

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

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

Complainant,

and

CAROLEE KUBO, Director, Department of
Human Resources, City and County of
Honolulu,

Respondent.

CASE NO. CE-01-836

ORDER NO. 2960

ORDER GRANTING UPW'S MOTION
TO EXTEND DEADLINE TO FILE
OPPOSITION TO MOTION TO DISMISS
COMPLAINT OR IN THE
ALTERNATIVE FOR SUMMARY
JUDGMENT DATED JANUARY 16, 2014,
AND GRANTING RESPONDENT'S
MOTION TO SUSPEND PREHEARING
CONFERENCE; AND NOTICE OF
MOTIONS HEARING

ORDER GRANTING UPW'S MOTION TO EXTEND DEADLINE TO FILE
OPPOSITION TO MOTION TO DISMISS COMPLAINT OR IN THE
ALTERNATIVE FOR SUMMARY JUDGMENT DATED JANUARY 16, 2014, AND
GRANTING RESPONDENT'S MOTION TO SUSPEND PREHEARING CONFERENCE

On January 13, 2014, Complainant UNITED PUBLIC WORKERS, AFSCME, Local 646, AFL-CIO (Complainant) filed its Motion for Summary Judgment in this matter.

On January 16, 2014, Respondent CAROLEE KUBO, Director, Department of Human Resources, City and County of Honolulu (Respondent) filed a Motion to Dismiss Complaint or, in the Alternative, for Summary Judgment. Also on January 16, 2014, Respondent filed her Memorandum in Opposition to UPW's Motion for Summary Judgment Filed January 13, 2014.

On January 17, 2014, Complainant filed a Motion to Extend Deadline to File Opposition to Motion to Dismiss Complaint or in the Alternative for Summary Judgment Dated January 16, 2014. The UPW requested that the deadline to file an opposition be extended until January 31, 2014.

Pursuant to Hawaii Administrative Rules (HAR) § 12-42-8(g)(3)(C)(iii), "[a]nswering affidavits, if any, shall be served on all parties and the original . . . shall be

filed with the [B]oard within five days after service of the motion papers, unless the [B]oard directs otherwise.” Respondent has not filed any opposition to the UPW’s Motion to Extend Deadline to File Opposition to Motion to Dismiss Complaint or in the Alternative for Summary Judgment Dated January 16, 2014, as of the date of this Order.

Pursuant to HAR § 12-42-8(g)(3)(C)(iv), the Board may decide to hear oral argument or testimony on a motion, other than those made during a hearing. Accordingly, THE BOARD HEREBY GRANTS the UPW’S Motion to Extend Deadline to File Opposition to Motion to Dismiss Complaint or in the Alternative for Summary Judgment Dated January 16, 2014, based upon the pleadings and the files and without oral argument scheduled thereon. The deadline for the UPW to file an opposition shall be January 31, 2014.

On January 21, 2014, Respondent filed a Motion to Suspend Prehearing Conference, which was scheduled for January 23, 2014. The motion was accompanied by a declaration from Respondent’s counsel stating, in part, that counsel for Complainant agreed to suspend the prehearing conference in this matter, and that the parties were attempting to resolve the matter. Complainant did not file an opposition to the motion as of the date of this Order.

Pursuant to HAR § 12-42-47, it is within the Board’s discretion to hold a prehearing conference for the purpose of arriving at a settlement or clarification of the issues and, to the extent possible, an agreement on facts, matters, or procedures as may facilitate and expedite the hearing or adjudication of the issues.

Accordingly, THE BOARD HEREBY GRANTS Respondent’s Motion to Suspend Prehearing Conference. Pursuant to HAR § 12-42-47, the Board exercises its discretion to not re-schedule the prehearing conference at this time.

NOTICE OF MOTIONS HEARING

NOTICE IS HEREBY GIVEN that the Board shall hear oral arguments on the UPW’s Motion for Summary Judgment and on Respondent’s Motion to Dismiss Complaint or, in the Alternative, for Summary Judgment, pursuant to HAR § 12-42-8(g)(3)(C)(iv), on **February 5, 2014, at 12:30 p.m.**, in the Board’s hearing room located at 830 Punchbowl Street, Room 434, Honolulu, Hawaii, 96813. All parties have a right to appear in person and to be represented by counsel or other representative. Because the parties have not expressly waived the forty day requirements under Hawaii Revised

Statutes (HRS) § 377-9(b), the hearing on the Complaint remains scheduled for February 5, 2014, at 1:00 p.m., in the Board's hearing room.

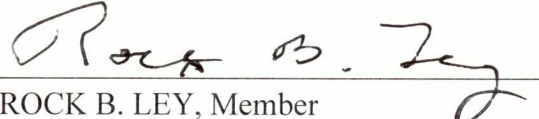
Auxiliary aids and services are available upon request by calling Ms. Nora Ebata of the Board at (808) 586-8610, (808) 586-8847 (TTY), or 1 (888) 569-6859 (TTY neighbor islands). A request for reasonable accommodations should be made no later than ten working days prior to the needed accommodation.

DATED: Honolulu, Hawaii January 29, 2014.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair

SESNITA A.D. MOEPONO, Member

ROCK B. LEY, Member

Copies sent to:

Herbert R. Takahashi, Esq.
John S. Mukai, Deputy Corporation Counsel