STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of)
CITY AND COUNTY OF HONOLULU and)
JEREMY HARRIS, Mayor, City and County of)
Honolulu,)

Complainants,

and

STATE OF HAWAII; BENJAMIN J. CAYETANO, Governor, State of Hawaii; and UNITED PUBLIC WORKERS, LOCAL 646, AFSCME, AFL-CIO,

Respondents.

CASE NOS.: CE-01-471

CE-10-472 CU-01-181 CU-10-182

ORDER NO. 2022

ORDER DENYING THE CITY AND COUNTY OF HONOLULU, ET AL.'S MOTION FOR RECONSIDERATION OF ORDER GRANTING UPW'S MOTION TO DISMISS

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On July 9, 2001, Complainants CITY AND COUNTY OF HONOLULU, et al. (City) filed a Motion for Reconsideration of Order Granting UPW's Motion to Dismiss Filed July 5, 2001 in Case Nos. CE-01-471, CE-10-472, CU-01-181, and CU-10-182. In its motion for reconsideration, the City argues: 1) it did not have an opportunity to offer evidence in response to documents presented by the STATE OF HAWAII, and 2) because the City is due reasonable inferences from the pled assertion that parties and arbitrators signed the final agreements on or about February 21, 2001, and, therefore its prohibited practice complaint is timely.

Memoranda in opposition to Complainants' motion for reconsideration were filed by Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO on July 10 and 12, 2001, and by Respondents STATE OF HAWAII, et al. on July 16, 2001. The City filed a reply to UPW's memorandum in opposition on July 11, 2001.

"The purpose of a motion for reconsideration is to allow the parties to present new evidence and/or arguments that could not have been presented during the earlier adjudicated motion." Amfac, Inc. v. Waikiki Beachcomber Inv. Co., 74 Haw. 85, 114,

839 P.2d 10 (1992). The City's Motion for Reconsideration satisfies neither of these conditions. Accordingly, its motion is denied.¹

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HAWAII LABOR RELATIONS BOARD

BRIAN K. NAKAMURA, Chair

CHESTER C. KUNITAKE, Member

KATHLEEN BACUYA-MARKRICH, Member

Copies sent to:

Jeffrey S. Harris, Esq. Paul T. Tsukiyama, Deputy Corporation Counsel Herbert R. Takahashi, Esq. Sarah R. Hirakami, Deputy Attorney General Joyce Najita, IRC

¹This is not to say that the CITY is permanently precluded from challenging the legality of the deferred compensation provisions. The Board may still issue a Declaratory Ruling on the matter, if petitioned pursuant to Hawaii Administrative Rules § 12-42-9.