

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of	)	CASE NO. CE-01-558
UNITED PUBLIC WORKERS, AFSCME,	)	ORDER NO. 2375
LOCAL 646, AFL-CIO,	)	
Complainant,	)	ORDER GRANTING, IN PART, RE-
and	)	SPONDENT STATE OF HAWAII,
ROBERT WATADA, Chairperson, Wai'alaie	)	DEPARTMENT OF EDUCATION'S
School Board, Wai'alaie Elementary School,	)	MOTION TO CONTINUE HEARING
State of Hawaii; WAI'ALAE ELEMENTARY	)	SET FOR JUNE 1, 2006; FILED ON
SCHOOL, State of Hawaii; and JONATHAN A.	)	MAY 15, 2006; AND NOTICE OF
SWANSON, Deputy Attorney General, State of	)	RESCHEDULED HEARING
Hawaii,	)	
Respondents.	)	

ORDER GRANTING, IN PART, RESPONDENT STATE OF HAWAII, DEPARTMENT OF EDUCATION'S MOTION TO CONTINUE HEARING SET FOR JUNE 1, 2006, FILED ON MAY 15, 2006; AND NOTICE OF RESCHEDULED HEARING

On May 15, 2006, the STATE OF HAWAII, DEPARTMENT OF EDUCATION (DOE) filed a motion to continue the hearing set for June 1, 2006 with the Hawaii Labor Relations Board (Board). The DOE's counsel states that since the central issue in this case is the failure to comply with a March 3, 2004 Memorandum of Agreement, it is critical that he be present at the hearing on this complaint. DOE's counsel further states that he has a scheduling conflict with the hearing presently scheduled on June 1, 2006 and that an arbitration proceeding is scheduled on July 24 - 25, 2006 and argues it is "highly improper" for the DOE to have to deal with simultaneous proceedings involving the same issue in two different forums. The DOE therefore requests a continuance until at least after July 25, 2006.

On May 17, 2006, the UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW), by and through its counsel, filed an opposition, in part, to the DOE's motion to continue the hearing set for June 1, 2006. The UPW does not oppose the continuance of the hearing on June 1, 2006 because of the unavailability of DOE's counsel. The UPW, however, opposed continuing the hearing beyond June 3, 2006 or whenever counsel was available. The UPW indicated that the pending motion to reopen the case relates to Wai'alaie School and Robert Watada and not the DOE.


After considering the instant motion and opposition thereto and the record in this case and for good cause shown, the Board hereby grants the DOE's motion to continue the hearing scheduled on June 1, 2006 because of DOE's counsel's unavailability. However, as submitted by the UPW, its motion to reopen the case is directed at Wai'alaie School and Robert Watada and does not require the DOE to relitigate the case before the arbitrator concurrently here before the Board. Accordingly, the Board will reschedule the hearing on UPW's motion in due course.

NOTICE IS HEREBY GIVEN that the hearing on the pending UPW's Motion to Reopen the Record of Proceedings on Robert Watada and Wai'alaie Elementary School, Filed on March 8, 2006 is rescheduled from June 1, 2006 to June 21, 2006 at 9:30 a.m. in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

DATED: Honolulu, Hawaii, May 22, 2006.

HAWAII LABOR RELATIONS BOARD

  
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BRIAN K. NAKAMURA, Chair

  
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KATHLEEN RACUYA-MARKRICH, Member

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