

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of

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

Complainant,

and

DEPARTMENT OF ENVIRONMENTAL  
SERVICES, REFUSE DIVISION, City and  
County of Honolulu,

Respondents.

CASE NO. CE-01-789

ORDER NO. 2016

ORDER GRANTING IN PART AND  
DENYING IN PART COMPLAINANT  
UPW'S MOTION TO CONTINUE 6/3/13  
STATUS CONFERENCE TO 6/5/13; AND  
NOTICE OF RESCHEDULED HEARING

In the Matter of

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

Complainant,

and

DEPARTMENT OF ENVIRONMENTAL  
SERVICES, City and County of Honolulu;  
JAMES QUINONES, City and County of  
Honolulu; RIALROME THORNTON, a/k/a  
"Boy", City and County of Honolulu; BERT  
WONG, City and County of Honolulu;  
KENNETH SELF, City and County of  
Honolulu; DAVID SHIRAISHI, City and  
County of Honolulu; PETER CARLISLE,  
Mayor, City and County of Honolulu,

Respondents.

CASE NO. CE-01-803

In the Matter of

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

CASE NO. CE-01-807

Complainant,

and

PETER CARLISLE, Mayor, City and County of Honolulu; DEPARTMENT OF ENVIRONMENTAL SERVICES, City and County of Honolulu; and RIALROME THORNTON, a/k/a "BOY",

Respondents.

ORDER GRANTING IN PART AND DENYING IN PART COMPLAINANT  
UPW'S MOTION TO CONTINUE 6/3/13 STATUS CONFERENCE TO  
6/5/13, FILED ON MAY 28, 2013; AND NOTICE OF RESCHEDULED HEARING

On May 28, 2013, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW), by and through its counsel, filed a Motion to Continue 6/3/13 Status Conference<sup>i</sup> to 6/5/13 (motion to continue) with the Hawaii Labor Relations Board (Board). UPW's counsel stated in a declaration, dated May 28, 2013, filed in support of the motion to continue, *inter alia*, that:

4. By a decision and order issued on June 5, 2012 in the foregoing guardianship case, the foregoing family court on the island of Kauai ordered that a 'Review Hearing' will be held on June 3, 2013 in that matter.

5. In order to appear and represent the foregoing guardians in this June 3, 2013 "Review Hearing" which was scheduled by the foregoing court about one year ago, the declarant must be on an airplane to the island of Kauai which is scheduled to lift off from Honolulu Airport on June 3, 2013 at 9:00a.m.,[sic] the same date and time that the status conference in the above captioned matter is scheduled to appear.

6. In the foregoing guardianship case, the various parties and the court, via a guardian *ad litem*, are represented by five different attorneys, one of whom resides on the island of Oahu. Therefore, rescheduling said "Review Hearing," which was scheduled one year previously, will be much more difficult than rescheduling this board's June 3, 2013 9:00a.m. [sic] status conference. Indeed, opposing counsel in this matter, John

Mukai, Esq., as [sic] already agreed to reschedule this status conference to June 5, 2013 at 9:00a.m., [sic] a date and time that the board's executive secretary, Valri Lei Kunimoto, Esq., stated was a date and time that this board is available to conduct said status conference; . . .

After reviewing the record and the UPW's motion to continue, the Board notes that Complainant's counsel knew of the family court "Review Hearing" on June 12, 2012 and therefore knew of the scheduling conflict when the Board issued a "Notice of Status Conference" on April 18, 2013. Complainant's Counsel initial contact with the Board to request continuing the status conference was on or about May 24, 2013

The Board also notes the following continuances previously requested by Complainant's Counsel or by agreement with Respondents' Counsel in this case.

1) On July 9, 2012, Complainant filed a motion to consolidate Case No. CE-01-807 with the previously consolidated Case Nos: CE-01-803 and CE-01-789. Respondents' counsel had no opposition to the consolidation of the instant cases. In addition the parties agreed to continue the hearing on the merits scheduled on July 26, 2012 and the parties agreed to waive the 40-day hearing requirement in Hawaii Revised Statutes (HRS) § 377-9(b) and Hawaii Administrative Rules (HAR) § 12-42-469(b).

2) On July 10, 2012, the Board continued the hearing on the merits to September 25 and 27, 2012 and then later continued the hearing on the merits to November 19 and 20, 2012.

3) On November 16, the Board continued the November 19 and 20, 2012 hearing dates to January 9 and 10, 2013 pursuant to the agreement of the parties.

4) On January 24, 2013, the Board continued the January 9 and 10, 2013 hearing dates to February 20 and 21, 2013 pursuant to the agreement of the parties.

5) On February 28, 2013, Complainant's Counsel filed a "Stipulated Order" signed by both parties to continue the previously scheduled hearing to April 17 and 18, 2013.

The purpose of the status conference was to establish hearing dates in this



matter. In view of Complainant's counsel's scheduling conflict and having considered the history of continuances in this case, the Board hereby grants Complainant UPW's motion to continue the status conference scheduled on June 3, 2013 and denies Complainant's Counsel's request to continue the status conference to June 5, 2012. The Board establishes the following hearing dates in this matter.

NOTICE IS HEREBY GIVEN that the Board will conduct further hearings in this matter on **August 7 and 8, 2013 at 9:00 a.m.** in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawaii.

DATED: Honolulu, Hawaii, May 31, 2013.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



SESNITA A.D. MOEPONO, Member



ROCK B. LEY, Member

Copies sent to:

Charles K. Y. Khim, Esq.  
John S. Mukai, Deputy Corporation Counsel

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<sup>i</sup> The Board issued the "Notice of Status Conference" on April 18, 2013 to the parties.