



**EFiled: Mar 29 2018 03:10PM HAST
Transaction ID 61858139
Case No. CE-10-744**

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

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

Complainant,

JIM HOWE, Director, Emergency Services
C & C of Honolulu and KIRK CALDWELL,
Mayor, City & County of Honolulu,

Respondents.

CASE NOS.

CE-10-744 (on remand)

CE-10-746 (on remand)

ORDER NO. 3336

ORDER EXTENDING, SUA
SPONTE, THE DEADLINES FOR
SUBMISSION OF
COMPLAINANT'S DECLARATION
AND PROPOSED ORDER

**ORDER EXTENDING, SUA SPONTE, THE DEADLINES FOR
SUBMISSION OF COMPLAINANT'S DECLARATION AND PROPOSED ORDER**

On January 11, 2018, the Hawaii Labor Relations Board (Board) held a status conference in the above-entitled cases. The purpose of the status conference was to determine the reason that the Complainant UNITED PUBLIC WORKERS, LOCAL 646, AFSCME, AFL-CIO (Complainant or UPW) had not prepared and filed a proposed order granting its motion for allowance of costs and attorney's fees subject to a "more detailed breakdown" and incorporating consolidation of arguments and Board ruling in the above-referenced cases as directed by the Board in an oral ruling rendered on May 2, 2011 (Proposed Order). In response to the Board's inquiry as to the reason that the submissions had not been made as of January 11, 2018, the date of status conference, Mr. Takahashi, counsel for the Complainant, indicated that the parties were in the process of seeking resolution of the issue of attorney's fees with the Respondents JIM HOWE, Director, Emergency Services City & County of Honolulu and KIRK CALDWELL, Mayor, City & County of Honolulu (City Respondents). Mr. Takahashi requested an additional 45 days to reach a "mediated settlement"; and if the matter could not be resolved within that time, specific deadlines for submissions could be set. Mr. Nomura, counsel for the City Respondents, had "...no problem with a [continuance] up to 30 to 45 days..." Accordingly, the Board granted the Complainant's request for a 45-day continuance. On February 26, 2018, Complainant filed a Motion to Extend the Deadlines for Submission of Declaration and Proposed Order requesting that the Board extend the time to March 31, 2018 to either resolve the dispute or submit a proposed order, a declaration, and other supporting documentation for its attorney's fees.

On March 12, 2018, the Board issued Order No. 3327, Order Granting Union's Motion to Extend Deadlines for Submission of Declaration and Proposed Order. Order No. 3327 set a

new deadline of March 31, 2018, by the close of business, for the Complainant to file a Proposed Order, declaration and other supporting documents.

On March 27, 2018, Complainant filed Union's Motion to Extend Deadline and Convene Status Conference on the Matter, based on the declaration of union counsel, *inter alia*, that the Respondent counsel had failed to respond to efforts to reach a mediated settlement or execute a stipulation order (Motion to Extend). The Union's Motion also requested that the Board again extend the March 31, 2018 deadline for filing a proposed order, a declaration and other supporting documentation for its attorney's fees and to convene a status conference to be attended by Corporation Counsel Donna Leong and Mediator Thomas Cestare.

Hawaii Administrative Rules § 12-42-8(g)(3)(C)(iii) provide the Respondent five days to respond to a motion made by the Complainant. Since the Complainant's Motion to Extend was filed on March 27, 2018, there are not five days remaining before the March 31, 2018 deadline set forth in Board Order 3327.

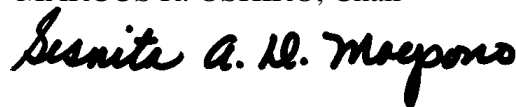
However, the Board, *sua sponte*, issues this Order extending the deadline set in Board Order 3327, for the Complainant to file a proposed order, declaration and other supporting documentation for its attorney's fees to the **close of business on April 13, 2018**. **The Board shall not grant any further extensions to this deadline**, and will thereafter, proceed to issue final orders in the above referenced case numbers. The Board is not scheduling a status conference in this case.

DATED: Honolulu, Hawaii, March 29, 2018.

HAWAII LABOR RELATIONS BOARD



MARCUS R. OSHIRO, Chair



SESNITA A.D. MOEPONO, Member



J N. MUSTO, Member

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