

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of

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

Complainant,

and

LINDA LINGLE, Governor, State of Hawaii;  
MARIE LADERTA, Director, Department of  
Human Resources Development, State of  
Hawaii; MUFU HANNEMANN, Mayor, City  
and County of Honolulu; CHARMAINE  
TAVARES, Mayor, County of Maui;  
BERNARD P. CARVALHO, Jr., Mayor,  
County of Kauai; WILLIAM KENOI, Mayor,  
County of Hawaii; THOMAS KELLER,  
Administrative Director, The Judiciary, State of  
Hawaii; and THOMAS M. DRISKILL, Jr.,  
President and Chief Executive Officer, Hawaii  
Health Systems Corporation,

Respondents.

CASE NOS.: CE-01-717a  
CE-10-717b

ORDER NO. 2676

ORDER GRANTING RESPONDENTS'  
MOTION TO CONTINUE HEARING SET  
FOR JANUARY 12, 2010; AND NOTICE  
OF RESCHEDULED HEARING

ORDER GRANTING RESPONDENTS'  
MOTION TO CONTINUE HEARING SET FOR  
JANUARY 12, 2010; AND NOTICE OF RESCHEDULED HEARING

On January 4, 2010, Respondents LINDA LINGLE, Governor, State of Hawaii; MARIE LADERTA, Director, Department of Human Resources Development, State of Hawaii; and THOMAS R. KELLER, Administrative Director of the Courts, The Judiciary, State of Hawaii; and THOMAS M. DRISKILL, Jr., President and Chief Executive Officer, Hawaii Health Systems Corporation (collectively State Respondents), by and through their counsel, filed a motion to continue the hearing in this case presently scheduled on January 12, 2010 with the Hawaii Labor Relations Board (Board). State Respondents' counsel requested a continuance until at least after January 25, 2010 stating in her Declaration, dated January 4, 2010, in support of the motion, *inter alia*, that she received the Board's Notice of Rescheduled Hearing, dated December 28, 2009 on January 4, 2010; that she will be on vacation from January 7, 2009 (sic) to January 22, 2009 (sic); and that she is the deputy most familiar with the issues in this complaint.

On January 6, 2010, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed a Statement Opposition to Motion to Continue Hearing Filed on January 4, 2010. The UPW objected to the continuance contending that the hearing previously scheduled on December 2, 2009 was continued at the request of James Williams (Williams) who was served with a subpoena duces tecum and who was unavailable for a hearing on the date scheduled; Williams is available on January 12, 2009 (sic) but will be unavailable thereafter since he will no longer be the chief executive of the Employer Union Trust Fund (EUTF); that State Respondents' counsel opposed a delay in an unrelated arbitration proceeding when Complainant's counsel was undergoing a medical procedure and argued that other attorneys affiliated with Complainant's counsel were available to proceed; that Complainant's counsel is unavailable on January 25, 2010 to February 1, 2010; and that this case should be expeditiously determined because of the prejudice to employees.

On January 7, 2010, State Respondents filed a Reply Memorandum to UPW's Motion (sic) in Opposition to Motion to Continue Hearing Set for January 12, 2010. State Respondents' counsel states in her Declaration, dated January 6, 2010, *inter alia*, that she was under the impression that the hearing scheduled on December 2, 2009 would be rescheduled to accommodate Williams during the third or fourth week of December 2009; that she was prepared to go to hearing on either December 2, 2009 and the third or fourth week of December but the case was not rescheduled during that time frame; and that she is the deputy most familiar with the issues in the complaint and given the shortness of time in which to prepare for the case, the complexity of the case, and the caseload of the deputies in the office. it would not be practical to assign the case to another deputy.

While the Board appreciates the concerns expressed by Complainant's counsel regarding the availability of substitute counsel given the State Respondents' objections in another case, after reviewing the record and the arguments submitted, the Board, in its discretion, grants the State Respondents' motion to continue the hearing in this matter given the confusion in the rescheduling of the hearing from December 2, 2009.


#### NOTICE OF RESCHEDULED HEARING


YOU ARE HEREBY NOTIFIED that the hearing in this matter is rescheduled on **February 10 and 11, 2010 at 8:30 a.m.** in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii. Witnesses subject to previously issued subpoenas shall appear in the Board's hearing room at that time, unless otherwise advised by counsel.

UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO v. LINDA LINGLE, et al.  
CASE NOS.: CE-01-717a, CE-10-717b  
ORDER NO. 2676  
ORDER GRANTING RESPONDENTS' MOTION TO CONTINUE HEARING SET FOR  
JANUARY 12, 2010; AND NOTICE OF RESCHEDULED HEARING

DATED: Honolulu, Hawaii, January 12, 2010.

HAWAII LABOR RELATIONS BOARD

  
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JAMES B. NICHOLSON, Chair

  
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SARAH R. HIRAKAMI, Member

Copies sent to:

Herbert R. Takahashi, Esq.  
Maria Cook, Deputy Attorney General