

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

RICHARD S. DANCIL,

Complainant,

and

KULA HOSPITAL, Hawaii Health Systems
Corporation and UNITED PUBLIC
WORKERS, LOCAL 646, AFSCME, AFL-
CIO,

Respondents.

CASE NOS.: CE-01-770
CU-01-298

ORDER NO. 2753

ORDER GRANTING COMPLAINANT'S
MOTION FOR CONTINUANCE OF
MOTION HEARING, FILED ON
DECEMBER 13, 2010

ORDER GRANTING COMPLAINANT'S MOTION FOR
CONTINUANCE OF MOTION HEARING, FILED ON DECEMBER 13, 2010

On December 13, 2010, Complainant, *pro se*, filed a Motion to Request a Continuance (sic) of the December 16th 2010 Hearing on Motions to Dismiss Complainants (sic) Motion for a Hearing on Wrongful Termination by Kula Hospital and a Lack of Due Process Representation by the United Public Workers Union and on a Motion for Summary Judgement by the United Public Workers Union with the Hawaii Labor Relations Board (Board). Complainant stated, *inter alia*, that he requested a two-month continuance to retain an attorney to represent him at the hearing on pending motions as he has been advised that there is no prejudice to the other parties by a continuance; since the prehearing/settlement conference he has made a strong effort to find a lawyer to represent him at the hearing; he has spoken with different lawyers but the attorneys needed more time to meet with him as they were not available on such short notice; and based on these discussions, he expects that he will be represented by an attorney at the hearing if he is able to continue the hearing presently scheduled on December 16, 2010 for two months.

On December 14, 2010, Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW or Union), by and through its attorney, filed its Opposition to Complainant's Motion to Continue with the Board. The UPW stated, *inter alia*, that the Union has a right to a prompt disposition of the motion; any delay is prejudicial to the UPW, Complainant and the Employer because if the instant complaint is sustained and the matter were to go to grievance, the collective bargaining agreement sets specific deadlines for the process of grievances in a timely manner; Complainant has already been granted an extension from November 29, 2010 to December 14, 2010 in

order to obtain legal counsel; that Complainant indicated at the prehearing conference that he did not have the financial resources to obtain legal counsel and that it is unlikely that Complainant will obtain legal counsel even if granted two months to do so; Complainant's statements are unverified; and Complainant's reliance on a chiropractor's statement about a medical condition is immaterial as the Board has allowed Complainant to appear by telephone.

Respondent KULA HOSPITAL, Hawaii Health Systems Corporation, by its representative, advised the Board's staff that he took no position on the instant motion.

After reviewing the motion and opposition and record in this case, the Board, in its discretion, hereby grants the Complainant's second request for a continuance of the hearing in order to obtain legal counsel to represent him at the hearing on the instant motions. **This is the final continuance; the Board will not grant any further continuances of the hearing in this matter.**

NOTICE IS HEREBY GIVEN that the hearing on Respondent Kula Hospital's Motion to Dismiss Complaint filed on October 28, 2010, Respondent UPW's Motion to Dismiss and/or for Summary Judgment filed on October 28, 2010, as well as Respondent UPW's Motion to Dismiss for Lack of Prosecution filed on November 10, 2010, previously scheduled on December 16, 2010 at 8:30 a.m. is continued to **February 15, 2011 at 9:00 a.m.** The hearing will be held in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii. Complainant may participate in the hearing by telephone by advising the Board by 4:30 p.m. on February 11, 2011.

DATED: Honolulu, Hawaii, December 14, 2010.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



NORMAN K. KATO II, Member

Copies sent to:

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