



EFiled: Jul 13 2018 11:23AM HAST
Transaction ID 62240128
Case No. CE-01-594

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

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

Complainant,

and

ROD TODOROVICH, Chairperson, Wai'alaie
School Board, Wai'alaie Elementary School,
Department of Education, State of Hawaii and
CHRISTINA KISHIMOTO, Superintendent,
Department of Education, State of Hawaii,

Respondents.

CASE NO. CE-01-594

ORDER NO.: 3379

ORDER GRANTING UNION'S MOTION
TO DISMISS PROHIBITED PRACTICE
COMPLAINT FILED ON MARCH 28, 2005
AND AMENDED ON APRIL 25, 2005
WITHOUT PREJUDICE

**ORDER GRANTING UNION'S MOTION TO DISMISS
PROHIBITED PRACTICE COMPLAINT FILED ON
MARCH 28, 2005 AND AMENDED ON APRIL 25, 2005 WITHOUT PREJUDICE**

On March 28, 2005, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW or Union) filed a prohibited practice complainant (Complaint) with the Hawaii Labor Relations Board (Board) against ROD TODOROVICH, Chairperson, Wai'alaie School Board, Wai'alaie Elementary School, Department of Education, State of Hawaii (Todorovich or Respondent) and CHRISTINA KISHIMOTO, Superintendent, Department of Education, State of Hawaii (Kishimoto or Respondent) for, among other things, alleged violations of Hawaii Revised Statutes § 89-13(a)(1), (5), and (7) for a failure to provide information regarding a January 18, 2005 grievance in connection with a violation of a memorandum of agreement regarding food service at Waialae Elementary School.

On July 2, 2018, UPW filed Union's Motion to Dismiss Prohibited Practice Complaint Filed on March 28, 2005 and Amended on April 25, 2005 Without Prejudice. The ground for the Motion to Dismiss is that on June 27, 2018, the UPW and Wai'alaie School entered into a settlement agreement (SA) in a grievance factually related to the above-entitled matter (AY-05-01), which provided that upon full execution of the SA, UPW would promptly move to dismiss Board Case No. CE-01-594 without prejudice. The SA was fully executed.

Hawaii Administrative Rule § 12-42-8(g)(3)(C)(iii) allows a response to a motion to be filed with the Board within five days after service of the motion.

On July 5, 2018, Respondent Wai'alaie Elementary School, State of Hawaii filed Respondent Wai'alaie Elementary School, State of Hawaii's Substantive Joinder in Union's Motion to Dismiss Prohibited Practice Complaint Filed on March 28, 2005 and Amended on April 25, 2005 Without Prejudice.

On July 5, 2018, Respondent Department of Education, State of Hawaii filed Respondent Department of Education, State of Hawaii's Substantive Joinder in Union's Motion to Dismiss Prohibited Practice Complaint Filed on March 28, 2005 and Amended on April 25, 2005 Without Prejudice, Filed on July 2, 2018.

No opposition to the Motion was filed on behalf of any party. ⁱ

Based on the joinders and the lack of opposition by any party, the Board dismisses without prejudice the Complaint in the above-entitled case. This case is closed.

DATED: Honolulu, Hawaii, _____, 2018.

HAWAII LABOR RELATIONS BOARD





MARCUS R. OSHIRO, Chair



SESNITA A.D. MOEPONO, Member



J.N. MUSTO, Member

Copies to:

Herbert R. Takahashi, Esq.
James E. Halvorson, Deputy Attorney General
Richard H. Thomason, Deputy Attorney General

ⁱ The named Respondent “Wai’alae Elementary School, State of Hawaii” filing the joinder is not entirely consistent with the Respondents named in the caption, specifically Todorovich, in his capacity as Chairperson of the Wai’alae School Board. Similarly, named Respondent “Department of Education, State of Hawaii” is not entirely consistent with the named Respondent Kishimoto in her capacity as Superintendent of Education. However, this technical point is not significant given that there was no opposition to the Motion filed by any Respondent within the five days to respond.