

EFiled: Nov 23 2016 11:43AM HAST
Transaction ID 59875069
Case No. 16-CE-02-886

MOLLY A. STEBBINS 8639
Corporation Counsel

MELODY PARKER 4406

CHRISTOPHER P. SCHLUETER 8537

Deputies Corporation Counsel

County of Hawai'i

101 Aupuni Street, Suite 325

Hilo, Hawai'i 96720

Telephone: (808) 961-8251

Facsimile: (808) 961-8622

Email: melody.parker@hawaiiicounty.gov

Attorneys for Respondents COUNTY OF HAWAI'I,
DEPARTMENT OF PARKS AND RECREATION
and MARK KUNZER, HR Specialist, TA,
Department of Parks and Recreation, County of Hawai'i

STATE OF HAWAI'I

HAWAI'I LABOR RELATIONS BOARD

In the Matter of

ARTHUR SANBEI,

Complainant,

and

COUNTY OF HAWAI'I, DEPARTMENT OF
PARKS AND RECREATION; and MARK
KUNZER, HR Specialist, TA, Department of
Parks and Recreation, County of Hawaii,

Respondents.

Case No. 16-CE-02-886

RESPONDENTS COUNTY OF HAWAI'I,
DEPARTMENT OF PARKS AND
RECREATION and MARK KUNZER, HR
Specialist, TA, Department of Parks and
Recreation, and ARTHUR SANBEI

STIPULATION AND ORDER

Hearing:

Date: November 28, 2016.

Time: 9:00 a.m..

ORDER NO. 3211

RESPONDENTS COUNTY OF HAWAI'I,
DEPARTMENT OF PARKS AND RECREATION and MARK KUNZER,
HR Specialist, TA, Department of Parks and Recreation,
and ARTHUR SANBEI **STIPULATION AND ORDER**

COMES NOW Respondents COUNTY OF HAWAI'I, DEPARTMENT OF PARKS
AND RECREATION and MARK KUNZER, HR Specialist, TA, Department of Parks and
Recreation, County of Hawai'i (collectively "County Respondents"), by and through its
undersigned counsel, and complainant, ARTHUR SANBEI ("Complainant or "Sanbei"), and

hereby submit this Stipulation and Order to Hawai'i Labor Relations Board ("HLRB").

County Respondents, by and through its undersigned counsel, and Complainant, hereby agree and stipulate that the following is true and correct:

1. County Respondents admit that Sanbei filed a Step 1 grievance with the County of Hawai'i, Department of Parks and Recreation on May 9, 2016, that a meeting was subsequently scheduled and conducted by the County of Hawai'i, Department of Parks and Recreation Human Resources Section on August 17, 2016, and that seven working days is allowed for response by the operative Collective Bargaining Agreement ("CBA");

2. County Respondents admit that a written answer to Sanbei should have been sent to Sanbei within seven working days after the grievance meeting concluded on August 17, 2016. County Respondents admit that a written answer was not sent to Sanbei within seven working days after said grievance meeting;

3. County Respondents further admit that Sanbei filed a grievance July 6, 2016 alleging violation of Article 11, Section D—Failure to schedule grievance meeting within 7 working days.

4. The above time parameters are set forth in HGEA, AFSCME Unit 2 Collective Bargaining Agreement (CBA) Article 11 sections F and G;

5. County Respondent is bound by the CBA and is required to comply with the time parameters;

6. The time parameters may be extended by mutual agreement of the parties; this was not done in the above mentioned grievances;

7. County Respondents strive to meet the established time limits set forth in the CBA;

8. County Respondents admit in these cases involving Sanbei the County, while acting in good faith, failed to meet the time parameters established by the CBA;

9. It is further stipulated that County Respondents are committed to providing timely responses according to the applicable CBA when possible. When not possible the County Respondents will act in a professional manner and keep lines of communication open with the grievant. County Respondents will strive in the future, explain the reasons for the delay and seek appropriate continuances with the grievant.


10. Sanbei will withdraw the July 6, 2016 grievance based on this stipulation and order.

IT IS HEREBY ORDERED that the *Prohibited Practice Complaint*, filed September 12, 2016 is dismissed with prejudice by the HLRB as the Parties have entered into a stipulation resolving the matter.



ARTHUR SANBEI
Pro Se Plaintiff

DATED: Hilo, Hawai'i, November 21, 2016.



MELODY PARKER
Deputy Corporation Counsel
Attorney for Respondents
COUNTY OF HAWAI'I,
DEPARTMENT OF PARKS AND
RECREATION and MARK KUNZER

DATED: Hilo, Hawaii, November 21, 2016




SESNITA A. D. MOEPONO, Member


J.N. MUSTO, Member

APPROVED AND SO ORDERED:

HAWAII LABOR RELATIONS BOARD
Dated: November 23, 2016

Order No.: 3211

Arthur Sanbei v. County of Hawai'i et al.; Case No. 16-CE-02-886: *Respondents County of Hawai'i, Department of Parks and Recreation and Mark Kunzer, HR Specialist, TA, Department of Parks and Recreation, and Arthur Sanbei Stipulation and Order*