

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY,

Petitioner,

and

BOARD OF REGENTS, University of
Hawaii,

Intervenor.

CASE NO. RA-07-232

ORDER NO. 2783

ORDER GRANTING INTERVENOR
BOARD OF REGENTS, UNIVERSITY OF
HAWAII'S MOTION FOR EXTENSION
OF TIME TO SUBMIT ITS RESPONSE
TO PETITIONER'S MOTION TO
SUPPLEMENT RECORD FILED ON
MARCH 10, 2011, FILED ON MARCH 16,
2011

ORDER GRANTING INTERVENOR BOARD OF REGENTS,
UNIVERSITY OF HAWAII'S MOTION FOR EXTENSION OF
TIME TO SUBMIT ITS RESPONSE TO PETITIONER'S MOTION TO
SUPPLEMENT RECORD FILED ON MARCH 10, 2011, FILED ON MARCH 16, 2011

On March 16, 2011, Intervenor BOARD OF REGENTS, University of Hawaii (BOR) filed a Motion for Extension of Time to Submit its Response to Petitioner's Motion to Supplement Record Filed on March 10, 2011 with the Hawaii Labor Relations Board (Board). The BOR requested an extension of time to April 4, 2011 in order to obtain sufficient information and respond to Petitioner's Motion to Supplement the Record due to the unavailability of potential witnesses, including staff and other individuals, due to the closure of the University of Hawai'i campuses for spring break.

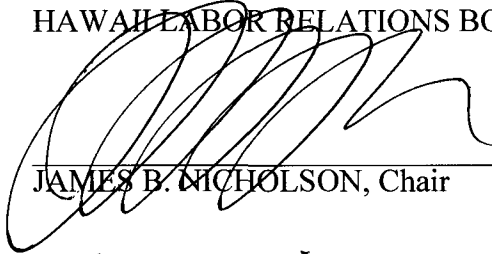
On March 17, 2011, Petitioner UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY (UHPA) filed Petitioner's Memorandum in Opposition to UH's Motion for Extension of Time with the Board. UHPA argues that the BOR's request is unreasonably extensive as it requests an approximate three weeks within which to respond to the UHPA's motion and also, the reasons for the request are false. UHPA contends, *inter alia*, that the Interim University Librarian Paula Mochida (Mochida) returned to work on March 17, 2011 after attending a conference in Las Vegas, Nevada; that the BOR's response was due on March 21, 2011 leaving BOR's counsel with three working days plus the weekend to speak or meet with Mochida; that Mochida could have been reached during her conference and alternatively, that Acting Librarian Associate University Librarian Alan Grosenheider could have provided responses or assistance to BOR's counsel; that Mochida is available during the library closure for spring break

according to the Declaration of Counsel;¹ that the BOR has been on notice since January 13, 2011 that UHPA sought to reopen the instant proceeding based on the addition of new information. Thus, UHPA requested that the Board deny the BOR's requests and require the response be submitted within the five-day deadline under Hawaii Administrative Rules (HAR) § 12-42-8(g)(3)(C)(iii) and grant an award of fees and costs for replying to the BOR's motion.

Based upon a review of the foregoing, the Board finds that UHPA's motion was filed with the Board and served on the BOR by mail on March 10, 2011 and thus, the due date for the BOR's response was March 17, 2011. The BOR requested an extension of time to respond to UHPA's motion to April 4, 2011 because Mochida was not initially available to assist BOR's counsel and because staff and other individuals who may have relevant information would be unavailable during the spring break. Based on the foregoing, the Board majority finds good cause to grant the BOR's motion for an extension of time to respond to UHPA's motion. Accordingly, the BOR's response is due prior to the close of business on **April 4, 2011**. Based upon the foregoing, UHPA's request for fees and costs is denied.

DATED: Honolulu, Hawaii, March 22, 2011.

HAWAII LABOR RELATIONS BOARD



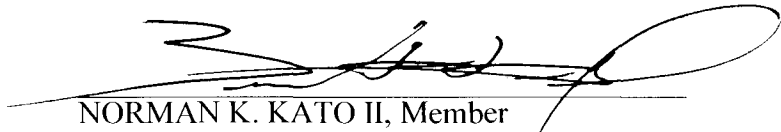
JAMES B. NICHOLSON, Chair



SARAH R. HIRAKAMI, Member

DISSENT

I have serious reservations in summarily granting the BOR's motion to extend the time to file its response to UHPA's Motion to Supplement the Record given UHPA's assertions that the motion was based on false assertions and made in bad faith, and absent any explanations, clarifications, and/or objections to the contrary by BOR's legal counsel.



NORMAN K. KATO II, Member

¹The Board notes that there is no Declaration of Counsel attached to UHPA's Memorandum in Opposition to UH's Motion for Extension of Time.

UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY and BOARD OF REGENTS,

University of Hawaii

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MOTION FOR EXTENSION OF TIME TO SUBMIT ITS RESPONSE TO PETITIONER'S
MOTION TO SUPPLEMENT RECORD FILED ON MARCH 10, 2011, FILED ON
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