STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO,

Complainant,

and

LARRY J. LEOPARDI, Chief Engineer, Acting Director, Facility Maintenance, 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.

CASE NO. CE-01-538

ORDER NO. 2208

ORDER GRANTING LARRY J.
LEOPARDI, ET AL.'S MOTION TO
CONTINUE HEARING ON UPW'S
MOTION TO CONTINUE HEARING
ON UPW'S MOTION TO AMEND
COMPLAINT FILED AUGUST 8,
2003, FILED ON AUGUST 13, 2003;
AND NOTICE OF RESCHEDULED
HEARING

ORDER GRANTING LARRY J. LEOPARDI, ET AL.'S MOTION TO CONTINUE HEARING ON UPW'S MOTION TO AMEND COMPLAINT FILED AUGUST 8, 2003, FILED ON AUGUST 13, 2003; AND NOTICE OF RESCHEDULED HEARING

On August 13, 2003, Respondents LARRY J. LEOPARDI, et al. (collectively City), by and through their counsel, filed a motion to continue the hearing on the UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO's (UPW) motion to amend complaint scheduled on August 21, 2003 with the Hawaii Labor Relations Board (Board). The City's counsel in an affidavit attached to the motion stated that he would be unavailable to attend the hearing as scheduled. He also stated that other attorneys in the Department of Corporation Counsel would be unable to adequately represent the City at the hearing because they are unfamiliar with this case and the underlying grievance and arbitration award.

On August 18, 2003, the UPW filed an opposition to Respondents' motion to continue because of, <u>inter alia</u>, the delay involved and the requirement for the Board to conduct a hearing within 40 days of the filing of the complaint pursuant to Hawaii Administrative Rules (HAR) § 12-42-46(b).

After reviewing the record and considering the arguments presented, the Board hereby grants the City's motion to continue the hearing on the UPW's motion to amend complaint filed on August 13, 2003, for good cause shown.

NOTICE IS HEREBY GIVEN that the hearing on the UPW's Motion to Amend Complaint filed on August 8, 2003 as well as the UPW's Motion to Strike "Counter-claim" or in the Alternative for Particularization of the Claim and Additional Time to Answer filed on July 28, 2003 is rescheduled on August 27, 2003 at 10:30 a.m. in the Board's hearing room Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

DATED: Honolulu, Hawaii, August 22, 2003

HAWAII LABOR RELATIONS BOARD

BRIAN K. NAKAMURA, Chair

CHESTER C. KUNITAKE, Member

KATHLEEN KACUYA MARKRICH, Member

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