

UPW did not agree to an open-ended commitment to mediation. The UPW contends that it agreed to mediation with an "outside date" of one month. This understanding was confirmed by letter, dated March 12, 2001 from UPW's counsel to Respondents' counsel.

The UPW also filed a supplemental submission in opposition to Respondents' motion for extension of the filing deadline contending that Respondents' counsel's affidavit violates the confidentiality agreement entered into by the parties on April 10, 2001.

Also on April 29, 2001, Respondents filed a reply to UPW's opposition to their motion for extension of time. Respondents contend, in part, that the Board should consider that when the deadline for filing cross-motions was set, no mediation sessions had been scheduled. Respondents argue that the crux of the agreement was to allow the parties to resolve the matter in mediation, and while mediation began much later than anticipated, it seemed to be fruitful. Respondents further contend that they have not acted in bad faith.

After considering the record and the arguments of the parties, the Board agrees with the UPW that parties agreed to set a firm deadline for the filing of cross-motions in order to give the parties an opportunity to resolve the issues underlying the instant complaint in mediation but to permit the parties to present arguments to the Board if such efforts were unsuccessful within the given time frame. The Board notes that the Respondents have the opportunity to present their arguments in an opposing memorandum and thus are not prejudiced by denial of their motion for extension of the filing deadline.¹

On April 30, 2001, Respondents filed their memorandum in opposition to the UPW's cross-motion for summary judgment with the Board

NOTICE IS HEREBY GIVEN that pursuant to Hawaii Revised Statutes §§ 89-5 and 89-14 and Hawaii Administrative Rules § 12-42-8(g), the Board will hear arguments on the instant motion on May 23, 2001 at 10:00 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

DATED: Honolulu, Hawaii, May 2, 2001

HAWAII LABOR RELATIONS BOARD


BRIAN K. NAKAMURA, Chair

¹The parties were notified by the Board on April 19, 2001 that the Board denied Respondents' motion for an extension to file their cross-motion.

UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO and JEREMY HARRIS, Mayor,
City and County of Honolulu, et al.

CASE NO. CE-01-465

ORDER DENYING RESPONDENTS' MOTION FOR EXTENSION OF TIME TO FILE CROSS-
MOTION FOR SUMMARY JUDGMENT; NOTICE OF HEARING ON COMPLAINANT'S
CROSS-MOTION FOR SUMMARY JUDGMENT



CHESTER C. KUNITAKE, Member



KATHLEEN RACUYA-MARKRICH, Member

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