



STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

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Transaction ID 59905914  
Case No. 16-CU-05-346, 16-CE-05-888

In the Matter of

JULIE CANDELARIA-LAWRENCE

Complainant,

and

HAWAII STATE TEACHERS  
ASSOCIATION,

Respondent.

CASE NO. 16-CU-05-346

ORDER NO. 3214

ORDER DENYING WITHOUT  
PREJUDICE RESPONDENT HAWAII  
STATE TEACHERS ASSOCIATION'S  
MOTION TO CONTINUE HEARING ON  
THE MERITS AND REQUEST FOR A  
SECOND PREHEARING CONFERENCE

In the Matter of

JULIE M. CANDELARIA-LAWRENCE,

Complainant,

and

DEPARTMENT OF EDUCATION;  
MARK HACKLEBERG, Principal;  
Kealakehe Intermediate School,  
Department of Education, State of Hawaii;  
HANNAH LOYOLA, Vice Principal;  
Kealakehe Intermediate School,  
Department of Education, State of Hawaii;  
and GENA BONACCORSI, Department  
Head, Kealakehe Intermediate School,  
Department of Education, State of Hawaii,

Respondents.

CASE NO. 16 CE-05-888

ORDER DENYING WITHOUT PREJUDICE RESPONDENT HAWAII  
STATE TEACHERS ASSOCIATION'S MOTION TO CONTINUE HEARING  
ON THE MERITS AND REQUEST FOR A SECOND PREHEARING CONFERENCE

On December 2, 2016, the Respondent HAWAII STATE TEACHERS ASSOCIATION (HSTA) filed with the Hawaii Labor Relations Board (Board) RESPONDENT HAWAII STATE TEACHERS ASSOCIATION'S MOTION TO CONTINUE HEARING ON THE MERITS AND REQUEST FOR A SECOND PREHEARING CONFERENCE and accompanying Declaration of Vladimir P. Devens, Declaration of Andrea Eshelman, and certificate of service (collectively Motion to Continue Hearing). The gravamen of the Motion to Continue Hearing is that one of the HSTA's legal counsel in this matter will be out of the country when the hearing on the merits is scheduled to commence, and that the law firm was only recently retained by the HSTA and would require additional time for trial preparation in including conducting discovery. Legal counsel for Respondents DEPARTMENT OF EDUCATION, ET AL. (collectively, DOE) has no objections to the HSTA's Motion to Continue Hearing.

Also on December 2, 2016, Complainant JULIE CANDELARIA-LAWRENCE (Complainant) filed COMPLAINANT'S ANSWER TO RESPONDENT HSTA'S MOTION TO CONTINUE HEARING ON MERITS AND REQUEST FOR A SECOND PREHEARING CONFERENCE, in which she states her objections and request the hearing on the merits be held as scheduled without delay.

The Board is sympathetic to the HSTA's situation as described in its Motion to Continue Hearing. However, Hawaii Revised Statutes (HRS) § 89-14 provides in relevant part that "[a]ny controversy concerning prohibited practices may be submitted to the board in the same manner and with the same effect as provided in section 377-9[.]" In turn, HRS § 377-9(b) provides in relevant part that the Board "shall fix a time for the hearing on the complaint, which shall be

*not less than ten nor more than forty days* after the filing of the complaint or amendment thereof” (emphasis added). Accordingly, the Board is constrained by statute with respect to the scheduling of hearings on prohibited practice complaints.

In the instant case, although counsel for the DOE does not object to a continuance, Complainant does object. Absent consent or stipulation by all parties, the Board is not inclined to grant a continuance of the hearing. Additionally, although one of the HSTA’s counsel will not be available for the hearing, the NOTICE OF APPEARANCE filed with the Board on December 2, 2016, indicates that a second legal counsel is representing the HSTA. Finally, with respect to conducting discovery, the Board’s administrative rules do not favor the conduct of discovery. Hawaii Administrative Rules (HAR) § 12-42-8(g)(6) provides that “[u]pon written application and *for good cause shown*, the board *may* permit the parties to take deposition upon oral examination or written interrogatories in the manner prescribed under the Hawaii Rules of Civil Procedure” (emphases added). Further, HAR § 12-42-8(g)(7)(A) provides that the Board “may issue subpoenas *to require the attendance of witnesses* in this State *and the production of books and papers at a hearing* held under the provisions of this chapter” (emphases added).

Accordingly, for the reasons stated above, the Board hereby DENIES without prejudice the HSTA’s Motion to Continue Hearing.

DATED: Honolulu, Hawaii, December 02, 2016.

**HAWAII LABOR RELATIONS BOARD**

 *Sesnita A.D. Moepono*  
SESNITA A.D. MOEPONO, Member



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J N. MUSTO, Member

c: Julie M. Candelaria-Lawrence  
Vladimir Devens, Esq.  
Keani Alapa, Esq.  
W. Max Levins, Deputy Attorney General

Case Nos. 16-CU-05-346 and 16-CE-05-888, Candelaria-Lawrence v. HSTA, et al. – Order Denying Without Prejudice Respondent Hawaii State Teachers Association’s Motion to Continue Hearing on the Merits and Request for a Second Prehearing Conference.

Order No.: