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Case No. 26-CE-05-998

STATE OF HAWAI‘I

HAWAI‘I LABOR RELATIONS BOARD

In the Matter of HAWAI‘I STATE TEACHERS ASSOCIATION, Complainant, and STATE OF HAWAI‘I, DEPARTMENT OF EDUCATION, Respondent.	CASE NO. 26-CE-05-998 ORDER NO. 4230 ORDER GRANTING, IN PART, AND DENYING, IN PART, COMPLAINANT HAWAI‘I STATE TEACHERS ASSOCIATION’S MOTION FOR JUDGMENT AS A MATTER OF LAW

ORDER GRANTING, IN PART, AND DENYING, IN PART, COMPLAINANT HAWAI‘I STATE TEACHERS ASSOCIATION’S MOTION FOR JUDGMENT AS A MATTER OF LAW

On April 24, 2026, Complainant HAWAI‘I STATE TEACHERS ASSOCIATION (HSTA) filed a prohibited practice complaint against STATE OF HAWAI‘I, DEPARTMENT OF EDUCATION (HIDOE) with the Hawai‘i Labor Relations Board (Board) in the above-entitled matter. The HSTA alleged, in part, that the HIDOE committed continuing prohibited practices after the Board’s Decision No. 526 was issued in Case Nos. 23-CE-05-976, 23-CE-05-978, and 23-CE-05-979.[1] Specifically, the HSTA challenged HIDOE’s post-decision refusal to bargain, furnish information, *i.e.*, a timeline and implementation plan for Decision No. 526, and apply the legal rule established in Decision No. 526 for the 2,221 similarly affected Bargaining Unit (BU) 05 employees.

On June 17 and 18, 2026, the Board held a hearing on the merits. Manta K. Dircks, Esq. (Mr. Dircks) appeared on behalf of HSTA. Jonathan K.D. Tungpalan, Deputy Attorney General, (Mr. Tungpalan) appeared on behalf of HIDOE. The HSTA called one witness, Ms. Andrea

[1] During the Board’s hearing on HIDOE’s Motion to Dismiss on May 22, 2026, the Board took notice of Decision No. 526.

Eshelman, HSTA Executive Director. The HIDOE called two witnesses, Mr. Sean Bacon, HIDOE Assistant Superintendent, and Ms. Nicole Nitta, HIDOE Human Resources Officer.

At the close of the hearing, HSTA made an oral motion for Judgment as a Matter of Law on All Claims. The Board heard the arguments and reviewed the evidence referenced by the respective parties and finds that HIDOE acted willfully by initially engaging with HSTA regarding its request for information, then later claiming on April 1, 2026 that the request was untimely based on a May 1, 2023 deadline for employees to report discrepancies in their years of service and declaring that the matter was closed.

For good cause shown, the Board hereby GRANTS, in part, and DENIES, in part, HSTA's motion. The motion is granted pursuant to Hawai'i Revised Statutes (HRS) § 89-16.6 with respect to HSTA's request for information. The Board concludes that HIDOE's conduct constitutes a prohibited practice under HRS §§ 89-13(a)(7) and (8) by failing to provide the information HSTA had requested as required by HRS Chapter 89 following entry of Decision No. 526.[2] This part of the order disposes of ¶¶ 2 and 5 of the six issues to be litigated presented in HSTA's Pretrial Statement filed on June 8, 2026 (HSTA's Pretrial Statement):

1. Whether the Respondent's conduct constitutes a prohibited practice under HRS § 89-13(a)(5) by refusing to bargain collectively in good faith with HSTA after Decision No. 526 as required by Chapter 89.

2. Whether the Respondent's conduct constitutes a prohibited practice under HRS § 89-13(a)(7) because the Respondent refused or failed to comply with Chapter 89, including HRS § 89-16.6, which requires appropriate government agencies, upon written request, to disclose to an exclusive representative employee information—including pay rates, salary steps, and the types and effective dates of personnel actions affecting pay—within a reasonable time.

3. Whether the Respondent further violated HRS § 89-13(a)(7) by continuing to administer the repricing outcome in a manner that preserves the same unlawful exclusion condemned by the Board in Decision No. 526 for all employees except the three original complainants.

4. Whether the Respondent's conduct constitutes prohibited practices under HRS §§ 89-13(a)(1), (5), and (7) by refusing to provide the broader implementation information requested by HSTA and necessary to represent similarly situated

[2] Article IV.A. of the HSTA collective bargaining agreement requires the Employer to "furnish such information in its possession, in response to reasonable requestions by the Association which will assist the Association in effectively representing the teach in the collective bargaining process and in the processing of grievances."

BU 05 employees, notwithstanding the Respondent's production of personnel action forms for the three original complainants.

5. Whether, in the alternative, the Respondent's conduct constitutes a prohibited practice under HRS § 89-13(a)(8) to the extent that the DOE violated Article IV.A of the BU 05 Collective Bargaining Agreement.

6. Whether the Respondent's conduct constitutes a prohibited practice under HRS § 89-13(a)(1) by interfering with, restraining, and coercing employees in the exercise of rights guaranteed by Chapter 89, including by withholding information and implementation details necessary for HSTA, as the exclusive representative of BU 05 employees, to identify similarly situated employees, evaluate the Respondent's compliance, and seek relief on their behalf.

The Board denies HSTA's motion with respect to the remaining issues to be litigated, as presented in ¶¶ 1, 3, 4, and 6 of HSTA's Pretrial Statement. The parties may submit post-hearing briefs and/or proposed findings of fact and conclusions of law with respect to the remaining issues, including the issue of whether the previous or current version of HRS § 89-9 applies, as well as the final remedies requested.

Following the hearing on the merits, Mr. Dircks presented his closing arguments to the Board. Mr. Tungpalan opted to submit his arguments in his post-hearing brief in lieu of a closing argument. *See* Hawai'i Administrative Rules (HAR) § 12-43-35. Furthermore, pursuant to the parties' agreement, transcripts of the audio recordings of the hearing will be filed with the Board. Upon receipt, the transcripts will be the official record of the Board's proceedings. The Board then closed the evidentiary portion of the proceedings.

The parties may submit post-hearing briefs and/or proposed findings of fact and conclusions of law in accordance with HAR § 12-43-35 no later than 30 days after receipt of the last transcript of the proceeding. Mr. Dircks shall inform the Board immediately once the last transcript has been served to enable the Board to issue an order setting the filing deadline for submission of the parties' post-hearing briefs and/or proposed findings of fact and conclusions of law.

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DATED: Honolulu, Hawai‘i, July 1, 2026.

HAWAI‘I LABOR RELATIONS BOARD

WRIGHT TAKAMINE, Chair

STACY MONIZ, Member

CLARK HIROTA, Member

Copies sent to:

Manta K. Dircks, Esq., Attorney for HSTA
Jonathan K.D. Tungpalan, Deputy Attorney General, Attorney for HIDOE

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