STIPULATION AND ORDER TO WITHDRAW PROHIBITED PRACTICE COMPLAINT

Complainant UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY, by and through its counsel, Gill, Zukeran & Sgan, Attorneys-at-Law, and Respondent BOARD OF REGENTS, UNIVERSITY OF HAWAII, by and through the University of Hawaii Office of General Counsel, hereby submits their Stipulation to Withdraw Prohibited Practice Complaint before the Hawaii Labor Relations Board in Case No. 16-CE-07-
This Stipulation is made pursuant to the Hawaii Administrative Procedure Rule § 12-42-44.

The Complainant and Respondent hereby stipulate as follows:

1. The Respondent will waive its timeliness defense with respect to the claims in the Class Grievance filed on April 21, 2016 (Class Grievance), concerning Wojciech Lorenc's (Faculty #1) non-renewal of contract and hear the matter in the grievance/arbitration process along with the Josiah Lebowitz (Faculty #2) claim.

2. The portions of the Class Grievance concerning the Academy for Creative Media (ACM issues) will be bifurcated from Faculty #1's non-renewal claims and held in abeyance while the parties work cooperatively to address the ACM issues informally. However, any timeliness defense the Employer may have with respect to the ACM issues is preserved should the ACM issues end up being processed through the grievance/arbitration procedures.

3. The Complainant and Respondent agree to withdraw the Prohibited Practice Complaint 16-CE-07-880 filed on April 18, 2016. All matters raised in the Complaint are withdrawn before the Board and will be addressed as agreed to above.

4. The Complainant and Respondent will each bear its own attorneys fees and costs.

DATED: Honolulu, Hawaii, June 17, 2016
AGREED AND SO STIPULATED:

WADE C. ZUKERAN
Gill, Zukeran & Sgan
Attorneys for Complainant

SARAH HIRAKAMI
Associate General Counsel
Attorney for Respondent

APPROVED AND SO ORDERED:

ORDER NO. 3169

KERRY M. KOMATSUBARA, Chair

SESNITA A.D. MOEPONO, Member

EXCUSED

ROCK B. LEY, Member

DATED: Honolulu, Hawaii, June 17, 2016

In the Matter of UNIVERSITY OF HAWAII PROFESSIONAL ASSEMBLY, Complainant, and BOARD OF REGENTS, University of Hawaii, Respondent, Case No. 16-CE-07-880
Stipulation and Order to Withdraw Prohibited Practice Complaint