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Case No. CE-07-874

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STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY; KEVIN
BENNETT, Associate Professor of Biology,
Department of Biology, University of
Hawai'i; and KATHLEEN COLE,
Associate Professor of Biology, Department
of Biology, University of Hawai'i,

Complainants,

and

KRISTIN KUMASHIRO, Interim Dean of
Natural Sciences, University of Hawai'i;
and BOARD OF REGENTS OF THE
UNIVERSITY OF HAWAII,

Respondents.

CASE NO.: CE-07-874

ORDER NO.: 3168

AMENDED STIPULATION FOR
DISMISSAL OF CLAIMS OF DR.
KATHLEEN COLE; AND AMENDED
ORDER OF CLOSURE OF THE CASE

**AMENDED STIPULATION FOR DISMISSAL OF CLAIMS OF
DR. KATHLEEN COLE; AND AMENDED ORDER OF CLOSURE OF THE CASE**

Complainants University of Hawaii Professional Assembly (UHPA), Kevin
Bennett, and Kathleen Cole, by and through their counsel, Gill Zukeran & Sgan, and

Respondents Kristin Kumashiro, and Board of Regents of the University of Hawaii, by and through the University Office of General Counsel, stipulate as follows:

1. By letter dated October 20, 2015, to Chancellor Robert Bley-Vroman, the UHPA requested informal resolution ("informal grievance") of a dispute concerning the removal of Complainant Kathleen Cole (Dr. Cole) as department chair, pursuant to Article XXIV of the Unit 7 collective bargaining agreement (CBA). Due to the statute of limitations for prohibited practice complaints, Complainants filed the instant Prohibited Practice Complaint (Complaint) on December 21, 2015, while the informal grievance was pending. The parties thereafter mutually agreed to hold the informal grievance in abeyance due to the pendency of the Complaint.

2. All claims of Complainant Dr. Cole in this Complaint shall be dismissed forthwith by the Board. The UHPA and/or Dr. Cole may grieve under the collective bargaining agreement; the parties' previously-agreed stay of the informal grievance shall be lifted, effective the date of the Board's dismissal; and the parties may proceed to process the grievance in accordance with the provisions of Article XXIV of the CBA.

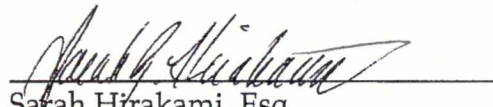
3. No claims or defenses are waived by this dismissal. Any comments on, or interpretations of, the collective bargaining agreement, contained in Order 3163, shall not be binding on the parties or on any arbitrator in the processing of Dr. Cole's grievance.

4. Because the parties anticipate the prompt dismissal of Dr. Cole's matter from CE-07-874, neither party shall submit the briefing previously set for June 14, 2016.

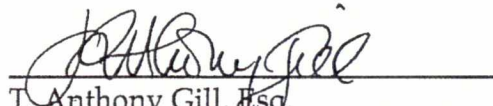
5. This Stipulation and Order renders moot the Complainants' Motion to Alter or Amend Order 3163 that was filed on June 6, 2016 (Motion to Alter or Amend). Accordingly, upon the Board's approval below, the Motion to Alter or Amend shall be deemed withdrawn.

6. Upon approval by the Board, the case shall be deemed closed in its entirety.

DATED: Honolulu, Hawai'i, JUNE 13, 2016



Sarah Hirakami, Esq.
Office of General Counsel, University of Hawai'i
Attorney for Respondents



T. Anthony Gill, Esq.
Gill, Zukeran & Sgan, Attorneys-at-Law
Attorney for Complainant

APPROVED AND SO ORDERED:

ORDER NO. 3168


KERRY M. KOMATSUBARA, Chair
SENITA A.D. MOEPONO, Member

EXCUSED

ROCK B. LEY, Member

Dated: Honolulu, Hawai'i, June 13, 2016.

