



EFiled: Nov 02 2017 03:59PM HAST
Transaction ID 61316039
Case No. 17-CE-10-900, 17-CU-10-356

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

CRAIG PINKNEY,

Complainant,

and

DEPARTMENT OF PUBLIC SAFETY,
HAWAII COMMUNITY CORRECTIONAL
CENTER, STATE OF HAWAII, and
UNITED PUBLIC WORKERS, AFSCME,
LOCAL 646, AFL-CIO,

Respondent.

CASE NO.: 17-CE-10-900, 17-CU-10-356

ORDER NO. 3301

ORDER GRANTING MOTION TO ALLOW
UNION RESPONDENT'S COUNSEL TO
APPEAR VIA TELECONFERENCE ON
NOVEMBER 8, 2017; ORDER ALLOWING
RESPONDENT DEPARTMENT OF PUBLIC
SAFETY, HAWAII COMMUNITY
CORRECTIONAL CENTER, STATE OF
HAWAII TO APPEAR VIA
TELECONFERENCE ON NOVEMBER 8,
2017.

ORDER GRANTING MOTION TO ALLOW UNION RESPONDENT'S
COUNSEL TO APPEAR VIA TELECONFERENCE ON NOVEMBER 8, 2017;
ORDER ALLOWING RESPONDENT DEPARTMENT OF PUBLIC SAFETY,
HAWAII COMMUNITY CORRECTIONAL CENTER, STATE OF
HAWAII TO APPEAR VIA TELECONFERENCE ON NOVEMBER 8, 2017.

On October 26, 2017, the Hawaii Labor Relations Board (Board) issued Order No. 3298 in consolidated cases 17-CE-10-900 and 17-CU-10-356 (consolidated cases). Order No. 3298, *inter alia*, changed the location and time of the Hearing on the Merits (HOM) to the County of Hawaii, Aging and Disability Resource Center, 1055 Kino'ole Street, Suite #101 (ADRC Conference Room), Hilo, Hawaii, beginning at **10:00 a.m. on November 8, 2017**. The Board ordered this change in venue from the island of Oahu to the island of Hawai'i during the Prehearing Conference on October 23, 2017 to accommodate Complainant Craig Pinkney's (Complainant) request made through a Motion to Request in Person Hearing in Hilo, Hawaii, filed on October 15, 2017. Order No. 3298 further confirmed in writing the Board's oral orders issued at the Prehearing Conference held on October 23, 2017 that Complainant's filing of a 2nd AMENDED PROHIBITED PRACTICE COMPLAINT, filed on October 14, 2017, would be accepted as a motion to amend the prohibited practice complaints filed in these consolidated

cases (Motion to Amend); that the Motion to Amend and a RESPONDENT STATE OF HAWAII, DEPARTMENT OF PUBLIC SAFETY'S (DPS) MOTION TO DISMISS PROHIBITED PRACTICE COMPLAINT FILED ON OCTOBER 2, 2017 (DPS Motion) would also be heard at the commencement of the HOM on November 8, 2017; that after the hearing on the Motions, the Board would recess the HOM pending deliberation and rulings on the Motions; and that all other matters, including previously set deadlines, would be suspended and subject to future notice, subsequent to the Board's decisions on the Motions.

On October 30, 2017, Respondent United Public Workers, AFSCME, Local 646, AFL-CIO (UPW or Union), filed a MOTION TO ALLOW UNION RESPONDENT'S COUNSEL TO APPEAR VIA TELECONFERENCE ON NOVEMBER 8, 2017 (UPW Motion) requesting permission for UPW's counsel to appear via teleconference from Oahu for the HOM because UPW's counsel has another engagement on the island of Oahu on November 8, 2017 that prevents counsel from appearing in person on the Big Island. The Executive Officer of the Board sought a stipulation from the parties to waive the forty-day requirement set forth in Hawaii Revised Statutes (HRS) § 377-9(b) and Hawaii Administrative Rules (HAR) § 12-42-46(b) for the beginning of the HOM to allow the parties to appear via teleconference for the November 8, 2017 hearing. Complainant, however, did not agree to stipulate to the waiver of the forty-day requirement. Therefore, the HOM will proceed as noticed in Board Order 3298.

Pursuant to HRS §377-9 and §89-5 and HAR §12-42-8, in the interest of administrative economy and efficiency, and finding no prejudice to the Complainant, the Board GRANTS UPW's Motion to appear by teleconference on November 8, 2017; and further orders, *sua sponte*, that Respondent DPS is also granted the option to appear in person or via teleconference for the HOM. Respondents appearing via teleconference for the HOM shall call the Board by dialing 1-808-961-8988 by 10:00 a.m. on November 8, 2017.

DATED: Honolulu, Hawaii, _____ November 2, 2017 _____.

HAWAII LABOR RELATIONS BOARD



MARCUS R. OSHIRO, Chair

Case Nos. 17-CE-10-900 and 17-CU-10-356 Pinkney v. Dept. of Public Safety, Hawaii Community Correctional Center and UPW – Order Granting Motion to Allow Union Respondent's Counsel to Appear Via Teleconference on November 8, 2017; Order Allowing Respondent Department of Public Safety, Hawaii Community Correctional Center, State of Hawaii to Appear Via Teleconference on November 8, 2017

Sesnita A.D. Moepono

SESNITA A.D. MOEPONO, Member

J N. Musto

J N. MUSTO, Member

Copies to:

Craig Pinkney, *Self-Represented Litigant*

Herbert R. Takahashi, Esq.

Henry S. Kim, Deputy Attorney General

M.H.

Case Nos. 17-CE-10-900 and 17-CU-10-356 Pinkney v. Dept. of Public Safety, Hawaii Community Correctional Center and UPW – Order Granting Motion to Allow Union Respondent’s Counsel to Appear Via Teleconference on November 8, 2017; Order Allowing Respondent Department of Public Safety, Hawaii Community Correctional Center, State of Hawaii to Appear Via Teleconference on November 8, 2017