

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

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

Complainant,

and

RICHARD BISSEN, Acting Director,
Department of Public Safety, State of Hawaii
and LINDA LINGLE, Governor, State of
Hawaii,

Respondents.

CASE NO. CE-10-590

ORDER NO. 2490

ORDER GRANTING COMPLAINANT'S
MOTION TO WITHDRAW COMPLAINT
WITHOUT PREJUDICE, FILED ON
JANUARY 18, 2008

ORDER GRANTING COMPLAINANT'S MOTION TO WITHDRAW
COMPLAINT WITHOUT PREJUDICE, FILED ON JANUARY 18, 2008

On February 8, 2005, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed the instant prohibited practice complaint against the above-named Respondents with the Hawaii Labor Relations Board (Board). The proceedings were then continued to permit the parties to attempt to resolve the issues underlying the complaint.

On December 14, 2007, the Board scheduled a status conference in this matter on January 24, 2008. On December 21, 2007, Respondents, by and through their counsel, filed a reply to the Board's Notice of Status Conference noting that the case dealt with information requests related to 18 different grievances. Respondents indicated, *inter alia*, that all of the grievances that were the subject of this case have been resolved and that the State and the Union have adopted procedures for requests for information.

Thereafter, on January 18, 2008, the UPW, by and through its counsel, filed a motion to withdraw its Prohibited Practice Complaint without prejudice based on the Declaration of Walter Harrington, dated December 20, 2007, which indicated that the underlying grievances have been resolved. The UPW noted that its grievance case numbers LK-04-30, DP-04-17, and ES-04-09 have not yet been resolved but a good faith effort is being made to resolve or submit the grievances for final disposition through Section 15, Arbitration. Accordingly, the UPW submitted the underlying resolution renders its claims moot.

On January 23, 2008, Respondents filed a Response to the UPW's Motion to Withdraw Complaint Without Prejudice setting forth the status of grievance case numbers LK-04-30, DP-04-17, and ES-04-09.

Hawaii Administrative Rules (HAR) § 12-42-44 provides that a complaint can be withdrawn at any time prior to the issuance of a final decision and order upon motion and with the consent of the Board. Based upon the foregoing and a review of the record, the Board hereby grants Complainant's motion to withdraw the instant complaint, without prejudice.

DATED: Honolulu, Hawaii, January 24, 2008.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



EMORY J. SPRINGER, Member



SARAH R. HIRAKAMI, Member

Copies sent to:

Herbert R. Takahashi, Esq.
Jeffrey A. Keating, Deputy Attorney General