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Transaction ID 61586434
Case No. 17-CE-01-902

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

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

Complainant,

and

CHRISTINA KISHIMOTO, Superintendent,
Department of Education, State of Hawaii,

Respondent.

CASE NO.: 17-CE-01-902

ORDER NO. 3317

ORDER GRANTING UPW'S MOTION TO
AUTHORIZE SUBMISSION OF
TRANSCRIPTS

ORDER GRANTING UPW'S MOTION TO AUTHORIZE SUBMISSION OF TRANSCRIPTS

At the Prehearing Conference in this matter held on November 6, 2017, the Hawaii Labor Relations Board (Board) notified the parties that if a court reporter is hired by a party or parties, then the parties may agree to designate the transcripts prepared by the court reporter as the official record; and should only one party retain a court reporter and make reference to any section of the transcripts in its filing in this case, the party shall assume the cost and provide the Board with a full and complete copy of the transcript.

On December 1, 2017, the Board commenced a hearing on the merits in this matter. Again, the parties were notified that if a court reporter is hired by a party or parties, the parties may agree to designate the transcripts prepared by the court reporter as the official record; and should only one party retain a court reporter and make reference to any section of the transcript in its filings in this case, the party shall at its own cost provide the Board with a full and complete copy of the transcript. At the hearing on the merits, a court reporter was present at the behest of Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW). Respondent in this matter "decline[d] to share in any expense" of the court reporter; accordingly, Respondent did not object to the utilization of the court reporter, except to the extent that Respondent refused to share in any expense of the court reporter.

On December 12, 2017, the UPW filed a Motion to Authorize Submission of Transcripts (Motion), moving “for the admission of transcripts of the prehearing conference held on November 6, 2017 . . . and the transcript of the first day of the hearing on the merits held on December 1, 2017[.]” Both transcripts were signed by a certified shorthand reporter.

Pursuant to Hawaii Administrative Rules (HAR) § 12-42-8(g)(3)(C)(iii), any response to opposition to the UPW’s Motion was due “within five days after service of the motion papers, unless the [B]oard directs otherwise.” Here, there was no response or opposition filed by the Respondent to the UPW’s Motion.

Based upon the foregoing, the Board finds and concludes that it will accept the UPW’s submission of the transcripts that are the subject of the Motion into the case file, and those transcripts shall become part of the Board’s official record in this proceeding.

Accordingly, the UPW’s Motion is hereby GRANTED.

DATED: Honolulu, Hawaii, January 18, 2018.

HAWAII LABOR RELATIONS BOARD



MARCUS R. OSHIRO, Chair



SESNITA A.D. MOEPONO, Member



J.N. MUSTO, Member

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