

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

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

Complainant,

and

RYKER WADA, Director, Department of  
Human Resources Development, State of  
Hawaii; DAVID Y. IGE, Governor, State of  
Hawaii; CHRISTINE KISHIMOTO,  
Superintendent, Department of Education,  
State of Hawaii; and BOARD OF  
EDUCATION, State of Hawaii,

Respondents.

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

ORDER NO. 3588

ORDER GRANTING COMPLAINANT'S  
MOTION TO CONTINUE DEADLINE TO  
FILE EXCEPTIONS TO 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

ORDER GRANTING COMPLAINANT'S MOTION TO CONTINUE DEADLINE TO FILE  
EXCEPTIONS TO 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

On February 14, 2020, the Hawaii 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:

FILING OF EXCEPTIONS

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, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed Complainant’s Motion to Continue Deadline to File Exceptions to 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 (Motion for Extension). UPW supported the Motion for Extension with a Declaration of Rebecca L. Covert (Declaration), counsel for UPW) declaring that due to other deadlines in February, March, and April, on February 17, 2020, she emailed Respondents’ counsel Richard Thomason to inform him of her intent to seek a continuance until April or May 2020 for filing objections. In her Declaration, Ms. Covert further declared that she received an email from Mr. Thomason (attached to the Declaration) on February 19, 2020, in which Mr. Thomason stated that Respondents would not object to the continuance. Based on the lack of objection, Ms. Covert requested an extension for the filing of exceptions (Exceptions) from February 24, 2020 to May 11, 2020.

Based on the Motion for Extension, the Respondents’ lack of objection. and the full record herein, the Board grants the Motion for Extension. Accordingly, the Board orders that the deadline for filing of Exceptions to the Proposed Order is extended from February 24, 2020 to **May 11, 2020 at 4:30 p.m.**

DATED: Honolulu, Hawai’i, \_\_\_\_\_ February 21, 2020 \_\_\_\_\_.

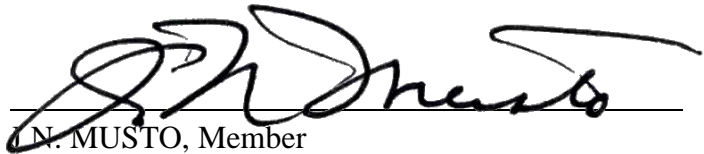


HAWAII LABOR RELATIONS BOARD

*Marcus R. Oshiro*

MARCUS R. OSHIRO, Chair

  
SESNITA A.D. MOEPONO, Member

  
J.N. MUSTO, Member

Copies sent to:

Rebecca L. Covert, Esq.

Richard Thomason, Deputy Attorney General

UPW v. WADA, ET AL.

CASE NO. CE-01-537a

ORDER GRANTING COMPLAINANT'S MOTION TO CONTINUE DEADLINE TO FILE EXCEPTIONS TO 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  
ORDER NO. 3588