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Transaction ID 61499552
Case No. CE-10-753

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

UNITED PUBLIC WORKERS, AFSCME,
LOCAL 646, AFL-CIO,

Complainant,

and

DR. CHIYOME FUKINO, Director,
Department of Health, State of Hawaii; and
MARIE LADERTA, Director, Department of
Human Resources Development, State of
Hawaii,

Respondents.

CASE NO. CE-10-753

ORDER NO. 3312

GRANTING MOTION FOR APPROVAL OF
ATTORNEY'S FEES AND COSTS

GRANTING MOTION FOR APPROVAL OF ATTORNEY'S FEES AND COSTS

On August 8, 2017, the Hawaii Labor Relations Board (Board) issued Order No. 3282, granting summary judgement in favor of Complainant UNITED PUBLIC WORKERS, LOCAL 646, AFL-CIO (Complainant or UPW). The Order included as part of the remedies the following:

Respondents shall pay the UPW's reasonable attorneys' fees and costs incurred in CE-10-753. The UPW shall submit a request for payment to the Board, with service upon all parties that includes sufficient detail of the

amount and reason for fees and costs incurred, for a determination by the Board of “reasonableness.” The UPW’s request shall be submitted to the Board no later than **ten days** following issuance of this Order. If Respondents dispute any requested fee or cost, Respondents shall submit their objection to the Board, with service on all parties, no later than **five days** after the filing of the UPW’s request. Thereafter, *the Board will issue an order in this matter solely regarding fees and costs*; however, hereafter, this case shall be deemed “closed” for all other purposes, with the exception of a determination of reasonable fees and costs. (*emphasis added*)

On August 21, 2017, the Complainant UPW filed with the Board MOTION FOR APPROVAL OF ATTORNEY'S FEES AND COSTS; MEMORANDUM IN SUPPORT OF MOTION; DECLARATION OF HERBERT TAKAHASHI; DECLARATION OF REBECCA L. COVERT; EXHIBITS 28 THROUGH 36; CERTIFICATE OF SERVICE, complying with the conditions set forth in Order No. 3282.

As of this date, the Respondents in the above reference matter have filed no objection to the August 21, 2017 Motion for Approval of Attorney’s Fees and Costs filed by the Complainant.

The Board has thoroughly reviewed the costs submitted by the UPW for reimbursement of attorney’s fees, copying, postage, and transcript. The Board finds that the \$300/hour rate used to calculate the attorney’s fees is reasonable. The hours spent in preparing and presenting the case are accompanied by detailed descriptions of time, dates, hours, and verifying documents. The equation used in the calculation of the total cost for attorney’s fees, including State Excise taxes, are accurate.

The Board also reviewed the costs for copying, postage, and transcript submitted for reimbursement. \$.20/page is the basis for calculating the cost for photocopying submitted for reimbursement, which would exceed the \$.05/page for photocopying costs which the Board currently charges to the public, but the \$.20/page for photocopying is within the reasonable range charged by other state agencies and the courts. The description of the photocopies made are accompanied by verified documents used in the presentation of the instant case. The postage rates are accurate and consistent with the mailings of certification required by the Board. The cost of transcript is reasonable. The equation used in the calculation of the total cost for copying, postage, and transcript, including State Excise taxes, are accurate.

Accordingly, and for the reasons discussed above, the Board hereby grants the Complainant's Motion and orders the following payments to be made:


1. Respondents shall remit to the Complainant the following amounts:
 - a. The total amount of attorney's fees being requested is 27 hours x \$300.00 equals \$8,100.00 multiplied by 4.712% percent (tax) (\$381.67) for a total of **\$8,481.67**.
 - b. The "cost" incurred in connection with the proceedings herein for photocopying, postage, and court reporter fees amounts to **\$1,438.36**.
2. Respondents shall notify the Board, with service on all parties, of steps taken to comply with the Board's order no later than **30 days** from date of this order.

DATED: Honolulu, Hawaii, Dec. 22, 2017.

HAWAII LABOR RELATIONS BOARD



MARCUS R. OSHIRO, CHAIR



SESNITA A.D. MOEPONO, MEMBER



J N. MUSTO, MEMBER

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