Mark A. Fridovich, MD	HGEA		
CE-05-661	3/12/2008	HSTA v. Patricia Hamamoto, BOE, Linda Lingle, Marie Laderta	HSTA		
CE-05-667	5/27/2008	HSTA v. BOE, Patricia Hamamoto & Susan H. Kitsu	HSTA		
CE-07-674	6/10/2008	UHPA v. BOR	UHPA		

ATTACHMENT 1: Pending Cases at the Beginning of FY 2016 (Backlog)
as of July 1, 2015

Case No.	DATE FILED	CASE NAME	Union	DATE CLOSED	CLOSING DECISION OR ORDER
CE-12-696	11/7/2008	SHOPO v. Mufi Hannemann, Boisse Correa	SHOPO		
CE-03-703a, CE-04-703b	4/1/2009	HGEA v. Linda Lingle & Darwin Ching	HGEA	6/2/2016	Order No. 3165 Stip to Withdraw
CE-01-706	5/4/2009	UPW v. Mufi Hannemann	UPW		
CE-13-709	6/19/2009	HGEA v. Department of Taxation	HGEA	11/16/2015	Order No. 3120 Withdrawal PPC
CE-01-710a, CE-10-710b	6/24/2009	UPW v. Linda Lingle, Marie Laderta, Mufi Hannemann	UPW		
CE-01-712a, CE-10-712b	6/29/2009	UPW v. Linda Lingle & Marie Laderta	UPW		
CE-10-718	7/15/2009	UPW v. Marie Laderta	UPW	5/21/2010	REMAND
CE-01-720a, CE-10-720b	7/31/2009	UPW v. Marie Laderta	UPW		
CE-10-722	8/10/2009	UPW v. Elizabeth A. Char, MD, Kenneth Nakamatsu, Mufi Hannemann	UPW		
CE-01-724	8/13/2009	UPW v. Jeffrey S. Cudiamat; Kenneth Nakamatsu & Mufi Hannemann	UPW		
CE-02-728a, CE-03-728b, CE-04-728c, CE-13-728d	9/28/2009	HGEA v. Linda Lingle, Brennon Morioka, Guy Kunitake	HGEA		
CE-02-730a, CE-03-730b, CE-04-730c, CE-09-730d, CE-13-730e	10/1/2009	HGEA v. Vincent H.S. Lee, FACHE, Oahu Region CEO, HHSC	HGEA		
CE-09-731	10/6/2009	Valerie Stephen v. HHSC		9/3/2015	Order No. 3091
CE-02-736a, CE-03-736b, CE-04-736c, CE-13-736d	11/9/2009	HGEA v. Linda Lingle & Darwin Ching	HGEA		
CE-10-737, CU-10-284	11/13/2009	Jonathan Taum, Chad Ross, Carl L. Kahawai, Quincy G.K. Pacheco, Bradford J. Leialoha, Julieann L. Salas v. DHRD & UPW	UPW		
CE-10-744	12/30/2009	UPW v. Elizabeth A. Char, MD, Mufi Hannemann	UPW	3/23/2011	REMAND
CE-10-746	1/13/2010	UPW v. Elizabeth A. Char & Mufi Hannemann	UPW	3/23/2011	REMAND
CE-01-747	1/22/2010	UPW v. Aaron A. Ueno and Dr. Chiyome Fukino	UPW		
CE-03-749a, CE-04-749b	2/2/2010	HGEA v. Linda Lingle, Clayton Frank, PSD, Chiyome Fukino, DOH	HGEA		
CE-10-753	3/8/2010	UPW v. Dr. Chiyome Fukino & Marie Laderta	UPW		
CE-10-761	6/29/2010	UPW v. Michael Fujioka & Marie Laderta, DHRD	UPW		

ATTACHMENT 1: Pending Cases at the Beginning of FY 2016 (Backlog)

as of July 1, 2015

Case No.	DATE FILED	CASE NAME	Union	DATE CLOSED	CLOSING DECISION OR ORDER
CE-01-762a, CE-10-762b	7/1/2010	UPW v. Diana Niles-Hansen & Annette Anderson	UPW	3/30/2011	REMAND
CE-03-766	8/16/2010	HGEA v. Linda Lingle, Laura Thielen, Mark Young & Russell Tsuji	HGEA		
CE-01-772	11/8/2010	UPW v. Keith Viera, Glen Kila, Kathryn Matayoshi, Garrett Toguchi, et al.	UPW		
CE-05-782	9/14/2011	HSTA v. Kihei Charter School, Local School Board, Gene Zarro	HSTA		
CE-05-784	9/22/2011	HSTA v. Kathryn Matayoshi and Dana Kobashigawa	HSTA		
CE-03-787	11/4/2011	HGEA v. Neil Abercrombie, William J. Aila, Randy L. Awo	HGEA		
CE-13-788	11/25/2011	Henry H. Yang, MD v. Loretta J. Fuddy, DOH			
CE-01-790	12/7/2011	UPW v. C&C of Honolulu, Dept of Environmental Svcs, Refuse Division	UPW	9/10/2015	Order No. 3093
CE-01-791	12/27/2011	UPW v. Corporation Board of the Hawaii Health Systems Corporation	UPW		
CE-03-806	6/8/2012	HGEA v. Neil Abercrombie, William J. Aila, DLNR, Randy L. Awo, DLNR; and Clarence Yamamoto, DLNR	HGEA		
CE-01-808, CU-01-317	8/13/2012	Michael Hikalea v. C&C of Hon, Dept of Environmental Svcs; David Shiraishi, Peter Carlisle & Howard Kahue, Brandon McDonnell, Laurie Santiago, Dayton Nakanelua, UPW	UPW	7/20/2016	Order No. 3178
CE-03-812, CU-03-319	11/19/2012	Chad Vincent Medeiros v. Robert F. Westerman, Fire Chief, KFD, County of Kauai and Dale Shimomura, Business Agent, HGEA	HGEA	8/12/2015	Order No. 3085
CE-05-817	1/8/2013	Janet Weiss v. Patricia Champagne, Principal, Kohala Middle School, Janette Snelling, Principal, Kohala High School, Catherine Bratt, Retired Principal and Art Souza, District Superintendent		7/30/2015	Order No. 3081
CE-05-820	4/1/2013	HSTA v. Kathryn Matayoshi & Annette Anderson	HSTA		
CE-03-821	4/24/2013	Kulamanu J. Kikila v. DOE		9/1/2015	Order No. 3087
CE-12-822	5/7/2013	Shelley Rodrigues v. Darryl Perry & Michael Contrades		1/29/2016	Order No. 3142
CE-12-823	5/22/2013	SHOPO v. Alan Arakawa, Mayor, County of Maui; Gary Yabuta, Chief of Police, Maui Police Department	SHOPO		
CE-12-828	8/6/2013	Shelly Rodrigues v. Darryl Perry, Michael Contrades & Alejandro Quibilan		10/19/2015	Order No. 3105
CE-12-829	8/6/2013	Shelly Rodrigues v. Darryl Perry, Michael Contrades & Alejandro Quibilan		10/19/2015	Order No. 3105

ATTACHMENT 1: Pending Cases at the Beginning of FY 2016 (Backlog)

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Case No.	DATE FILED	CASE NAME	Union	DATE CLOSED	CLOSING DECISION OR ORDER
CE-12-830	8/6/2013	Sandy I. Wakumoto v. Darryl Perry & Michael Contrades		10/19/2015	Order No. 3106
CE-02-835a, CE-03-835b CE-04-835c, CE-09-835d, CE-13-835e	12/20/2013	HGEA v. Lynn Fallin, DOH; Mark Fridovich; DOH; William Elliot, DOH; William Sheehan, Hawaii State Hospital, DOH; Neil Abercrombie, Gov	HGEA	7/29/2015	Order No. 3079
CE-13-841	6/2/2014	Aquilino R. Idao v. DCCA, Office of Consumer Protection		7/30/2015	Order No. 3082 Consolidate with DR-13-107 & Closed.
CE-05-842	6/2/2014	Janet Weiss v. Kathryn Matayoshi and Virginia Ching		11/2/2015	Order No. 3112
CE-12-844	7/3/2014	SHOPO v. Kirk Caldwell & Louis Kealoha	SHOPO	5/19/2016	Order No. 3160
CE-11-845	8/27/2014	HFFA v. Kirk Caldwell, Manuel P. Teves, HFD, C&C of Honolulu	HFFA		
CE-11-846	9/5/2014	HFFA v. Kirk Caldwell, Manuel P. Teves, HFD, William Kenoi, Darren Rosario, Hawaii Fire Dept, Bernard P. Carvalho, Jr., Robert Westerman Kauai Fire Dept, Alan Arakawa, Jeffrey A. Murray, Dept of Fire & Public Safety	HFFA	11/3/2015	Order No. 3113
CE-11-848	9/17/2014	HFFA v. Kirk Caldwell, Manuel Neves, Ronald Rico, HFD	HFFA	7/17/2015	Order No. 3075
CE-10-849	9/17/2014	James Ioane v. PSD		5/25/2016	Order No. 3162
CE-11-851	1/13/2015	Kanoa K. Haake v. Jeffrey Murray, Fire Chief, Maui Fire Dept			
CE-05-852	3/23/2015	HSTA v. SOH BOE	HSTA		
CE-02-854a-f	4/21/2015	HGEA v. David Ige, et al.	HGEA		
CE-01-856 CU-01-332	4/20/2015	Nathan Makino v. County of Hawaii & UPW	UPW		
CE-08-857	4/24/2015	Gib Arnold v. UH		11/20/2015	Order No. 3122
CE-03-858	5/4/2015	Tanya Benson v. PSD		12/1/2015	Order No. 3125
CE-06-859	5/5/2015	HGEA v. David Y. Ige, et al.	HGEA	6/28/2016	Decision No. 483
CE-13-860	5/11/2015	Lee Scruton v. PSD		11/4/2015	Order No. 3117
CE-12-861	5/22/2015	SHOPO v. Kirk Caldwell, et al.	SHOPO	11/2/2015	Order No. 3111
CE-13-862	6/24/2015	Lee Scruton v. PSD		12/17/2015	Order No. 3131
CE-10-863, CU -10-335	6/26/2015	Kenneth M. Faria, Jr., v. EMS & UPW	UPW	11/3/2015	Order No. 3114
CU-05-265	6/6/2008	Patricia Hamamoto, BOE, Linda Lingle & Marie Laderta v. HSTA	HSTA		
CU-04-291	2/19/2010	Susan Siu v. HGEA			

ATTACHMENT 1: Pending Cases at the Beginning of FY 2016 (Backlog)
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Case No.	DATE FILED	CASE NAME	Union	DATE CLOSED	CLOSING DECISION OR ORDER
CU-05-302	3/9/2011	Shanye N. Valeho-Novikoff v. Wil Okabe, Wilbert Holck, Christopher Chang	HSTA	7/30/2015	Order No. 3080
CU-05-303	4/7/2011	Stephanie C. Stucky v. Wilfred Okabe, Wilbert Holck, Eric Nagamine, David Forrest, HSTA	HSTA		
CU-13-325	2/25/2014	Lisa K. Lemon v HGEA	HGEA	12/10/2015	Order No. 3128
CU-13-326	2/25/2014	Lisa K. Lemon v HGEA	HGEA	12/15/2015	Order No. 3129
CU-10-331	11/24/2014	Leroy Mamuad v. Dayton Nakanelua	UPW		
CU-01-333	4/28/2015	Patrick L. Ishida v. UPW, Dayton Nakanelua, UPW State Executive Bd	UPW		
CU-03-334	6/22/2015	Tanya Benson v. HGEA	HGEA	12/16/2015	Order No. 3130
DR-13-102	11/25/2011	Henry H. Yang, MD			
DR-13-107	7/29/2014	Aquilino Idao		7/30/2015	Order No. 3082 Consolidate with CE-13-841 & Closed.
I-08-156	2/2/2015	HGEA	HGEA		
I-14-155	1/14/2015	HGEA v. David Ige, et al.	HGEA		
RA-05-238	10/1/2010	HSTA v. DOE	HSTA		
RA-07-232	10/8/2008	UHPA	UHPA	7/21/2015	Order No. 3076
OSH 2011-16	9/14/2011	Mariano Mendoza v. Royal Lahaina Resort & DLIR		10/16/2015	Order No. 706
OSH 2012-7	3/2/2012	Brian Santore v. Grand Wailea & DLIR		6/2/2016	Order No. 802
OSH 2013-31	12/18/2013	Nuanchut Chaigit v. USS Missouri Memorial Assn, Inc., & DLIR		9/15/2015	Order No. 689
OSH 2015-1	1/16/2015	Darryl Caminos v. Honolulu Country Club LLC & DLIR		10/14/2015	Order No. 704
OSH 2015-16	6/29/2015	Noreen Medeiros v. GWR Wailea Property LLC dba Grand Wailea Resort and Spa & DLIR		8/31/2015	Order No. 684
OSH 2007-22	10/26/2007	DLIR v. Hilton Hotels Corp.		8/24/2015	Order No. 683
OSH 2009-10	5/6/2009	DLIR v. International Roofing & Building Construction, Inc.		11/24/2015	Order No. 718
OSH 2009-36	8/11/2009	DLIR v. Coastal Construction Co., Inc.		10/15/2015	Decision No. 29
OSH 2011-19	11/7/2011	DLIR v. 1st Green Solutions, LLC		12/22/2015	Order No. 738
OSH 2011-21	12/13/2011	DLIR v. Donaldson Enterprises, Inc.			
OSH 2012-15	9/5/2012	DLIR v. R.D. Olson Construction Inc.		12/3/2015	Order No. 725
OSH 2012-20	11/28/2012	DLIR v. ThyssenKrupp Elevator Corp		2/18/2016	Decision No. 30
OSH 2013-8	4/23/2013	DLIR v. IES Residential, Inc.		2/3/2016	Decision No. 31
OSH 2014-9	3/10/2014	DLIR v. Color Dynamics, Inc.		3/30/2016	Order No. 776
OSH 2014-16	7/24/2014	DLIR v. DOH HI State Hospital		11/16/2015	Order No. 717

ATTACHMENT 1: Pending Cases at the Beginning of FY 2016 (Backlog)
as of July 1, 2015

Case No.	DATE FILED	CASE NAME	Union	DATE CLOSED	CLOSING DECISION OR ORDER
OSH 2014-33	10/9/2014	DLIR v. Elemental Energy LLC dba Sunetric		5/26/2016	Decision No. 33
OSH 2015-3	3/17/2015	DLIR Henkels & McCoy, Inc.		5/3/2016	Order No. 790
OSH 2015-4	3/17/2015	DLIR Henkels & McCoy, Inc.		5/3/2016	Order No. 791
OSH 2015-5	3/30/2015	DLIR v. Kennedy Construction Corp		7/7/2015	Order No. 665
OSH 2015-8	5/5/2015	DLIR v. Trane US Inc		3/18/2016	Order No. 764
OSH 2015-9	5/7/2015	DLIR v. World Wide Window Cleaning, Inc.		9/24/2015	Order No. 691
OSH 2015-10	5/11/2015	DLIR v. DJ's Construction Inc.		9/25/2015	Order No. 693
OSH 2015-11	5/12/2015	DLIR v. Penthouse Pacific Construction Ltd.		8/4/2015	Order No. 674
OSH 2015-12	6/5/2015	DLIR v.,. Fearless Painting, Co.		7/21/2015	Order No. 669
OSH 2015-13	6/5/2015	DLIR v. Larry R. Smith Construction Inc.		12/3/2015	Order No. 723
OSH 2015-14	6/10/2015	DLIR v. HW Roofing, Inc.		8/12/2015	Order No. 676
OSH 2015-15	6/18/2015	DLIR v. Nordic PCL Construction, Inc.		9/8/2015	Order No. 687

ATTACHMENT 2: New Cases Filed in FY 2016, New Cases Closed in FY 2016

July 1, 2015 - June 30, 2016

Case No.	DATE FILED	CASE NAME	Union	DATE CLOSED	CLOSING DECISION / ORDER
CE-11-864	7/31/2015	HFFA v. Kirk Caldwell and Manuel P. Neves, et al.	HFFA		
CE-07-866	8/18/2015	UHPA v. BOR	UHPA	2/22/2016	Order No. 3149
CE-08-867	9/8/2015	Gib Arnold v. UH		11/20/2015	Order No. 3123
CE-10-868	9/21/2015	Tine Tuiolemotu v. PSD, OCCC		11/10/2015	Order No. 3119
CE-05-869	10/8/2015	Richard Anton St. Onge v. DOE, Windward District Office, SOH		11/4/2015	Order No. 3116
CE-06-870	11/17/2015	HGEA v. David Ige et al	HGEA		
CE-10-872	12/4/2015	Thomas J. Taum, IV v. PSD		1/6/2016	Order No. 3135
CE-05-873	12/7/2015	HSTA v. SOH BOE	HSTA		
CE-07-874	12/21/2015	UHPA Kevin Bennett & Kathleen Cole v BOR of the UH	UHPA	5/25/2016	Order No. 3168
CE-12-875	1/11/2016	SHOPO v. Bernard Carvalho, Jr. Mayor of Kauai; et al	SHOPO	6/3/2016	Decision No. 481
CE-10-876	1/19/2016	Gordon B. Lindsey v. Nolan Espinda, Dir, PSD		3/18/2016	Order No. 3154
CE-03-877	1/28/2016	HGEA v. David Y. Ige, Suzanne Case, Jason Redulla, Shauna Tsuha, Alice Schutte	HGEA	4/28/2016	Order No. 3158
16-CE-11-879	3/30/2016	HFFA v. Kirk Caldwell and Manuel P. Neves, et al.	HFFA	6/21/2016	Decision No. 482
16-CE-07-880	4/18/2016	University of Hawaii Professional Assembly vs. Board of Regents, University of Hawaii	UHPA	6/17/2016	Order No. 3170
16-CE-03-881	6/27/2016	Isma Manu Ayau v. C&C of Hon Dept of Planning & Permitting			
CE-10-865, CU-10-337	8/17/2015	Elias Pilago v. Halawa Correctional Facility, DPS & UPW	UPW	9/25/2015	Order No. 3098
CE-01-871, CU-01-339	11/18/2015	Crivello v County of Maui, DEM and UPW	UPW	1/19/2016	Order No. 3139
2016-CU-10-341, CE-10-878	3/8/2016	Chad Los Banos v. UPW; Dept of Public Safety	UPW	6/28/2016	Order No. 3172
CU-13-336	7/14/2015	Lee Scruton v. HGEA and Denise Sugihara	HGEA	1/8/2016	Order No. 3136
CU-03-338	9/8/2015	Kelli Keawe v. HGEA, Stanford Chun & Joan Takano	HGEA	11/9/2015	Order No. 3118
CU-01-340	12/29/2015	Robert T. Diego v. UPW	UPW	1/12/2016	Order No. 3137
16-CU-12-342	4/29/2016	Kramer Aoki v. SHOPO	SHOPO	6/22/2016	Order No. 3171
16-DR 00-108	5/31/2016	Merit Appeals Board, State of Hawaii			
15-1(CU), 15-2(CE)	8/26/2015	Jeffrey Fernandez v. ILWU & Hawaiian Commercial & Sugar Co.	ILWU	1/15/2016	Order No. 3138
MISC-2015-1	9/25/2015	Leon Pasker		11/17/2015	Order No. 3121
OSH 2015-17	7/6/2015	DLIR v. Certified Construction Inc.		11/24/2015	Order No. 720

ATTACHMENT 2: New Cases Filed in FY 2016, New Cases Closed in FY 2016

July 1, 2015 - June 30, 2016

Case No.	DATE FILED	CASE NAME	Union	DATE CLOSED	CLOSING DECISION / ORDER
OSH 2015-18	7/8/2015	DLIR v. McClone Construction Co.		10/23/2015	Order No. 709
OSH 2015-19	7/17/2015	DLIR v. Andrew Thomas		1/25/2016	Order No. 746
OSH 2015-20	7/17/2015	DLIR v. Corinthian Construction, Inc		9/24/2015	Order No. 692
OSH 2015-21	7/17/2015	DLIR v. Yi Sun Chiu dba Yi Sun Chiu Company, Inc.		2/9/2016	Order No. 751
OSH 2015-22	8/18/2015	DLIR v. Akamai Construction Services		9/18/2015	Order No. 690
OSH 2015-23	8/20/2015	DLIR v. Akamai Roofing Inc.		11/24/2015	Order No. 719
OSH 2015-24	8/20/2015	DLIR v. McDonald's Restaurants of Hawaii Inc.		10/23/2015	Order No. 710
OSH 2015-25	9/3/2015	DLIR v. Tory's Roofing & Waterproofing, Inc.			
OSH 2015-26	9/4/2015	DLIR v. Oahu SPCA		3/1/2016	Order No. 755
OSH 2015-27	9/4/2015	DLIR v. Pioneer Granite & Marble		5/23/2016	Decision No. 32
OSH 2015-28	9/11/2015	DLIR v. Hokulani Bakery, Inc.		12/23/2015	Order No. 739
OSH 2015-30	9/11/2015	DLIR v. Certified Construction, Inc.		4/20/2016	Order No. 788
OSH 2015-31	10/30/2015	DLIR v. Sterling Pacific Construction			
OSH 2015-32	10/30/2015	DLIR v. Yi Sun Chiu dba Yi Sun Chiu Company, Inc.		4/7/2016	Order No. 777
OSH 2015-33	10/30/2015	DLIR v. The Counter, Custom Built Burgers		5/19/2016	Order No. 796
OSH 2015-34	11/3/2015	DLIR v. Hi-Power Solar, LLC			
OSH 2015-35	11/6/2015	DLIR v. DOT-Dillingham Airfield		3/24/2016	Order No. 770
OSH 2015-36	11/6/2015	DLIR v. Sunbeam Masonry, Inc.		4/7/2016	Order No. 778
OSH 2015-37	11/10/2015	DLIR v. Coastal Construction Co, Inc.			
OSH 2015-38	11/18/2015	DLIR v The Gas Company, LLC			
OSH 2015-39	11/18/2015	DLIR v Road Builders Corporation			
OSH 2015-40	12/16/2015	DLIR v World Wide Window Cleaning			
OSH 2015-41	12/18/2015	DLIR v Nordic PCL Construction Inc.		4/12/2016	Order No. 779
OSH 2015-42	12/18/2015	DLIR v Peter Hehemann		2/2/2016	Order No. 750
OSH 2015-43	12/29/2015	DLIR v Penhall Company		7/6/2016	Order No. 815
OSH 2015-44	12/31/2015	DLIR v. Foundations Hawaii Inc.		3/29/2016	Order No. 774
OSH 2016-01	1/13/2016	DLIR v Global Resort Partners		6/20/2016	Order No. 806
OSH 2016-03	1/15/2016	DLIR v JCC Electric Inc.		6/29/2016	Order No. 812
OSH 2016-04	1/19/2016	DLIR v Nordic PCL Construction Inc.		4/14/2016	Order No. 783
OSH 2016-05	1/21/2016	DLIR v Delivery Hawaii Inc.		4/12/2016	Order No. 781
OSH 2016-06	2/3/2016	DLIR v. Hawaiian Electric Company, Inc.		6/20/2016	Order No. 807
OSH 2016-07	2/4/2016	DLIR v. Amakua Holdings, Inc. dba Maui Brewing Co.			

ATTACHMENT 2: New Cases Filed in FY 2016, New Cases Closed in FY 2016

July 1, 2015 - June 30, 2016

Case No.	DATE FILED	CASE NAME	Union	DATE CLOSED	CLOSING DECISION / ORDER
OSH 2016-08	2/17/2016	DLIR v. Ocean Tile LLC		4/20/2016	Order No. 786
OSH 2016-09	2/18/2016	DLIR v. Artisan Construction		2/23/2016	Order No. 753
OSH 2016-10	2/29/2016	DLIR v. Davey Tree Surgery Company			
OSH 2016-11	2/29/2016	DLIR v. Featherstone Construction LLC		5/12/2016	Order No. 793
OSH 2016-12	3/3/2016	DLIR v. Beachside Roofing dba Demo 808			
OSH 2016-13	3/9/2016	DLIR v. Structural Systems, LLC			
OSH 2016-14	3/9/2016	DLIR v. Derek Drenske		6/16/2016	Order No. 805
OSH 2016-15	3/9/2016	DLIR v Hawaii Solar & Wind LLC			
OSH 2016-16	3/9/2016	DLIR v. Photonworks Engineering LLP			
OSH 2016-17	3/28/2016	DLIR v. Pacific Ohana Hostel Corp			
OSH 2016-18	4/5/2016	DLIR v. Aeko Kula Inc. dba Aloha Air Cargo		4/15/2016	Order No. 784
OSH 2016-19	4/22/2016	Sterling Pedro v. Trustees of Bernice Puahi Bishop dba Kamehameha Schools; and DLIR			
OSH 2016-20	5/11/2016	DLIR v. Island Pacific Energy, LLC			
OSH 2016-21	5/19/2016	DLIR v. Exclusive Island Roofing		6/22/2016	Order No. 808
OSH 2016-22	5/27/2016	DLIR v. Wilkson Shake Roofing Inc.			
OSH 2016-23	5/27/2016	DLIR v. Southland Mole JV			
OSH 2016-24	6/21/2016	DLIR v. Unlimited Construction Services, Inc.			
OSH-2015-29	9/11/2015	DLIR v. DCK Pacific Construction, LLC		1/15/2016	Order No. 745
OSH-2016-02	1/15/2016	DLIR v Albert C. Kobayashi Inc.			

ATTACHMENT 3: Cases Closed in FY 2016

Case No.	DATE FILED	CASE NAME	Union	DATE CLOSED	CLOSING DECISION / ORDER
CE-03-703a, CE-04-703b	4/1/2009	HGEA v. Linda Lingle & Darwin Ching	HGEA	6/2/2016	Order No. 3165 Stip to Withdraw
CE-13-709	6/19/2009	HGEA v. Department of Taxation	HGEA	11/16/2015	Order No. 3120 Withdrawal PPC
CE-09-731	10/6/2009	Valerie Stephen v. HHSC		9/3/2015	Order No. 3091
CE-01-790	12/7/2011	UPW v. C&C of Honolulu, Dept of Environmental Svcs, Refuse Division	UPW	9/10/2015	Order No. 3093
CE-05-817	1/8/2013	Janet Weiss v. Patricia Champagne, Principal, Kohala Middle School, Janette Snelling, Principal, Kohala High School, Catherine Bratt, Retired Principal and Art Souza, District Superintendent		7/30/2015	Order No. 3081
CE-03-821	4/24/2013	Kulamanu J. Kikila v. DOE		9/1/2015	Order No. 3087
CE-12-822	5/7/2013	Shelley Rodrigues v. Darryl Perry & Michael Contrades		1/29/2016	Order No. 3142
CE-12-828	8/6/2013	Shelly Rodrigues v. Darryl Perry, Michael Contrades & Alejandro Quibilan		10/19/2015	Order No. 3105
CE-12-829	8/6/2013	Shelly Rodrigues v. Darryl Perry, Michael Contrades & Alejandro Quibilan		10/19/2015	Order No. 3105
CE-12-830	8/6/2013	Sandy I. Wakumoto v. Darryl Perry & Michael Contrades		10/19/2015	Order No. 3106
CE-02-835a, CE-03-835b CE-04-835c, CE-09-835d, CE-13-835e	12/20/2013	HGEA v. Lynn Fallin, DOH; Mark Fridovich; DOH; William Elliot, DOH; William Sheehan, Hawaii State Hospital, DOH; Neil Abercrombie, Gov	HGEA	7/29/2015	Order No. 3079
CE-13-841	6/2/2014	Aquilino R. Idao v. DCCA, Office of Consumer Protection		7/30/2015	Order No. 3082 Consolidate with DR-13-107 & Closed.
CE-05-842	6/2/2014	Janet Weiss v. Kathryn Matayoshi and Virginia Ching		11/2/2015	Order No. 3112
CE-12-844	7/3/2014	SHOPO v. Kirk Caldwell & Louis Kealoha	SHOPO	5/19/2016	Order No. 3160
CE-11-846	9/5/2014	HFFA v. Kirk Caldwell, Manuel P. Teves, HFD, William Kenoi, Darren Rosario, Hawaii Fire Dept, <u>Bernard P. Carvalho, Jr., Robert Westerman</u>	HFFA	11/3/2015	Order No. 3113
CE-11-848	9/17/2014	HFFA v. Kirk Caldwell, Manuel Neves, Ronald Rico, HFD	HFFA	7/17/2015	Order No. 3075
CE-10-849	9/17/2014	James Ioane v. PSD		5/25/2016	Order No. 3162
CE-08-857	4/24/2015	Gib Arnold v. UH		11/20/2015	Order No. 3122
CE-03-858	5/4/2015	Tanya Benson v. PSD		12/1/2015	Order No. 3125
CE-06-859	5/5/2015	HGEA v. David Y. Ige, et al.	HGEA	6/28/2016	Decision No. 483
CE-13-860	5/11/2015	Lee Scruton v. PSD		11/4/2015	Order No.3117

ATTACHMENT 3: Cases Closed in FY 2016

Case No.	DATE FILED	CASE NAME	Union	DATE CLOSED	CLOSING DECISION / ORDER
CE-12-861	5/22/2015	SHOPO v. Kirk Caldwell, et al.	SHOPO	11/2/2015	Order No. 3111
CE-13-862	6/24/2015	Lee Scruton v. PSD		12/17/2015	Order No. 3131
CE-07-866	8/18/2015	UHPA v. BOR	UHPA	2/22/2016	Order No. 3149
CE-08-867	9/8/2015	Gib Arnold v. UH		11/20/2015	Order No. 3123
CE-10-868	9/21/2015	Tine Tuiolemotu v. PSD, OCCC		11/10/2015	Order No. 3119
CE-05-869	10/8/2015	Richard Anton St. Onge v. DOE, Windward District Office, SOH		11/4/2015	Order No. 3116
CE-10-872	12/4/2015	Thomas J. Taum, IV v. PSD		1/6/2016	Order No. 3135
CE-07-874	12/21/2015	UHPA Kevin Bennett & Kathleen Cole v BOR of the UH	UHPA	5/25/2016	Order No. 3168
CE-12-875	1/11/2016	SHOPO v. Bernard Carvalho, Jr. Mayor of Kauai; et al	SHOPO	6/3/2016	Decision No. 481
CE-10-876	1/19/2016	Gordon B. Lindsey v. Nolan Espinda, Dir, PSD		3/18/2016	Order No. 3154
CE-03-877	1/28/2016	HGEA v. David Y. Ige, Suzanne Case, Jason Redulla, Shauna Tsuha, Alice Schutte	HGEA	4/28/2016	Order No. 3158
16-CE-11-879	3/30/2016	HFFA v. Kirk Caldwell and Manuel P. Neves, et al.	HFFA	6/21/2016	Decision No. 482
16-CE-07-880	4/18/2016	University of Hawaii Professional Assembly vs. Board of Regents, University of Hawaii	UHPA	6/17/2016	Order No. 3170
CE-01-808, CU-01-317	8/13/2012	Michael Hikalea v. C&C of Hon, Dept of Environmental Svcs; David Shiraishi, Peter Carlisle & Howard Kahue, Brandon McDonnell, Laurie Santiago, Dayton Nakanelua, UPW	UPW	7/20/2016	Order No. 3178
CE-03-812, CU-03-319	11/19/2012	Chad Vincent Medeiros v. Robert F. Westerman, Fire Chief, KFD, County of Kauai and Dale Shimomura, Business Agent, HGEA	HGEA	8/12/2015	Order No. 3085
CE-10-863, CU -10-335	6/26/2015	Kenneth M. Faria, Jr., v. EMS & UPW	UPW	11/3/2015	Order No. 3114
CE-10-865, CU-10-337	8/17/2015	Elias Pilago v. Halawa Correctional Facility, DPS & UPW	UPW	9/25/2015	Order No. 3098
CE-01-871, CU-01-339	11/18/2015	Crivello v County of Maui, DEM and UPW	UPW	1/19/2016	Order No. 3139
2016-CU-10-341, CE-10-878	3/8/2016	Chad Los Banos v. UPW; Dept of Public Safety	UPW	6/28/2016	Order No. 3172
CU-05-302	3/9/2011	Shanye N. Valeho-Novikoff v. Wil Okabe, Wilbert Holck, Christopher Chang	HSTA	7/30/2015	Order No. 3080
CU-13-325	2/25/2014	Lisa K. Lemon v HGEA	HGEA	12/10/2015	Order No. 3128
CU-13-326	2/25/2014	Lisa K. Lemon v HGEA	HGEA	12/15/2015	Order No. 3129
CU-03-334	6/22/2015	Tanya Benson v. HGEA	HGEA	12/16/2015	Order No. 3130

ATTACHMENT 3: Cases Closed in FY 2016

Case No.	DATE FILED	CASE NAME	Union	DATE CLOSED	CLOSING DECISION / ORDER
CU-13-336	7/14/2015	Lee Scruton v. HGEA and Denise Sugihara	HGEA	1/8/2016	Order No. 3136
CU-03-338	9/8/2015	Kelli Keawe v. HGEA, Stanford Chun & Joan Takano	HGEA	11/9/2015	Order No. 3118
CU-01-340	12/29/2015	Robert T. Diego v. UPW	UPW	1/12/2016	Order No. 3137
16-CU-12-342	4/29/2016	Kramer Aoki v. SHOPO	SHOPO	6/22/2016	Order No. 3171
DR-13-107	7/29/2014	Aquilino Idao		7/30/2015	Order No. 3082 Consolidate with CE-13-841 & Closed.
RA-07-232	10/8/2008	UHPA	UHPA	7/21/2015	Order No. 3076
15-1(CU), 15-2(CE)	8/26/2015	Jeffrey Fernandez v. ILWU & Hawaiian Commercial & Sugar Co.	ILWU	1/15/2016	Order No. 3138
MISC-2015-1	9/25/2015	Leon Pasker		11/17/2015	Order No. 3121
OSH 2011-16	9/14/2011	Mariano Mendoza v. Royal Lahaina Resort & DLIR		10/16/2015	Order No. 706
OSH 2012-7	3/2/2012	Brian Santore v. Grand Wailea & DLIR		6/2/2016	Order No. 802
OSH 2013-31	12/18/2013	Nuanchut Chaigit v. USS Missouri Memorial Assn, Inc., & DLIR		9/15/2015	Order No. 689
OSH 2015-1	1/16/2015	Darryl Caminos v. Honolulu Country Club LLC & DLIR		10/14/2015	Order No. 704
OSH 2015-16	6/29/2015	Noreen Medeiros v. GWR Wailea Property LLC dba Grand Wailea Resort and Spa & DLIR		8/31/2015	Order No. 684
OSH 2009-10	5/6/2009	DLIR v. International Roofing & Building Construction, Inc.		11/24/2015	Order No. 718
OSH 2009-36	8/11/2009	DLIR v. Coastal Construction Co., Inc.		10/15/2015	Decision No. 29
OSH 2011-19	11/7/2011	DLIR v. 1st Green Solutions, LLC		12/22/2015	Order No. 738
OSH 2011-21	12/13/2011	DLIR v. Donaldson Enterprises, Inc.			
OSH 2012-15	9/5/2012	DLIR v. R.D. Olson Construction Inc.		12/3/2015	Order No. 725
OSH 2012-20	11/28/2012	DLIR v. ThyssenKrupp Elevator Corp		2/18/2016	Decision No. 30
OSH 2013-8	4/23/2013	DLIR v. IES Residential, Inc.		2/3/2016	Decision No. 31 Appealed 3/1/16
OSH 2014-9	3/10/2014	DLIR v. Color Dynamics, Inc.		3/30/2016	Order No. 776
OSH 2014-16	7/24/2014	DLIR v. DOH HI State Hospital		11/16/2015	Order No. 717
OSH 2014-33	10/9/2014	DLIR v. Elemental Energy LLC dba Sunetric		5/26/2016	Decision No. 33
OSH 2015-3	3/17/2015	DLIR Henkels & McCoy, Inc.		5/3/2016	Order No. 790
OSH 2015-4	3/17/2015	DLIR Henkels & McCoy, Inc.		5/3/2016	Order No. 791
OSH 2015-5	3/30/2015	DLIR v. Kennedy Construction Corp		7/7/2015	Order No. 665
OSH 2015-8	5/5/2015	DLIR v. Trane US Inc		3/18/2016	Order No. 764

ATTACHMENT 3: Cases Closed in FY 2016

Case No.	DATE FILED	CASE NAME	Union	DATE CLOSED	CLOSING DECISION / ORDER
OSH 2015-9	5/7/2015	DLIR v. World Wide Window Cleaning, Inc.		9/24/2015	Order No. 691
OSH 2015-10	5/11/2015	DLIR v. DJ's Construction Inc.		9/25/2015	Order No. 693
OSH 2015-11	5/12/2015	DLIR v. Penthouse Pacific Construction Ltd.		8/4/2015	Order No. 674
OSH 2015-12	6/5/2015	DLIR v., Fearless Painting, Co.		7/21/2015	Order No. 669
OSH 2015-13	6/5/2015	DLIR v. Larry R. Smith Construction Inc.		12/3/2015	Order No. 723
OSH 2015-14	6/10/2015	DLIR v. HW Roofing, Inc.		8/12/2015	Order No. 676
OSH 2015-15	6/18/2015	DLIR v. Nordic PCL Construction, Inc.		9/8/2015	Order No. 687
OSH 2015-17	7/6/2015	DLIR v. Certified Construction Inc.		11/24/2015	Order No. 720
OSH 2015-18	7/8/2015	DLIR v. McClone Construction Co.		10/23/2015	Order No. 709
OSH 2015-19	7/17/2015	DLIR v. Andrew Thomas		1/25/2016	Order No. 746
OSH 2015-20	7/17/2015	DLIR v. Corinthian Construction, Inc		9/24/2015	Order No. 692
OSH 2015-21	7/17/2015	DLIR v. Yi Sun Chiu dba Yi Sun Chiu Company, Inc.		2/9/2016	Order No. 751
OSH 2015-22	8/18/2015	DLIR v. Akamai Construction Services		9/18/2015	Order No. 690
OSH 2015-23	8/20/2015	DLIR v. Akamai Roofing Inc.		11/24/2015	Order No. 719
OSH 2015-24	8/20/2015	DLIR v. McDonald's Restaurants of Hawaii Inc.		10/23/2015	Order No. 710
OSH 2015-26	9/4/2015	DLIR v. Oahu SPCA		3/1/2016	Order No. 755
OSH 2015-27	9/4/2015	DLIR v. Pioneer Granite & Marble		5/23/2016	Decision No. 32
OSH 2015-28	9/11/2015	DLIR v. Hokulani Bakery, Inc.		12/23/2015	Order No. 739
OSH-2015-29	9/11/2015	DLIR v. DCK Pacific Construction, LLC		1/15/2016	Order No. 745
OSH 2015-30	9/11/2015	DLIR v. Certified Construction, Inc.		4/20/2016	Order No. 788
OSH 2015-32	10/30/2015	DLIR v. Yi Sun Chiu dba Yi Sun Chiu Company, Inc.		4/7/2016	Order No. 777
OSH 2015-33	10/30/2015	DLIR v. The Counter, Custom Built Burgers		5/19/2016	Order No. 796
OSH 2015-35	11/6/2015	DLIR v. DOT-Dillingham Airfield		3/24/2016	Order No. 770
OSH 2015-36	11/6/2015	DLIR v. Sunbeam Masonry, Inc.		4/7/2016	Order No. 778
OSH 2015-41	12/18/2015	DLIR v Nordic PCL Construction Inc.		4/12/2016	Order No. 779
OSH 2015-42	12/18/2015	DLIR v Peter Hehemann		2/2/2016	Order No. 750
OSH 2015-43	12/29/2015	DLIR v Penhall Company		7/6/2016	Order No. 815
OSH 2015-44	12/31/2015	DLIR v. Foundations Hawaii Inc.		3/29/2016	Order No. 774
OSH 2016-01	1/13/2016	DLIR v Global Resort Partners		6/20/2016	Order No. 806
OSH 2016-03	1/15/2016	DLIR v JCC Electric Inc.		6/29/2016	Order No. 812
OSH 2016-04	1/19/2016	DLIR v Nordic PCL Construction Inc.		4/14/2016	Order No. 783
OSH 2016-05	1/21/2016	DLIR v Delivery Hawaii Inc.		4/12/2016	Order No. 781
OSH 2016-06	2/3/2016	DLIR v. Hawaiian Electric Company, Inc.		6/20/2016	Order No. 807

ATTACHMENT 3: Cases Closed in FY 2016

Case No.	DATE FILED	CASE NAME	Union	DATE CLOSED	CLOSING DECISION / ORDER
OSH 2016-08	2/17/2016	DLIR v. Ocean Tile LLC		4/20/2016	Order No. 786
OSH 2016-09	2/18/2016	DLIR v. Artisan Construction		2/23/2016	Order No. 753
OSH 2016-11	2/29/2016	DLIR v. Featherstone Construction LLC		5/12/2016	Order No. 793
OSH 2016-14	3/9/2016	DLIR v. Derek Drenske		6/16/2016	Order No. 805
OSH 2016-18	4/5/2016	DLIR v. Aeko Kula Inc. dba Aloha Air Cargo		4/15/2016	Order No. 784
OSH 2016-21	5/19/2016	DLIR v. Exclusive Island Roofing		6/22/2016	Order No. 808

ATTACHMENT 4: Pending Cases at End of FY 2016

as of June 30, 2016

Case No.	DATE FILED	CASE NAME	Union	DATE CLOSED	CLOSING DECISION OR ORDER
CE-01-627	7/7/2006	UPW v Kenneth Nakamatsu & Mufi Hanneman	UPW		REMAND for reconsider
CE-01-762a, CE-10-762b	7/1/2010	UPW v. Diana Niles-Hansen & Annette Anderson	UPW	3/30/2011	REMAND
CE-10-718	7/15/2009	UPW v. Marie Laderta	UPW	5/21/2010	REMAND
CE-10-744	12/30/2009	UPW v. Elizabeth A. Char, MD, Mufi Hannemann	UPW	3/23/2011	REMAND
CE-10-746	1/13/2010	UPW v. Elizabeth A. Char & Mufi Hannemann	UPW	3/23/2011	REMAND
16-CE-03-881	6/27/2016	Isma Manu Ayau v. C&C of Hon Dept of Planning & Permitting			
16-DR 00-108	5/31/2016	Merit Appeals Board, State of Hawaii			
CE-01-537a, CE-02-537b, CE-03-537c, CE-04-537d, CE-06-537e	7/3/2003	UPW, HGEA and Kathleen Watanabe, Dir, DHRD & Linda Lingle, Governor (Charter School)	UPW		
CE-01-539	8/18/2003	UPW and Patricia Hamamoto and Connections	UPW		
CE-01-550	12/23/2003	UPW & Robert Watada, Patricia Hamamoto, et al.	UPW		
CE-01-558	3/24/2004	UPW and Robert Watada, Waiialae School and Swanson	UPW		
CE-01-565a, CE-02-565b, CE-03-565c, CE-04-565d	6/22/2004	UPW & HGEA and Patricia Hamamoto & BOE	UPW, HGEA	4/6/2009	Order No. 2602 Grants HGEA to Withdraw PPC, only UPW remains in case.
CE-01-594	3/28/2005	UPW v. Robert Watada & Patricia Hamamoto, Supt., DOE	UPW		
CE-01-605a, CE-10-605b	9/2/2005	UPW v. Marie Laderta, Dept. of Human Resources & Valrie Pacheco	UPW		
CE-01-609	11/28/2005	UPW v. Hawaii Health	UPW		
CE-01-634	1/4/2007	UPW & Clifford Lum, et al.	UPW		
CE-01-706	5/4/2009	UPW v. Mufi Hannemann	UPW		
CE-01-710a, CE-10-710b	6/24/2009	UPW v. Linda Lingle, Marie Laderta, Mufi Hannemann	UPW		
CE-01-712a, CE-10-712b	6/29/2009	UPW v. Linda Lingle & Marie Laderta	UPW		
CE-01-720a, CE-10-720b	7/31/2009	UPW v. Marie Laderta	UPW		
CE-01-724	8/13/2009	UPW v. Jeffrey S. Cudiamat; Kenneth Nakamatsu & Mufi Hannemann	UPW		

ATTACHMENT 4: Pending Cases at End of FY 2016
as of June 30, 2016

Case No.	DATE FILED	CASE NAME	Union	DATE CLOSED	CLOSING DECISION OR ORDER
CE-01-747	1/22/2010	UPW v. Aaron A. Ueno and Dr. Chiyome Fukino	UPW		
CE-01-772	11/8/2010	UPW v. Keith Viera, Glen Kila, Kathryn Matayoshi, Garrett Toguchi, et al.	UPW		
CE-01-791	12/27/2011	UPW v. Corporation Board of the Hawaii Health Systems Corporation	UPW		
CE-02-546a, CE-03-546b, CE-04-546c, CE-09-546d, CE-13-546e	11/7/2003	HGEA and Kathleen Watanabe & Linda Lingle	HGEA		
CE-02-632a, CE-03-632b, CE-04-632c, CE-09-632d, CE-13-632e	11/17/2006	HGEA v. Linda Lingle, Chiyome L. Fukino, MD & Mark A. Fridovich, MD	HGEA		
CE-02-639a, CE-03-639b, CE-04-639c, CE-09-639d, CE-13-639e	6/7/2007	HGEA v. Linda Lingle, Chiyome Fukino, MD, Mark A. Fridovich, MD	HGEA		
CE-02-728a, CE-03-728b, CE-04-728c, CE-13-728d	9/28/2009	HGEA v. Linda Lingle, Brennon Morioka, Guy Kunitake	HGEA		
CE-02-730a, CE-03-730b, CE-04-730c, CE-09-730d, CE-13-730e	10/1/2009	HGEA v. Vincent H.S. Lee, FACHE, Oahu Region CEO, HHSC	HGEA		
CE-02-736a, CE-03-736b, CE-04-736c, CE-13-736d	11/9/2009	HGEA v. Linda Lingle & Darwin Ching	HGEA		
CE-02-854a-f	4/21/2015	HGEA v. David Ige, et al.	HGEA		
CE-03-635a, CE-04-635b	2/13/2007	HGEA v. Linda Lingle & Iwalani D. White, PSD	HGEA		
CE-03-749a, CE-04-749b	2/2/2010	HGEA v. Linda Lingle, Clayton Frank, PSD, Chiyome Fukino, DOH	HGEA		
CE-03-766	8/16/2010	HGEA v. Linda Lingle, Laura Thielen, Mark Young & Russell Tsuji	HGEA		
CE-03-787	11/4/2011	HGEA v. Neil Abercrombie, William J. Aila, Randy L. Awo	HGEA		
CE-03-806	6/8/2012	HGEA v. Neil Abercrombie, William J. Aila, DLNR, Randy L. Awo, DLNR; and Clarence Yamamoto, DLNR	HGEA		

ATTACHMENT 4: Pending Cases at End of FY 2016

as of June 30, 2016

Case No.	DATE FILED	CASE NAME	Union	DATE CLOSED	CLOSING DECISION OR ORDER
CE-05-661	3/12/2008	HSTA v. Patricia Hamamoto, BOE, Linda Lingle, Marie Laderta	HSTA		
CE-05-667	5/27/2008	HSTA v. BOE, Patricia Hamamoto & Susan H. Kitsu	HSTA		
CE-05-782	9/14/2011	HSTA v. Kihei Charter School, Local School Board, Gene Zarro	HSTA		
CE-05-784	9/22/2011	HSTA v. Kathryn Matayoshi and Dana Kobashigawa	HSTA		
CE-05-820	4/1/2013	HSTA v. Kathryn Matayoshi & Annette Anderson	HSTA		
CE-05-852	3/23/2015	HSTA v. SOH BOE	HSTA		
CE-05-873	12/7/2015	HSTA v. SOH BOE	HSTA		
CE-06-870	11/17/2015	HGEA v. David Ige et al	HGEA		
CE-07-674	6/10/2008	UHPA v. BOR	UHPA		
CE-10-722	8/10/2009	UPW v. Elizabeth A. Char, MD, Kenneth Nakamatsu, Mufi Hannemann	UPW		
CE-10-753	3/8/2010	UPW v. Dr. Chiyome Fukino & Marie Laderta	UPW		
CE-10-761	6/29/2010	UPW v. Michael Fujioka & Marie Laderta, DHRD	UPW		
CE-11-845	8/27/2014	HFFA v. Kirk Caldwell, Manuel P. Teves, HFD, C&C of Honolulu	HFFA		
CE-11-851	1/13/2015	Kanoa K. Haake v. Jeffrey Murray, Fire Chief, Maui Fire Dept			
CE-11-864	7/31/2015	HFFA v. Kirk Caldwell and Manuel P. Neves, et al.	HFFA		
CE-12-696	11/7/2008	SHOPO v. Mufi Hannemann, Boisse Correa	SHOPO		
CE-12-823	5/22/2013	SHOPO v. Alan Arakawa, Mayor, County of Maui; Gary Yabuta, Chief of Police, Maui Police Department	SHOPO		
CE-13-788	11/25/2011	Henry H. Yang, MD v. Loretta J. Fuddy, DOH			
CE-01-856 CU-01-332	4/20/2015	Nathan Makino v. County of Hawaii & UPW	UPW		
CE-10-737, CU-10-284	11/13/2009	Jonathan Taum, Chad Ross, Carl L. Kahawai, Quincy G.K. Pacheco, Bradford J. Leialoha, Julieann L. Salas v. DHRD & UPW	UPW		
CU-01-333	4/28/2015	Patrick L. Ishida v. UPW, Dayton Nakanelua, UPW State Executive Bd	UPW		
CU-04-291	2/19/2010	Susan Siu v. HGEA			
CU-05-265	6/6/2008	Patricia Hamamoto, BOE, Linda Lingle & Marie Laderta v. HSTA	HSTA		

ATTACHMENT 4: Pending Cases at End of FY 2016
as of June 30, 2016

Case No.	DATE FILED	CASE NAME	Union	DATE CLOSED	CLOSING DECISION OR ORDER
CU-05-303	4/7/2011	Stephanie C. Stucky v. Wilfred Okabe, Wilbert Holck, Eric Nagamine, David Forrest, HSTA	HSTA		
CU-10-331	11/24/2014	Leroy Mamuad v. Dayton Nakanelua	UPW		
DR-13-102	11/25/2011	Henry H. Yang, MD			
I-08-156	2/2/2015	HGEA	HGEA		
I-14-155	1/14/2015	HGEA v. David Ige, et al.	HGEA		
RA-05-238	10/1/2010	HSTA v. DOE	HSTA		
OSH 2011-21	12/13/2011	DLIR v. Donaldson Enterprises, Inc.			
OSH 2015-25	9/3/2015	DLIR v. Tory's Roofing & Waterproofing, Inc.			
OSH 2015-31	10/30/2015	DLIR v. Sterling Pacific Construction			
OSH 2015-34	11/3/2015	DLIR v. Hi-Power Solar, LLC			
OSH 2015-37	11/10/2015	DLIR v. Coastal Construction Co, Inc.			
OSH 2015-38	11/18/2015	DLIR v The Gas Company, LLC			
OSH 2015-39	11/18/2015	DLIR v Road Builders Corporation			
OSH 2015-40	12/16/2015	DLIR v World Wide Window Cleaning			
OSH 2016-07	2/4/2016	DLIR v. Amakua Holdings, Inc. dba Maui Brewing Co.			
OSH 2016-10	2/29/2016	DLIR v. Davey Tree Surgery Company			
OSH 2016-12	3/3/2016	DLIR v. Beachside Roofing dba Demo 808			
OSH 2016-13	3/9/2016	DLIR v. Structural Systems, LLC			
OSH 2016-15	3/9/2016	DLIR v Hawaii Solar & Wind LLC			
OSH 2016-16	3/9/2016	DLIR v. Photonworks Engineering LLP			
OSH 2016-17	3/28/2016	DLIR v. Pacific Ohana Hostel Corp			
OSH 2016-19	4/22/2016	Sterling Pedro v. Trustees of Bernice Puahi Bishop dba Kamehameha Schools; and DLIR			
OSH 2016-20	5/11/2016	DLIR v. Island Pacific Energy, LLC			
OSH 2016-22	5/27/2016	DLIR v. Wilkson Shake Roofing Inc.			
OSH 2016-23	5/27/2016	DLIR v. Southland Mole JV			
OSH 2016-24	6/21/2016	DLIR v. Unlimited Construction Services, Inc.			
OSH-2016-02	1/15/2016	DLIR v Albert C. Kobayashi Inc.			

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