

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

HAWAII STATE TEACHERS
ASSOCIATION,

Complainant,

and

NEIL ABERCROMBIE, Governor, State of
Hawaii; KALBERT YOUNG, Director,
Department of Budget and Finance, State of
Hawaii; NEIL DIETZ, Chief Negotiator,
Office of Collective Bargaining, State of
Hawaii; KATHRYN MATAYOSHI,
Superintendent, Department of Education,
State of Hawaii; DONALD G. HORNER,
Chairperson, Board of Education, State of
Hawaii; and JAMES D. WILLIAMS,
Member, Board of Education, Human
Resources Committee, State of Hawaii.

Respondents,

and

UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY,

Intervenor.

CASE NO. CE-05-781

ORDER NO. 2012

ORDER GRANTING WITHDRAWAL OF
PROHIBITED PRACTICE COMPLAINT,
FILED ON JULY 8, 2011

ORDER GRANTING WITHDRAWAL OF PROHIBITED
PRACTICE COMPLAINT, FILED ON JULY 8, 2011

On May 1, 2013, Complainant HAWAII STATE TEACHERS ASSOCIATION (HSTA), by and through its counsel, filed a Motion to Withdraw Prohibited Practice Complaint Filed on July 8, 2011 Without Prejudice (Motion) with the Hawaii Labor Relations Board (Board), pursuant to Hawaii Administrative Rules (HAR) § 12-42-44 and the memorandum of understanding¹ entered effective April 18, 2013.

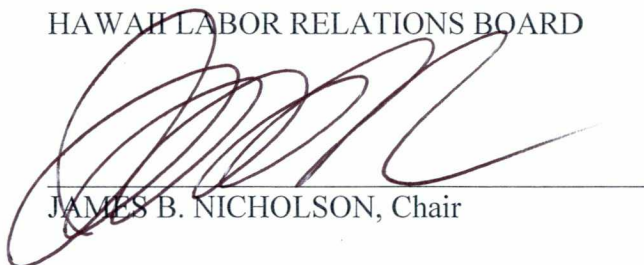
On May 2, 2013, Intervenor UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY by and through their counsel filed a Statement of No Opposition to HSTA's Motion to Withdraw Prohibited Practice Complaint Filed on July 8, 2011 Without Prejudice Filed on May 1, 2013, with the Board.

On May 7, 2013, Respondents NEIL ABERCROMBIE, KALBERT YOUNG, NEIL DIETZ, KATHRYN MATAYOSHI, DONALD G. HORNER, and JAMES D. WILLIAMS, by and through their counsel, filed an Opposition to HSTA's Motion to Withdraw Prohibited Practice Complaint Filed on July 8, 2011 Without Prejudice filed May 1, 2013 with the Board. Respondents do not oppose the withdrawal of the prohibited practice complaint but oppose the withdrawal of the complaint without prejudice.

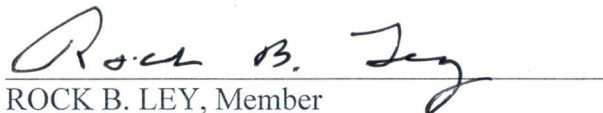
HAR § 12-42-44 provides that any complaint can be withdrawn at any time prior to the issuance of a final decision and order thereon, upon motion and consent of the Board. Based on a review of the record and consideration of the instant motion and the responses thereto, the Board finds no basis upon which to grant Complainant HSTA's motion to withdraw its complaint filed on July 8, 2011, without prejudice. Accordingly, the Board, in its discretion, grants the withdrawal of the instant Complaint, with prejudice. This case is closed.

DATED: Honolulu, Hawaii, May 13, 2013.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



ROCK B. LEY, Member

Copies sent to:

Herbert R. Takahashi, Esq.
James E. Halvorson, Deputy Attorney General
Thomas Anthony Gill, Esq.

HAWAII STATE TEACHERS ASSOCIATION v. NEIL ABERCROMBIE, et al.
CASE NO. CE-05-781
ORDER NO. 2012
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The April 18, 2013 Memorandum of Understanding, states as follows:

Effective the 18 of April, 2013, this Memorandum of Understanding is entered into between the State of Hawaii and the Board of Education (Employer) and the Hawaii State Teachers Association (HSTA).

The Employer and HSTA hereby agree that upon ratification of a tentative settlement, HSTA agrees to immediately withdraw the Prohibited Practice Complaint #781 and judicial proceedings related to Prohibited Practice Complaint #781.