

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NOS.: CE-13-385
	)	CU-13-140
KEITH J. KOHL,	)	
	)	ORDER NO. 1606
Complainant,	)	
	)	ORDER CONTINUING PREHEAR-
and	)	ING CONFERENCE AND HEARING
	)	ON PROHIBITED PRACTICE
JAMES TAKUSHI, Director,	)	COMPLAINT; NOTICE OF DEAD-
Department of Human Resources	)	LINE TO FILE MOTIONS AND
Development, State of Hawaii	)	NOTICE OF HEARING ON
and RUSSELL OKATA, Executive	)	MOTIONS
Director, Hawaii Government	)	
Employees Association, AFSCME,	)	
Local 152, AFL-CIO,	)	
	)	
Respondents.	)	
	)	

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ORDER CONTINUING PREHEARING CONFERENCE AND HEARING  
ON PROHIBITED PRACTICE COMPLAINT; NOTICE OF  
DEADLINE TO FILE MOTIONS AND NOTICE OF HEARING ON MOTIONS

On March 16, 1998, Complainant KEITH J. KOHL (KOHL) filed a motion to postpone HLRB proceedings with the Hawaii Labor Relations Board (Board). Complainant requested that the Board postpone the proceedings in this case until after his federal Equal Employment Opportunity and Privacy Act claims are determined by the United States Equal Employment Opportunity Commission and the State Civil Rights Commission. Complainant indicated that he contacted Respondents' counsels and they expressed no opposition to Complainant's motion.

However, on March 18, 1998, Respondent RUSSELL OKATA, Executive Director, Hawaii Government Employees Association, AFSCME, Local 152, AFL-CIO (OKATA), by and through his counsel, filed a memorandum in opposition to Complainant's motion to

postpone the HLRB proceeding with the Board. Respondent OKATA contends that under the applicable Board rules, the hearing on prohibited practice complaints shall be held not more than forty days after the filing of the complaint or amendment thereof. OKATA indicates that while he does not object to a continuance of a short duration, a wholesale postponement of the hearing on the instant complaint is unacceptable. Respondent HGEA's counsel states in an affidavit attached to the motion that he has a scheduling conflict on April 15, 1998, the date set for hearing in this case and that he will, in all likelihood, file a dispositive motion in this case.

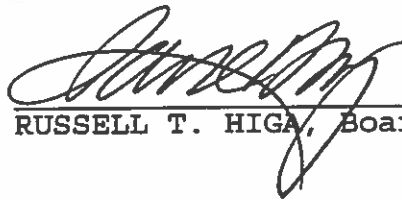
The Board agrees with Respondent OKATA that under applicable Board rules, the hearing on prohibited practice complaints shall be held within forty days of the filing of the complaint. However, the Board has the inherent power in its discretion to continue the matter in the appropriate case. After reviewing the record in this case, the Board is unable to determine how long the other agencies will take to investigate Complainant's allegations. In fairness to the Respondents, the Board is willing to continue the proceedings in this case for six months to permit Complainant to seek his remedies in other forums since under § 368-13, Hawaii Revised Statutes (HRS), the executive director of the State Civil Rights Commission may make a finding of reasonable cause of discrimination within 180 days of the filing of a complaint. However, counsel for Respondent OKATA stated in his affidavit that he intends to file a motion to dismiss or some other dispositive motion in this case. Therefore, the Board will hold KOHL's motion to continue this proceeding in abeyance pending the submission and disposition of motions before the Board.

YOU ARE HEREBY NOTIFIED that the Board will continue the prehearing conference scheduled on April 6, 1998 at 9:00 a.m. and the hearing scheduled on April 15, 1998 at 9:00 a.m. and sets April 8, 1998 as the deadline to file any dispositive motions with the Board.

YOU ARE ALSO NOTIFIED that the Board will hear argument on any dispositive motions on April 23, 1998 at 9:00 a.m. in the Board's hearings room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

DATED: Honolulu, Hawaii, March 24, 1998.

HAWAII LABOR RELATIONS BOARD



RUSSELL T. HIGA, Board Member



CHESTER C. KUNITAKE, Board Member

Copies sent to:

Keith J. Kohl  
Kris N. Nakagawa, Deputy Attorney General  
Peter Liholiho Trask, Esq.  
Joyce Najita, IRC