

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

CHRISTINA KISHIMOTO,
Superintendent, Department of
Education, State of Hawai'i; and
BOARD OF EDUCATION, State of
Hawai'i,

Respondents.

CASE NOS.: CE-01-565a
~~CE-02-565b~~
~~CE-03-565e~~
~~CE-04-565d~~

ORDER NO. 3620

ORDER GRANTING, IN PART, AND
DENYING, IN PART, COMPLAINANT'S
MOTION TO EXTEND DEADLINE TO
FILE EXCEPTIONS TO PROPOSED
ORDER FILED ON FEBRUARY 14, 2020

ORDER GRANTING, IN PART, AND DENYING, IN PART,
COMPLAINANT'S MOTION TO EXTEND 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 Prohibited Practice Complaint as Moot and for Failure to Prosecute; or Alternatively, Granting in Part Respondents' Motion to Dismiss or in the Alternative, 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 Prohibited Practice Complaint 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 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 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 (Motion for Extension) requesting a continuance of the deadline for filing exceptions to the Proposed Order (Exceptions) from February 24, 2020 to May 11, 2020. On February 21, 2020, the Board issued Order No. 3599 granting the Motion for Extension and extended the deadline for the filing of Exceptions from February 24, 2020 to May 11, 2020 at 4:30 p.m.

On May 6, 2020, 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 Second Extension) with the Board. The Motion for Second Extension requested a second extension from May 11, 2020 to July 13, 2020 to file Exceptions. On May 7, 2020, the Board issued Order No. 3602 granting the Motion for Second Extension and ordered that the deadline for filing of Exceptions to the Proposed Order is further extended from May 11, 2020 to July 13, 2020 at 4:30 p.m.

On June 1, 2020, a Notice of Withdrawal and Substitution of Counsel was filed transferring UPW's representation in this case from the law firm of Takahashi and Covert to the law firm of Koshiba, Price & Gruebner.

On July 1, 2020, UPW filed Complainant's Motion to Extend Deadline to File Exceptions to Proposed Order Filed on February 14, 2020 (Motion for Third Extension). In the Motion for Third Extension, UPW sought an extension from July 13, 2020 to August 31, 2020 to file Exceptions due to the emergency administratorship imposed by AFSCME on UPW, the review of Administrator Liz Ho of all of the UPW cases now pending, and the transfer of this case to the Koshiba, Price, and Gruebner law firm. The Motion for Third Extension was supported by the

Declaration of Lisa Anne Gruebner, who declared that Respondents' counsel Richard Thomason had no objection to the extension.

Based on the Motion for Third Extension and supporting documents, the lack of objection by Respondents' counsel, and the full record herein, the Board grants, in part, and denies, in part, the Motion for Third Extension. The Board grants a final extension for filing of Exceptions from **July 13, 2020 to August 13, 2020 at 4:30 p.m. No further extensions will be granted.**

DATED: Honolulu, Hawai'i, _____ July 6, 2020 _____.

HAWAI'I LABOR RELATIONS BOARD



Manu O. Oshiro

MANU O. OSHIRO, Chair

Sesnita A. D. Moepono

SESNITA A.D. MOEPONO, Member

N. Musto

N. MUSTO, Member

Copies sent to:

- Lisa Anne Gruebner, Esq.
- Richard Thomason, Deputy Attorney General
- Liz Ho, AFSCME Administrator