

STATE OF HAWAI'I

HAWAI'I LABOR RELATIONS BOARD

In the Matter of

LEE T. CHOW,

Complainant,

and

UNITED PUBLIC WORKERS, AFSCME,
LOCAL 646, AFL-CIO; and DIRECTOR,
DEPARTMENT OF ENVIRONMENTAL
SERVICES, City and County of Honolulu,

Respondents.

CASE NO(S). 19-CU-01-377
19-CE-01-937

ORDER NO. 3594

ORDER GRANTING, IN PART,
UNION'S MOTION TO CONTINUE
HEARINGS AND GRANTING, IN
PART, COMPLAINANT'S MOTION TO
CONTINUE

ORDER GRANTING, IN PART, UNION'S MOTION TO CONTINUE
HEARINGS AND GRANTING, IN PART, COMPLAINANT'S MOTIONS TO CONTINUE

On March 12, 2020, Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed Union's Motion to Continue Hearings under Hawai'i Administrative Rules (HAR) § 12-42-8(g)(3)(C) to move the hearing on the merits (HOMs) scheduled for March 23, 24, and 25, 2020 (UPW Motion to Continue) with the Hawai'i Labor Relations Board (Board). UPW asserted as grounds for the continuance that UPW wanted the Board to consider the Union's motion to dismiss complaint and for good reason and cause. In the supporting Declaration of Herbert Takahashi, (Mr. Takahashi), UPW's counsel, Mr. Takahashi declared that he called both Laura Mae Leslie (Ms. Leslie, Complainant's Representative) and Ernest Nomura (Mr. Nomura), counsel for Respondent DIRECTOR, DEPARTMENT OF ENVIRONMENTAL SERVICES, City and County of Honolulu (City) to request a continuance. Mr. Nomura said that he had to talk to DHR Representatives, and Mr. Takahashi was unable to contact Ms. Leslie.

On March 12, 2020, Complainant LEE T. CHOW (Complainant) also filed two Motions to Continue (Complainant's Motions to Continue), asserting that the UPW has assigned an attorney to represent the Complainant in an arbitration and that it would be in Complainant's best interest to continue the HOM until the arbitration is completed.

HAR § 12-42-8(g)(3)(C) provides regarding any party served with motion papers that “Answering affidavits, if any, shall be served on all parties...and shall be filed with the board within five days after service of the motion papers, unless the board directs otherwise.”

On March 13, 2020, UPW filed Respondent UPW’s Opposition to Two Motions to Continue Hearings. In its opposition, the Union requested that Complainant’s Motions to Continue be denied and that the UPW Motion to Dismiss be granted.

On March 18, 2020, the City filed Respondent Director, Department of Environmental Services, City and County of Honolulu’s Response to Respondent United Public Workers, AFSCME[,] Local 646, AFL-CIO’s Motion to Continue Hearings (Filed on March 12, 2020) (City’s Response). In the City’s Response, the City supported and requested that the UPW Motion to Continue be granted and that the Complainant’s Motions to Continue be denied.

Based on the Motions to Continue and the record herein, the Board grants, in part, UPW’s Motion to Continue and grants, in part, Complainant’s Motions to Continue. Accordingly, the Board orders that the March 23, 24, and 25 HOMs be taken off the calendar to be rescheduled at a Status Conference to be noticed at a later date.

DATED: Honolulu, Hawai‘i, March 19, 2020.

HAWAI‘I LABOR RELATIONS BOARD



Marcus R. Oshiro

MARCUS R. OSHIRO, Chair

Sesnita A. D. Moepono

SESNITA A.D. MOEPONO, Member

J. N. Musto

J. N. MUSTO, Member

Copies Sent to:

Laura Mae Leslie
Herbert R. Takahashi, Esq.
Ernest Nomura, Esq.