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Transaction ID 62120613
Case No. 17-CE-14-898, 17-CU-14-
354**

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of

CAIN AMEMIYA,

Complainant,

and

DEPARTMENT OF PUBLIC SAFETY,
STATE OF HAWAII; and HAWAII
GOVERNMENT EMPLOYEES
ASSOCIATION, AFSCME, LOCAL 152,
AFL-CIO,

Respondents.

CASE NOS.: 17-CE-14-898 and
17-CU-14-354

ORDER NO.: 3370

FINAL ORDER ADOPTING PROPOSED
ORDER GRANTING RESPONDENT
DEPARTMENT OF PUBLIC SAFETY,
STATE OF HAWAII'S MOTION TO
DISMISS PROHIBITED PRACTICE
COMPLAINT FILED ON JULY 27, 2017 OR
IN THE ALTERNATIVE MOTION FOR
SUMMARY JUDGMENT

FINAL ORDER ADOPTING PROPOSED ORDER
GRANTING RESPONDENT DEPARTMENT OF PUBLIC
SAFETY, STATE OF HAWAII'S MOTION TO DISMISS
PROHIBITED PRACTICE COMPLAINT FILED ON JULY 27, 2017
OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT

On February 13, 2018, Respondent DEPARTMENT OF PUBLIC SAFETY, STATE OF HAWAII (PSD) filed with the Hawaii Labor Relations Board (Board) Respondent Department of Public Safety, State of Hawaii's (1) Motion to Dismiss Prohibited Practice Complaint Filed on July 27, 2017 or in the Alternative Motion for Summary Judgment; (2) Joinder to HGEA/AFSCME's Motion to Dismiss Prohibited Practice Complaint Filed on July 26, 2017, Filed on February 12, 2018 (PSD Motion).

On March 6, 2018, the Board held a hearing on the PSD Motion (Motion Hearing) and issued an oral order granting the PSD Motion based on Complainant CAIN AMEMIYA's (Complainant) lack of standing and failure to exhaust remedies and the untimeliness of the filing of the instant prohibited practice complaint (Complaint) and requiring PSD to submit a proposed order dismissing the Complaint in this case.

On March 13, 2018, PSD filed the Proposed Order Granting Respondent Department of Public Safety, State of Hawaii's (1) Motion to Dismiss Prohibited Practice Complaint Filed on July 27, 2017 or in the Alternative Motion for Summary Judgment; (2) Joinder to HGEA/AFSCME's Motion to Dismiss Prohibited Practice Complaint Filed on July 26, 2017, Filed on February 12, 2018 (Proposed Order).

On March 16, 2018, Respondent HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO filed HGEA/AFSCME's Statement of No Objection to Proposed Order Granting Respondent Department of Public Safety, State of Hawaii's (1) Motion to Dismiss Prohibited Practice Complaint Filed on July 27, 2017 or in the Alternative Motion for Summary Judgment; (2) Joinder to HGEA/AFSCME's Motion to Dismiss Prohibited Practice Complaint Filed on July 26, 2017, Filed on February 12, 2018.

Complainant CAIN AMEMIYA filed no opposition or exceptions to the Proposed Order.

Accordingly, the Board hereby adopts the Proposed Order, attached hereto, as a final order with a modification of the titleⁱ and dismisses the Complaint. This case is closed.

DATED: Honolulu, Hawaii, June 11, 2018.

HAWAII LABOR RELATIONS BOARD




MARCUS R. OSHIRO, Chair


SESNITA A.D. MOEPONO, Member


J.N. MUSTO, Member

Copies to:

Cain Amemiya, SRL
Charlene S.P.T. Murata, Deputy Attorney General
Peter Liholiho Trask, Esq.

ⁱ The Board notes that Respondent DSP's Proposed Order was entitled "Proposed Order Granting Respondent Department of Public Safety, State of Hawaii's (1) Motion to Dismiss Prohibited Practice Complaint filed on July 27, 2017 or in the Alternative for Summary Judgment; (2) Joinder to HGEA/AFSCME's Motion to Dismiss Prohibited Practice Complaint, Filed on July 26, 2017, Filed on February 12, 2018. HGEA had filed an HGEA/AFSCME's Motion to Dismiss Prohibited Practice Complaint on July 26, 2017, which was also heard at the March 6, 2018 motion hearing and denied. Accordingly, the Board modifies the title of the final order to conform to the Board's rulings on these motions.