

STATE OF HAWAI'I

HAWAI'I LABOR RELATIONS BOARD

In the Matter of

UNITED PUBLIC WORKERS, AFSCME,  
LOCAL 646, AFL-CIO, and HAWAII  
GOVERNMENT EMPLOYEES  
ASSOCIATION, AFSCME, LOCAL 152,  
AFL-CIO,

Complainants,

and

RYKER WADA, Director, Department of  
Human Resources Development, State of  
Hawai'i; DAVID Y. IGE, Governor, State of  
Hawai'i; CHRISTINA KISHIMOTO,  
Superintendent, Department of Education,  
State of Hawai'i; and BOARD OF  
EDUCATION, State of Hawai'i,

Respondents.

CASE NOS. CE-01-537a  
~~CE-03-537b~~  
~~CE-03-357e~~  
~~CE-04-537d~~  
~~CE-06-537e~~

ORDER NO. 3642

ORDER GRANTING, IN PART, AND  
DENYING IN PART, REQUEST OF A  
FOURTH EXTENSION OF THE  
DEADLINE TO FILE EXCEPTIONS TO  
PROPOSED ORDER FILED ON  
FEBRUARY 14, 2020

ORDER GRANTING, IN PART, AND DENYING, IN PART,  
REQUEST OF A FOURTH EXTENSION OF THE DEADLINE  
TO FILE EXCEPTIONS TO PROPOSED ORDER FILED ON FEBRUARY 14, 2020

On February 14, 2020, the Hawai'i Labor Relations Board (Board) issued Proposed Order Dismissing the Second Amended Prohibited Practice Complaint as Moot, or Alternatively, Granting Respondents' Motion to Dismiss, or in the Alternative for Summary Judgment and Denying Complainants' Motion for Summary Judgment (Proposed Order). The Proposed Order provided in relevant part:

Any person adversely affected by the above Proposed Order Dismissing the Second Amended Prohibited Practice Complaint as Moot; or Alternatively, Granting Respondents' Motion to Dismiss, or in the Alternative for Summary Judgment; and Denying Complainants' Motion

for Summary Judgment may file exceptions with the Board, pursuant to HRS § 91-11, within ten days after service of a certified copy of this document. The exceptions shall specify which finding or conclusions are being excepted to with citations to the factual and legal authorities therefor. A hearing for presentation of oral arguments will be scheduled should any party file exceptions, and the parties will be notified thereof.

On February 21, 2020, May 6, 2020, and July 1, 2020, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed Complainant's Motions to Continue Deadline to File Exceptions to Proposed Order Dismissing the Prohibited Practice Case as Moot and for Failure to Prosecute, or Alternatively, Granting in Part and Denying in Part Respondents' Motion to Dismiss or in the Alternative for Summary Judgment (Motions for Extension) requesting a continuance of the deadline for filing exceptions to the Proposed Order (Exceptions) from February 24, 2020 to May 11, 2020, from May 11, 2020 to July 13, 2020, and from July 13, 2020 to August 31, 2020. Order Nos. 3588 and 3603 granted the February 21, 2020 and the May 7, 2020 Motions for Extension.

However, regarding the July 1, 2020 Motion for Extension, Order No. 3619 granted, in part, and denied, in part, the Motion. Order No. 3619 allowed the deadline for filing of Exceptions to be extended from July 13, 2020 to August 13, 2020 at 4:30 p.m. Further, Order No. 3619 further ordered that, "**No further extensions will be granted.**" (Emphasis in original)

On July 15, 2020, UPW filed Complainant's Motion for Reconsideration of Motion to Extend Deadline to File Exceptions to Proposed Order, Filed on February 13, 2020 (Filed on July 1, 2020), and Order Granting, in Part, and Denying, in Part, Complainant's Motion, Etc. Filed on July 6, 2020 (Underlining in Original) (Motion for Reconsideration). In the Motion for Reconsideration, UPW requested that the Board reconsider its Motion for Third Extension, which requested an extension of the deadline to August 31, 2020 to submit Exceptions. Further, UPW requested that any order extending the deadline not include an order that no further extensions will be granted and that a status conference be held.

On July 21, 2020, the Board issued Order No. 3626, which granted, in part, the Motion for Reconsideration and extend the deadline for the filing of Exceptions to August 31, 2020 at 4:30 p.m. However, the Board denied, in part, the request made in Motion for Reconsideration that the order not include that no further extensions will be granted. In addition, the Board ordered that no further extensions to file Exceptions will be granted unless supported by a stipulation between the parties.

On August 19, 2020, UPW filed the Stipulation to Request a Fourth Extension of the Deadline to File Exceptions to Proposed Order Filed on February 14, 2020 and Order (Emphasis in Original) (Stipulation). In the Stipulation, UPW and Respondents RYKER WADA, Director, Department of Human Resources Development, State of Hawai'i; DAVID Y. IGE, Governor,

State of Hawai'i; CHRISTINA KISHIMOTO, Superintendent, Department of Education, State of Hawai'i; and BOARD OF EDUCATION, State of Hawaii (collectively Parties) stipulated to a joint request for a further extension of the deadline to file exceptions to the subject Proposed Order to Wednesday, September 30, 2020 at 4:30 p.m. Further, the Parties stipulated that there was no request for a continuance of the scheduled September 9, 2020 Status Conference and that any order include a provision that any further extensions to file Exceptions will be granted if the parties so stipulate.

Based on the Stipulation and the full record in this case, the Board grants the stipulated request of the Parties for a further extension of the deadline to file the Exceptions to the Proposed Order to **Wednesday September 30, 2020 at 4:30 p.m.**

However, the Board denies the stipulated request for an order providing that any further extensions to file the Exceptions will be granted upon the stipulation of the Parties. In denying the request, the Board reiterates that no further extensions to file Exceptions will be granted unless supported by a stipulation between the Parties regarding any extension requested and that the Board will, in its discretion, determine whether, and to what extent, the extension requested will be granted.

DATED: Honolulu, Hawai'i, August 24, 2020.

HAWAI'I LABOR RELATIONS BOARD



*Murray R. Oshiro*

MURRAY R. OSHIRO, Chair

*Sesnita A. D. Moepono*

SESNITA A.D. MOEPONO, Member

*J.N. Musto*

J.N. MUSTO, Member

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