

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of

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

Complainant,

and

CLIFFORD LUM, Manager and Chief  
Engineer, Board of Water Supply, City and  
County of Honolulu and KENNETH  
NAKAMATSU, Director, Department of  
Human Resources, City and County of  
Honolulu,

Respondents.

CASE NO. CE-01-657

ORDER NO. 2504

ORDER DENYING UPW'S MOTION  
TO ENFORCE AND FOR  
AFFIRMATIVE RELIEF

ORDER DENYING UPW'S MOTION TO ENFORCE AND FOR AFFIRMATIVE RELIEF

On April 14, 2008, the Board issued its Order No. 2501, Order Granting Complainant United Public Workers, AFSCME, Local 646, AFL-CIO's (UPW) Motion for Summary Judgment, concluding that UPW's need for the information contained in a class grievance document outweighed any privacy interests, and ordered Respondents CLIFFORD LUM, Manager and Chief Engineer, Board of Water Supply, City and County of Honolulu and KENNETH NAKAMATSU, Director, Department of Human Resources, City and County of Honolulu, to disclose to the UPW the grievance document with the union agent's name redacted.

On April 24, 2008, UPW filed its Motion to Enforce and for Affirmative Relief (Motion) with the Board. By letter dated April 24, 2008, Respondents' counsel transmitted the grievance document to UPW in accordance with the Board's order.

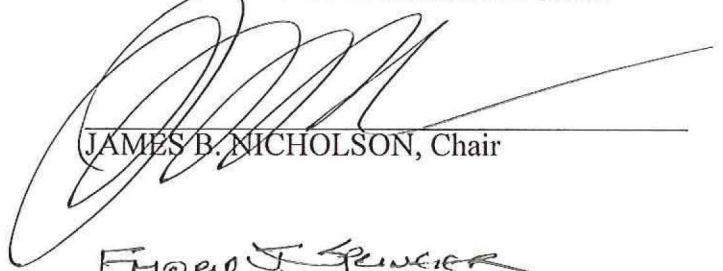
A case is moot if it has lost its character as a present, live controversy of the kind that must exist in order to avoid advisory opinions on abstract propositions of law. Kaho`ohanohano v. State, 114 Hawai`i 302, 332, 162 P.3d 696, 726 (2007). A case is moot where the question to be determined is abstract and does not rest on existing facts or rights; thus, the mootness doctrine is properly invoked where events have so affected the relations between the parties that the two conditions for justiciability – adverse interest and effective remedy – have been compromised. Carl Corp. v. State Dept. of Educ., 93

Hawai'i 155, 164, 997 P.2d 567, 576 (2000).<sup>1</sup>

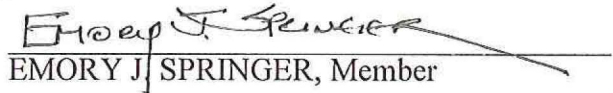
Accordingly, the Board finds that the present Motion is moot and hereby denies the Motion.

DATED: Honolulu, Hawaii, April 29, 2008.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



EMORY J. SPRINGER, Member



SARAH R. HIRAKAMI, Member

Copies sent to:

Herbert R. Takahashi, Esq.  
John S. Mukai, Deputy Corporation Counsel  
Hawaii Government Employees Association

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<sup>1</sup>The Board concludes that the facts in the present case do not present a public-interest exception, or a case that is capable of repetition yet evading review exception, to the mootness doctrine. See, Right to Know Committee v. City Council, City and County of Honolulu, 117 Hawai'i 1, 9, 175 P.3d 111, 119 (App. 2007).