

STATE OF HAWAI'I

HAWAI'I LABOR RELATIONS BOARD

In the Matter of

UNITED PUBLIC WORKERS,
AFSCME, LOCAL 646, AFL-CIO,

Complainant,

and

RYKER WADA, Director, Department
of Human Resources, State of Hawai'i;
DAVID Y. IGE, Governor, State of
Hawai'i; and NOLAN ESPINDA,
Director, Department of Public Safety,
State of Hawai'i, i

Respondents.

CASE NOS. CE-01-720a
CE-10-720b

ORDER NO. 3621

ORDER DISMISSING AND CLOSING
CASE

ORDER DISMISSING AND CLOSING CASE

On July 31, 2009, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646 AFL-CIO (UPW) filed a prohibited practice complaint (Complaint) with the Hawai'i Labor Relations Board (Board) against Respondents MARIE LADERTA, Director, Department of Human Resources (DHRD), State of Hawai'i; LINDA LINGLE, Governor, State of Hawai'i; and NOLAN ESPINDA, Director, Department of Public Safety (PSD), State of Hawai'i for alleged failure to respond to a request for certain information required for collective bargaining in violation of Hawai'i Revised Statutes § 89-13(a)(5), (7), and (8).

On July 20, 2020, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646 AFL-CIO (UPW) filed a Stipulation to Withdraw Complainant's Prohibited Practice Complaint (Stipulation to Withdraw) stating the UPW no longer wish to pursue the Complaint and that the Respondents stipulate to the withdrawal of the Complaint. The Stipulation to Withdraw was signed by UPW counsel Jonathan E. Spiker and Respondents' counsel James E. Halvorson.

Based on the Stipulation to Withdraw, the Board dismisses and closes the case.

DATED: Honolulu, Hawai'i, July 7, 2020.

HAWAI'I LABOR RELATIONS BOARD



Mary R. Oshiro

MARY R. OSHIRO, Chair

Sesnit A.D. Moepono

SESNIT A.D. MOEPONO, Member

J.N. Musto

J.N. MUSTO, Member

Copies sent to:

Jonathan E. Spiker, Esq.

James E. Halvorson, Deputy Attorney General

ⁱ RYKER WADA, current Director, Department of Human Resources, State of Hawai'i (DHRD) is substituted for Respondent MARIE LADERTA, who was named as a Respondent in the prohibited practice complaint (Complaint) in her capacity as then-DHRD Director. Similarly, DAVID Y. IGE, current Governor, State of Hawai'i is substituted for LINDA LINGLE, who was named as a Respondent in the Complaint in her capacity as then-Governor; and NOLAN ESPINDA, current Director, Department of Safety, State of Hawai'i is substituted for CLAYTON FRANK, who was named as a Respondent in the Complaint in his capacity as then-PSD Director. Pursuant to the Hawai'i Rules of Civil Procedure Rule 25(d)(1), when a public officer is a party to an action in an official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the action does not abate and the officer's successor is automatically substituted as a party; proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantial rights of the parties shall be disregarded. The Board has applied the HRCPP where its administrative rules are silent. Dep't of Public Safety, State of Hawaii v. United Public Workers, AFSCME, Local 646, AFL-CIO, Board Case No. CU-10-322, Order No, 2944, at *2 n. 2 (2013).