

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

HAWAII GOVERNMENT EMPLOYEES
ASSOCIATION, AFSCME, LOCAL 152,
AFL-CIO,

Complainant,

and

DEPARTMENT OF EDUCATION, State of
Hawaii,

Respondent.

CASE NO. CE-13-699

ORDER NO. 2598

ORDER GRANTING WITHDRAWAL OF
COMPLAINT

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On February 25, 2009, Complainant, by and through its counsel, filed a Motion to Withdraw Complaint with the Hawaii Labor Relations Board (Board). Complainant requested that the instant Prohibited Practice Complaint (Complaint) be withdrawn without prejudice because it did not wish to pursue the claim at this time.

On February 26, 2009, Respondent, by and through its counsel, filed a Reply to HGEA's Motion to Withdraw Prohibited Practice Complaint with the Board indicating that it did not object to Complainant's request to withdraw the Complaint except that such withdrawal should be with prejudice as to the allegations set forth in the Complaint.

On March 2, 2009, Complainant filed a Statement in Support of Motion to Withdraw Complaint Without Prejudice with the Board contending that the Respondent's refusal to bargain in good faith as well any discriminatory intent to discourage employees from joining and participating in employee organizations is continuous and on-going. In addition, Complainants contend that issue of when the statute of limitations begins to run is a material issue of fact in dispute.

On March 4, 2009, the Board convened the prehearing/settlement conference in this matter where the parties agreed to have the Complaint withdrawn.

Based upon the foregoing, the Board hereby grants Complainant's withdrawal of the instant complaint.

HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO
AND DEPARTMENT OF EDUCATION, State of Hawaii
CASE NO. CE-13-699
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DATED: Honolulu, Hawaii, March 24, 2009

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



EMORY J. SPRINGER, Member



SARAH R. HIRAKAMI, Member

Copies sent to:

Andrew Daisuke Stewart, Esq.
Richard H. Thomason, Deputy Attorney General