



EFiled: Dec 09 2016 03:15PM HAST
Transaction ID 59939404
Case No. 16-CE-11-887, 14-CE-11-845

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

HAWAII FIRE FIGHTERS ASSOCIATION,
IAFF, LOCAL 1463,

Complainant,

and

KIRK CALDWELL, Mayor, City and County
of Honolulu; MANUEL P. NEVES, Fire
Chief, Honolulu Fire Department, City and
County of Honolulu; HONOLULU FIRE
DEPARTMENT, City and County of
Honolulu; and CITY AND COUNTY OF
HONOLULU,

Respondents.

CASE NO.: 14-CE-11-845

ORDER NO.: 3215

ORDER DENYING RESPONDENTS'
MOTION TO STAY AND DENYING
COMPLAINANT'S MOTION TO
CONTINUE HEARING SCHEDULED TO
BEGIN DECEMBER 12, 2016 IN
CONSOLIDATED CASES OF CE-11-845
AND CE-11-887

In the Matter of

HAWAII FIRE FIGHTERS ASSOCIATION,
IAFF, LOCAL 1463,

Complainant,

and

KIRK CALDWELL, Mayor, City and County
of Honolulu; MANUEL P. NEVES, Fire
Chief, Honolulu Fire Department, City and
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DEPARTMENT, City and County of
Honolulu; and CITY AND COUNTY OF
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CASE NO.: 16-CE-11-887

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COMPLAINANT'S MOTION TO CONTINUE HEARING SCHEDULED TO BEGIN
DECEMBER 12, 2016 IN CONSOLIDATED CASES OF CE-11-845 AND CE-11-887

On November 30, 2016, the Hawaii Labor Relations Board (Board) issued Order No. 3212, granting Complainant's motion to consolidate Case Nos. 14-CE-11-845 and 16-CE-11-887, and, *inter alia*, noticing the hearing on the merits in the consolidated proceeding to commence on December 12, 2016, beginning at 9:00 a.m. Pursuant to Hawaii Revised Statutes (HRS) § 89-14, any controversy concerning prohibited practices may be submitted to the Board in the same manner and with the same effect as provided in § 377-9; in turn, § 377-9(b) provides that the Board "shall fix a time for 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[.]" The prohibited practice complaint in Case No. 16-CE-11-887 was filed on November 14, 2016; the prohibited practice complaint in Case No. 14-CE-11-845 was filed on August 27, 2014.

Pursuant to Hawaii Administrative Rules (HAR) § 12-42-8(g)(3), all motions other than those made during a hearing shall be made in writing, and any response to such a motion shall be filed with the Board "within five days after service of the motion papers, unless the board directs otherwise." Furthermore, the Board "may" decide to hear, or not, oral argument or testimony thereon.

On December 6, 2016, Respondents filed a motion to stay, asserting untimely allegations were raised in Case No. 16-CE-11-887, and that the Board should permit the parties to process the Complainant's allegations through the collective bargaining agreement's grievance procedure. The motion to stay also mentions in passing that the Board could, alternatively, dismiss the prohibited practice complaint.

On December 8, 2016, Complainant filed a motion to continue the hearing scheduled to begin December 12, 2016, requesting a continuance of the hearing on the merits in the consolidated proceeding and asserting that it is impossible to prepare for the hearing on the merits while also drafting a response to Respondents' motion to stay or alternatively to dismiss; and further, that Respondents previously represented to the Board that they did not intend to file a dispositive motion.

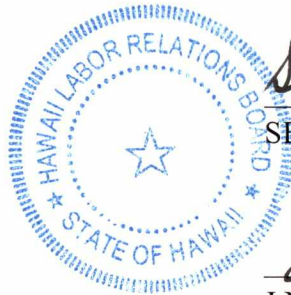
On December 9, 2016, Respondents filed their position statement regarding Complainant's motion to continue the hearing on the merits.

Due to the statutory requirements of HRS §§ 89-14 and 377-9(b) and the nature of the allegations at issue, including allegations that Respondents committed prohibited practices pursuant to HRS § 89-13(a)(1), (2), (5), and (7), the Board does not find good cause at this time to stay or dismiss the proceedings in this case. The Board hereby DENIES Respondents' motion to stay.

Furthermore, because the Board denies Respondents' motion to stay, the Board does not find good cause to continue the hearing on the merits and therefore DENIES Complainant's motion to continue the hearing on the merits. Accordingly, the hearing on the merits will commence as previously scheduled and noticed.

DATED: Honolulu, Hawaii, Dec. 9, 2016.

HAWAII LABOR RELATIONS BOARD



Sesnita A.D. Moepono

SESNITA A.D. MOEPONO, Member

J N. Musto

J N. MUSTO, Member

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Case Nos. 14-CE-11-845 and 16-CE-11-887 – HFFA/IAFF v. Kirk Caldwell, et al. – Order Denying Respondents' Motion to Stay and Denying Complainant's Motion to Continue the Hearing on the Merits.

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