

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of

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

Complainant,

and

MARIE LADERTA, Chief Negotiator, State  
of Hawaii,

Respondent.

CASE NO. CE-10-718  
(ON REMAND)

ORDER NO. 2725

ORDER GRANTING  
COMPLAINANT'S MOTION TO  
SCHEDULE PRE-HEARING  
CONFERENCE AND HEARING,  
FILED ON MAY 24, 2010; AND  
NOTICE OF PRE-HEARING  
CONFERENCE

ORDER GRANTING COMPLAINANT'S MOTION TO  
SCHEDULE PRE-HEARING CONFERENCE AND HEARING,  
FILED ON MAY 24, 2010; AND NOTICE OF PRE-HEARING CONFERENCE

On May 21, 2010, the First Circuit Court, by Judge Karl K. Sakamoto, issued a Decision and Order Reversing Hawaii Labor Relations Board Order No. 2644, Dated October 1, 2009 and Remanding Case for Further Proceedings upon Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO's (UPW) appeal in Civil No. 09-1-2309. Thereafter, on May 24, 2010, Complainant filed a Motion to Schedule Pre-Hearing Conference and Hearing with the Hawaii Labor Relations Board (Board) in this case pursuant to the court's order.

On May 28, 2010, Respondent filed her Memorandum in Opposition to UPW's Motion to Schedule Pre-Hearing Conference and Hearing Filed May 24, 2010 with the Board. Respondent contends, inter alia, that pursuant to Rule 72(k), Hawaii Rules of Civil Procedure (HRCPP), the court must enter a judgment based upon its decision and order in the agency appeal; Respondent submitted a proposed Final Judgment and Notice of Entry of Final Judgment for the court's action by letter dated May 26, 2010; and the UPW's motion to schedule a prehearing conference and hearing in this matter is premature, especially if Respondent chooses to appeal the Court's reversal and remand order.

On June 1, 2010, the UPW filed a Supplemental Submission in Support of Motion to Schedule Pre-Hearing Conference and Hearing with the Board. The UPW attached a May 27, 2010 letter to the court which responded to Respondent's May 26, 2010 letter and which contended that no final judgment should or can be entered at this time for the reasons set forth in Jordan v. Hamada, 64 Haw. 446, 643 P.2d 70 (1982),

since the court's order of remand did not constitute a final judgment bringing an end to the administrative proceedings within the meaning of Rule 72(b), HRCF. The UPW contended that a final judgment should await the agency's decision on remand and review of that decision by the court.

As there has been no further action by the court on the Respondent's proposed judgment, the Board hereby grants the UPW's Motion to Schedule a Pre-Hearing Conference and Hearing in this matter.

NOTICE OF PRE-HEARING CONFERENCE

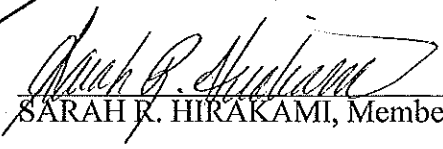
NOTICE IS HEREBY GIVEN that the Board will conduct a pre-hearing conference on **August 16, 2010 at 10:00 a.m.** in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii. Further proceedings will be scheduled at that time.

DATED: Honolulu, Hawaii, July 22, 2010

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



SARAH R. HIRAKAMI, Member



NORMAN K. KATO II, Member

Copies sent to:

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