

STATE OF HAWAI'I

HAWAI'I LABOR RELATIONS BOARD

In the Matter of

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

Complainants,

and

CHRISTINA KISHIMOTO, Superintendent,
Department of Education, State of Hawai'i¹;
and CONNECTIONS, A NEW CENTURY
PUBLIC CHARTER SCHOOL,

Respondents.

CASE NO(S). CE-01-539

ORDER NO. 3678

ORDER GRANTING COMPLAINANT'S
MOTION FOR CONTINUATION OF
HEARING ON MOTION FOR REMEDY
AND TO EXTEND DEADLINE TO FILE;
NOTICE OF STATUS CONFERENCE

ORDER GRANTING COMPLAINANT'S MOTION FOR CONTINUATION OF
HEARING ON MOTION FOR REMEDY AND TO EXTEND DEADLINE TO FILE

On December 22, 2020, UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (Complainant) filed with the Hawai'i Labor Relations Board (HLRB) Complainant's Motion for Continuation of Hearing on Motion for Remedy and to Extend Deadline to File Motion (Motion). The Motion requests the Board to continue the hearing set for January 29, 2021 to some time after March 2, 2021 to allow Complainant to find and discuss Respondents' settlement offer with Mr. Ah Sing and to file its motion if settlement is unsuccessful. The Motion also represents that counsel for the above-named Respondents has no objection to the continuance and extensions requested. The Board received no objections.

Accordingly, the Board HEREBY GRANTS the Motion and sets a status conference for March 2, 2021 at 9:00 a.m. as follows. All deadlines and hearing dates previously set by this Board are canceled.

NOTICE OF STATUS CONFERENCE

NOTICE IS HEREBY GIVEN, that the Board will conduct a Status Conference in the above case at the place, time and date listed below.

DATE AND TIME: Tuesday, March 2, 2021 at 9:00 a.m.

LOCATION: Remote Zoom Hearing

The purpose of this status conference is to determine if Complainant has discussed the proposed settlement offer with Mr. Ah Sing and whether Complainant will accept the offer or file a motion for damages and cost. Subject to the Board's discretion all parties have the right to appear videographically at the Status Conference and to be represented by counsel or any other authorized person. The Board will provide the relevant call-in information to the parties.

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, within seven (7) days prior to a Board proceeding. For any other accommodation, please call the Board at (808) 586-8616.

DATED: Honolulu, Hawai'i, _____ December 31, 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:

- Lisa Anne Gruebner, Esq.
- Richard Thomason, Deputy Attorney General
- James Halvorson, Deputy Attorney General

UPW v. KISHIMOTO, et al.

CASE NO. CE-01-539

ORDER GRANTING COMPLAINANT'S MOTION FOR CONTINUATION OF HEARING
ON MOTION FOR REMEDY AND TO EXTEND DEADLINE TO FILE; NOTICE OF
STATUS CONFERENCE

ORDER NO. 3678

¹ The Hawai'i Labor Relations Board (Board) substitutes CHRISTINA KISHIMOTO, current Superintendent, Department of Education (DOE), State of Hawai'i, for Respondent PATRICIA HAMAMOTO, who Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) named as a Respondent in the initial prohibited practice complaint (Complaint) in her capacity as then-Superintendent for the DOE. Hawai'i Rules of Civil Procedure Rule 25(d)(1) (HRCP) provides that, 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 HRCP 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).