

STATE OF HAWAI‘I
HAWAI‘I LABOR RELATIONS BOARD

In the Matter of

KENDERSON CASPILLO,

Complainant,

and

DEPARTMENT OF TRANSPORTATION,
State of Hawai‘i; and UNITED PUBLIC
WORKERS, AFSCME, LOCAL 646, AFL-
CIO,

Respondents.

CASE NO(S). 17-CE-01-899
17-CU-01-355

ORDER NO. 3590

ORDER GRANTING RESPONDENT
UNITED PUBLIC WORKERS,
AFSCME, LOCAL 646, AFL-CIO,
MOTION TO RESCHEDULE;
AMENDED NOTICE OF FURTHER
HEARINGS ON THE MERITS

ORDER GRANTING RESPONDENT UNITED PUBLIC
WORKERS, AFSCME, LOCAL 646, AFL-CIO, MOTION TO RESCHEDULE

On January 30, 2020, Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed Respondent United Public Workers, AFSCME, Local 646, AFL-CIO, Motion to Reschedule (Motion to Reschedule) with the Hawai‘i Labor Relations Board (Board). In the Motion to Reschedule, UPW stated that its counsel was unavailable for one of the previously agreed-upon days for the Hearing on the Merits (HOM).

On February 5, 2020, Respondent DEPARTMENT OF TRANSPORTATION, State of Hawai‘i (DOT) filed Respondent Department of Transportation, State of Hawaii’s Statement of No Opposition to Respondent United Public Workers, AFSCME, Local 646, AFL-CIO, Motion to Reschedule (DOT Statement).

Complainant KENDERSON CASPILLO (Complainant) did not respond to the Motion to Reschedule within the time provided for in Hawai‘i Administrative Rules (HAR) Section 12-42-8(g)(3)(iii)ⁱ.

Accordingly, the Board hereby GRANTS the Motion to Reschedule and amends the Notice of Further Hearings on the Merits issued on February 12, 2020 as follows:

AMENDED NOTICE OF FURTHER HEARINGS ON THE MERITS

NOTICE IS HEREBY GIVEN that the Board will hold further HOM as follows:

DATE AND TIME: Tuesday, March 10, 2020 at 9:00 a.m.
Thursday, March 12, 2020 at 9:00 a.m.

LOCATION: Hawai'i Labor Relations Board Hearing Room
830 Punchbowl Street, Room 434
Honolulu, Hawai'i 96813

All parties have the right to appear in person and to be represented by counsel or any other authorized person in all Board proceedings. Parties, representatives, and witnesses must appear in person at the HOM.

Auxiliary aids and services are available upon request to the parties and representatives with disabilities. For TTY, dial 711, then ask for (808) 586-8616, the Hawaii Labor Relations Board. For any other reasonable accommodation call the Board at (808) 586-8616.

DATED: Honolulu, Hawai'i, February 21, 2020.

HAWAI'I LABOR RELATIONS BOARD



Murray S. Oshiro

MURRAY S. OSHIRO, Chairman

Sesnita A. D. Moepono

SESNITA A.D. MOEPONO, Member

J. N. Musio

J. N. MUSIO, Member

Copies sent to:

Shawn Luis, Esq.

Lowell K.Y. Chun-Hoon, Esq.

Amanda Furman, Deputy Attorney General

ⁱ Hawai'i Administrative Rules § 12-42-8(g)(3)(C)(iii) states in relevant part:

Answering affidavits, if any, shall be served on all parties and the original and five copies, with certificate of service on all parties, shall be filed with the board within five days after service of the motion papers, unless the board directs otherwise.

The Board recognizes that on December 23, 2019, Appellant filed Appellant Pacific Coast Supply, LLC dba Hawaii Supply, LLC's Memorandum in Opposition to DLIR-Appellee Director of Labor and Industrial Relations' Motion to Dismiss Appellant Pacific Coast Supply, LLC dba Hawaii Supply, LLC's Contest (Opposition). However, because the Opposition was untimely filed, the Board informed Appellant at the Status Conference that it would not consider the Opposition and allowed Appellant to enter its arguments via oral arguments.