

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of)	CASE NO. CU-03-214
LEWIS W. POE,)	ORDER NO. 2184
)	
Complainant,)	ORDER GRANTING RESPONDENT'S
)	MOTION TO CONTINUE TRIAL;
and)	AND NOTICE OF RESCHEDULED
)	HEARING
HAWAII GOVERNMENT EMPLOYEES)	
ASSOCIATION, AFSCME, LOCAL 152,)	
AFL-CIO,)	
)	
Respondents.)	

ORDER GRANTING RESPONDENT'S MOTION TO
CONTINUE TRIAL: AND NOTICE OF RESCHEDULED HEARING

On March 27, 2003, Respondent HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA), by and through its counsel, filed a motion with the Hawaii Labor Relations Board (Board) to continue the trial presently scheduled in this matter on April 22, 2003. Respondent requests a 30-day continuance of the hearing because its primary witness, Sanford Chun (Chun), is the spokesperson for Units 02 and 03 contract negotiations which will need to be completed prior to the end of the legislative session on May 1, 2003. Chun states in an affidavit filed in support of the motion that based on the current status of contract negotiations, if a settlement is reached, negotiations may be completed during the last two (2) weeks of April 2003. As Chun is responsible for participating in contract negotiations and ratification meetings, Chun states that it may be very burdensome to prepare for and testify at the trial as scheduled. Chun believes a 30-day continuance would avoid any potential conflict or burden imposed by the negotiations and appropriations approval process, including the possibility of an extended legislative session. Respondent also contends that Complainant LEWIS W. POE (POE) will not be unduly prejudiced or irreparably harmed by the continuance.

On April 1, 2003, POE filed a declaration with the Board opposing the HGEA's motion to continue trial. POE stated, inter alia, that the HGEA was aware of the negotiations timetable and that Chun was its primary witness when it consented to the trial being scheduled on April 22, 2003. POE also stated he believes other HGEA witnesses could testify on its behalf and that he has been waiting since 1998 to resolve this dispute. POE further stated that he has already arranged for some of his witnesses to appear on April 22, 2003 and has already been granted vacation leave for April 19, 20, and 24.

Based on a review of the record and the arguments presented, the Board finds good cause to grant the continuance requested by the HGEA as its primary witness is the spokesperson for the Units 02 and 03 negotiations who anticipates that his involvement in contract negotiations will conflict with the hearing presently scheduled on April 22, 2003 in view of the end of the legislative session on May 1, 2003. In addition, the Board finds that POE has not established that he will suffer undue prejudice by a continuance of the hearing. However, in the interests of efficiency, given that the legislative session is due to end on May 1, 2003 and an extended session is purely speculative at this point, the Board grants the HGEA a 21-day continuance of the trial in this case.


NOTICE IS HEREBY GIVEN that the trial in this matter is rescheduled on May 13, 2003 at 9:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

DATED: Honolulu, Hawaii, April 7, 2003.

HAWAII LABOR RELATIONS BOARD



CHESTER C. KUNITAKE, Member



KATHLEEN RACUYA-MARKRICH, Member

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