

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. CE-01-500
	)	
UNITED PUBLIC WORKERS, AFSCME,	)	ORDER NO. 2118
LOCAL 646, AFL-CIO,	)	
	)	ORDER DENYING COMPLAINANT'S
Complainant,	)	MOTION TO STRIKE RESPONDENTS'
	)	REPLY BRIEF AND TO PERMIT
and	)	FURTHER MEMORANDA
	)	
FRANK J. DOYLE, Deputy Director, Depart-	)	
ment of Environmental Services, City and	)	
County of Honolulu; TIMOTHY E.	)	
STEINBERG, Director, Department of	)	
Environmental Services, City and County of	)	
Honolulu; CHERYL OKUMA-SEPE, Director,	)	
Department of Human Resources, City and	)	
County of Honolulu; and JEREMY HARRIS,	)	
Mayor, City and County of Honolulu.	)	
	)	
Respondents.	)	

ORDER DENYING COMPLAINANT'S MOTION TO STRIKE  
RESPONDENTS' REPLY BRIEF AND TO PERMIT FURTHER MEMORANDA

On September 18, 2002, the UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed a Motion to Strike Respondents' Reply Brief Filed on September 16, 2002 on the grounds that Respondents' Reply Brief did not comport with the conditions establish by the Board for any such filing.

Although Respondents' Reply Brief did not strictly comport with the Board's identified conditions, Complainant's Motion to Strike is hereby denied because in filing its brief, the Respondents relied upon representations by Board staff that the filing would be permitted and accepted and the Board will stand by the representations of its trusted agents. Additionally, Respondents' Reply Brief does not appear to substantially prejudice Complainant's case but to avoid any perception of unfairness, Complainant is hereby permitted to file a second Reply Memorandum to address any new arguments raised in Respondents' Reply Brief.

Parties are further requested to file memoranda on the issue of whether any laws or regulations governing county privatization, including but not limited to Parts II and III, Act 90, SLH 2001, in any way limit or preempt the Board's subject matter or

remedial jurisdiction in the instant proceeding. Any such memorandum must be filed no later than October 31, 2002. Oral argument may subsequently be scheduled on the issue.

DATED: Honolulu, Hawaii, September 24, 2002.

HAWAII LABOR RELATIONS BOARD

  
BRIAN K. NAKAMURA, Chair

  
CHESTER C. KUNITAKE, Member

  
KATHLEEN RACUYA-MARKRICH, Member

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