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Transaction ID 62348639
Case No. 18-CE-04-918

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

HAWAII GOVERNMENT EMPLOYEES
ASSOCIATION, AFSCME, LOCAL 152,
AFL-CIO

Complainant,

and

DEPARTMENT OF EDUCATION, State of
Hawai`i

Respondent.

CASE NO. 18-CE-04-918

ORDER NO. 3389

ORDER TAKING UNDER
ADVISEMENT RESPONDENT
DEPARTMENT OF EDUCATION,
STATE OF HAWAII'S MOTION
TO DISMISS PROHIBITED
PRACTICE COMPLAINT, FILED
JULY 6, 2018 AND
COMPLAINANT'S MOTION FOR
SUMMARY JUDGMENT AND
REQUIRING COMPLAINANT TO
NOTIFY BOARD OF THE
COMPLETION OF THE
ARBITRATION PROCEEDING,
INCLUDING EXHAUSTION OF
THE APPEAL PROCESS

**ORDER TAKING UNDER ADVISEMENT RESPONDENT
DEPARTMENT OF EDUCATION, STATE OF HAWAII'S MOTION TO
DISMISS PROHIBITED PRACTICE COMPLAINT, FILED JULY 6, 2018 AND
COMPLAINANT'S MOTION FOR SUMMARY JUDGMENT; AND REQUIRING
COMPLAINANT TO NOTIFY THE BOARD OF THE COMPLETION OF THE
ARBITRATION PROCEEDING, INCLUDING EXHAUSTION OF THE APPEAL PROCESS**

On July 6, 2018, the Complainant HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME Local 152 (HGEA) filed a prohibited practice complaint with the Hawaii Labor Relations Board (Board) against Respondent DEPARTMENT OF EDUCATION, State of Hawaii (DOE) alleging violations of Hawaii Revised Statutes (HRS) § 89-13(a)(5), (7), and (8) for, among other things, DOE's refusal to respond to Complainant's questions posed regarding the scheduling of an arbitration hearing in a pending arbitration before Arbitrator Walter R. Benavitz, Jr. (Arbitrator Benavitz).

On July 9, 2018, the Board issued Order No. 3376 Pretrial Order and Notices (Order No. 3376), which, among other things, set a date of August 1, 2018 to file dispositive motions and a hearing date for the dispositive motions and a Pretrial Conference on August 13, 2018.

On August 1, 2018, DOE filed Respondent Department of Education, State of Hawaii's Motion to Dismiss Complainant's Prohibited Practice Complaint, Filed July 6, 2018 (DOE Motion).

On August 1, 2018, HGEA filed Complainant's Motion for Summary Judgment (HGEA Motion).

On August 1, 2018, the parties filed a Joint Motion to Continue Hearing on the Merits Scheduled for August 15, 2018 (Joint Motion).

On August 4, 2018, the Board issued Order No. 3384 Granting Joint Motion to Continue Hearing on the Merits Scheduled for August 15, 2018, which, among other things, removed the scheduled August 15, 2018 hearing on the merits (HOM) from the calendar and notified the parties that during the August 13, 2018 Pretrial Conference, the parties would be asked to waive the forty-day requirement for the HOM and the HOM would be reset.

On August 13, 2018, the Board held the Pretrial Conference and hearing on the DOE Motion and the HGEA Motion. At the Pretrial Conference, the parties waived the statutory forty-day requirement for the HOM. After the hearing on the Motions, the Board orally ordered, to be confirmed in a written order, that the Motions be taken under advisement and that the Complainant notify the Board when the arbitration proceeding before Arbitrator Benavitz was completed. The Board further informed the parties that upon Complainant's notification, the Board will schedule and hold a status conference to set any new dates for further hearings and deadlines required.

ORDER

Based on the foregoing, the Board hereby:

1. Orders that the DOE Motion to Dismiss and Complainant's Motion for Summary Judgment be taken under advisement;
2. Orders that Complainant notify the Board when the arbitration proceeding before Arbitrator Benavitz is finally decided, including exhaustion of the appeal process; and
3. Notifies the parties that upon Complainant's notification, the Board will schedule and hold a status conference to set any dates for further hearings and deadlines required.

HGEA v. DOE

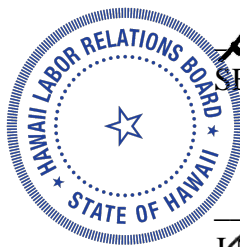
CASE NO. 18-CE-04-918

ORDER TAKING UNDER ADVISEMENT RESPONDENT DEPARTMENT OF
EDUCATION, STATE OF HAWAII'S MOTION TO DISMISS PROHIBITED PRACTICE
COMPLAINT, FILED JULY 6, 2018 AND COMPLAINANT'S MOTION FOR SUMMARY
JUDGMENT AND REQUIRING COMPLAINANT TO NOTIFY BOARD OF THE
COMPLETION OF THE ARBITRATION PROCEEDING, INCLUDING EXHAUSTION OF
THE APPEAL PROCESS

ORDER NO. 3389

DATED: Honolulu, Hawaii, August 14, 2018.

HAWAII LABOR RELATIONS BOARD



Sesnita A. D. Moepono
SESNITA A.D. MOEPONO, Member

J.N. Musto
J.N. MUSTO, Member

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