

STATE OF HAWAII  
HAWAII LABOR RELATIONS BOARD

In the Matter of

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

Complainant,

and

DEPARTMENT OF AGRICULTURE, State  
of Hawai'i,

Respondent.

CASE NO(S). 20-CE-13-944

ORDER NO. 3613

ORDER SETTING DEADLINE FOR  
RESPONSE TO DISPOSITIVE MOTIONS;  
NOTICE OF MOTION HEARING

ORDER SETTING DEADLINE FOR RESPONSE TO DISPOSITIVE MOTIONS

On April 9, 2020, Complainant HAWAII GOVERNMENT EMPLOYEES ASSOCIATION, AFSCME, LOCAL 152, AFL-CIO (HGEA) filed a prohibited practice complaint (Complaint) with the Board. Among other things, the Complaint alleges that Respondent DEPARTMENT OF AGRICULTURE, State of Hawai'i (Respondent or HDOA) committed certain prohibited practices in violation of Hawai'i Revised Statutes (HRS) §§ 89-13(a)(1), (2), (7), and (8) and violated HRS § 89-3 and § 89-8.

On April 24, 2020, HDOA filed Respondent's Motion to Dismiss in Lieu of Answer to Prohibited Practice Complaint (Motion to Dismiss).

The five-day deadline for answering affidavits to motions, if any, found in Hawai'i Administrative Rules (HAR) § 12-42-8(g)(3)(C)(iii)<sup>i</sup> has been suspended since March 23, 2020 under Board Order No. 3595<sup>ii</sup>. The Board is permitted to reschedule such deadlines as it sees fit.

Accordingly, the Board hereby orders that any response to the Motion to Dismiss be filed on or by **July 7, 2020 at 4:30 p.m.** No reply brief may be submitted.

NOTICE OF MOTION HEARING

NOTICE IS HEREBY GIVEN that the Board will hold **a telephonic Hearing on the Motion to Dismiss on Tuesday, July 14, 2020 at 10:00 a.m.** The Board will provide call-in information to the parties.

All parties have the right to appear telephonically and to be represented by counsel or any other authorized person.

Auxiliary aids and services are available upon request to parties and representatives with disabilities. For TTY, dial 711; then, ask for (808) 586-8616, the Hawai'i Labor Relations Board. For any other reasonable accommodations, or to make arrangements to appear telephonically, call the Board at (808) 586-8616 within seven (7) days prior to the Motion Hearing.

DATED: Honolulu, Hawai'i,                         June 23, 2020                        .

HAWAI'I LABOR RELATIONS BOARD



*Mary R. Oshiro*  
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MARY R. OSHIRO, Chair

*Sesnita A. D. Moepono*  
\_\_\_\_\_  
SESNITA A.D. MOEPONO, Member

*J.N. Musto*  
\_\_\_\_\_  
J.N. MUSTO, Member

Copies sent to:

Stacy Moniz, HGEA  
Claire W.S. Chinn, Deputy Attorney General

<sup>i</sup> HAR § 12-42-8(g)(3)(C)(iii) states:

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.

<sup>ii</sup> On March 23, 2020, due to the concerns regarding COVID-19, the Board issued Order No. 3595, Emergency Order Regarding All Proceedings Before the Hawai'i Labor Relations Board. Order No. 3595, among other things, suspended all filing or other deadlines until rescheduled by the Board. Order No. 3595 has remained in effect since March 23, 2020.