

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. CE-07-294
)	
UNIVERSITY OF HAWAII	)	ORDER NO. 1307
PROFESSIONAL ASSEMBLY,)	
	)	ORDER GRANTING MOTION TO
Complainant,	)	AMEND COMPLAINT AND GRANT-
	)	ING RESPONDENTS' MOTION FOR
and	)	EXTENSION OF TIME TO REPLY
	)	TO UHPA'S MOTION FOR SUM-
KENNETH P. MORTIMER, President	)	MARY JUDGMENT; NOTICE OF
and Chancellor, University of	)	HEARING ON UHPA'S MOTION
Hawaii and BOARD OF REGENTS,	)	FOR SUMMARY JUDGMENT
University of Hawaii,)	
)	
Respondents.)	

ORDER GRANTING MOTION TO AMEND COMPLAINT AND
GRANTING RESPONDENTS' MOTION FOR EXTENSION OF
TIME TO REPLY TO UHPA'S MOTION FOR SUMMARY JUDGMENT;
NOTICE OF HEARING ON UHPA'S MOTION FOR SUMMARY JUDGMENT

On March 13, 1996, Complainant UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY (UHPA), by and through its attorneys, filed a motion to amend complaint with the Hawaii Labor Relations Board (Board). Complainant seeks to amend its complaint to correct several typographical errors and to amend the remedy requested.

Respondents KENNETH P. MORTIMER, President and Chancellor, University of Hawaii and BOARD OF REGENTS, University of Hawaii (collectively Employer) did not respond to UHPA's motion. Based upon the foregoing and the record in this case, the Board hereby grants Complainant leave to amend its Complaint pursuant to Administrative Rules § 12-42-43.

Complainant shall forthwith file its Amended Prohibited Practice Complaint with the Board. The Board will thereafter serve a copy of the Amended Complaint upon the Respondents.

Also on March 13, 1996, UHPA filed a motion for summary judgment with the Board. Thereafter, on March 21, 1996, the Employer, by and through their attorney, filed a motion for extension of time to reply to UHPA's motion for summary judgment. The Employer requested an extension of time to reply or file answering affidavits to UHPA's motion for summary judgment. The affidavit of counsel submitted in support of the motion states that the Respondents have been in the process of making a decision concerning legal representation for the faculty member involved in this case and to consider ways to settle the matter before the Board. However, due to the complexity of the issues involved, the Respondents and their attorney have not had sufficient time to prepare a reply to UHPA's motion. The Employer thus requested an extension of time to file a reply, or in the alternative, to combine the hearing on the motion for summary judgment with the hearing already scheduled in this matter on April 1, 1996.

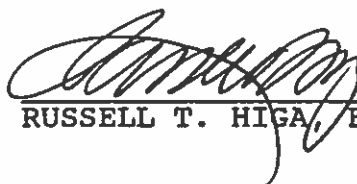
At the prehearing conference held on March 22, 1996, counsel for UHPA objected to any extension of time to reply to its motion for summary judgment because the Employer filed the motion after the deadline for the reply. Counsel for UHPA contends that the deadline for any reply was on March 20, 1996 and the Employer submitted its motion after that time. UHPA contends that a hearing is not required in this case and that the Board should grant summary judgment in its favor.

Based upon the record and the arguments presented, Respondents' motion appears to be untimely. However, in order to develop a sound record in this case and to promote the ends of justice, for good cause shown, the Board hereby grants Respondents' motion to extend the time within which to file its reply. Respondents shall file its reply by 4:30 p.m. on March 27, 1996.

YOU ARE HEREBY NOTIFIED that the Board shall conduct a hearing on UHPA's motion for summary judgment on April 1, 1996 at 9:00 a.m. in the Board's hearings room, Room 203, 550 Halekauwila Street, Honolulu, Hawaii, pursuant to §§ 89-5 and 89-14, Hawaii Revised Statutes and Administrative Rules § 12-42-8(g).

DATED: Honolulu, Hawaii, March 22, 1996.

HAWAII LABOR RELATIONS BOARD



RUSSELL T. HIGA, Board Member



SANDRA H. EBESU, Board Member

Copies sent to:

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