

STATE OF HAWAI'I

HAWAI'I LABOR RELATIONS BOARD

In the Matter of

DANIEL EDWARD PARKER,

Complainant,

and

UNITED PUBLIC WORKERS,
AFSCME, LOCAL 646, AFL-CIO; and
DEPARTMENT OF PUBLIC SAFETY,
State of Hawai'i,

Respondents.

CASE NOS. 18-CU-10-370
19-CE-10-923

ORDER NO. 3497

ORDER GRANTING, IN PART, AND
DENYING, IN PART, RESPONDENT
UNITED PUBLIC WORKERS'
MOTION TO CONTINUE
CURRENTLY SCHEDULED HEARING
IN HONOLULU

ORDER GRANTING, IN PART, AND DENYING, IN PART,
RESPONDENT UNITED PUBLIC WORKERS' MOTION TO
CONTINUE CURRENTLY SCHEDULED HEARING IN HONOLULU

On April 2, 2019, the Hawai'i Labor Relations Board (Board) orally scheduled the Hearing on the Merits (HOM) to resume in Honolulu from May 13-16, 2019. On April 3, 2019, the Board issued a notice to all parties that the HOM was scheduled to take place at the Board Hearing Room in Honolulu on May 13-16, 2019.

On April 23, 2019, Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed a Motion to Continue Currently Scheduled Hearings in Honolulu (Motion to Continue) in accordance with Hawai'i Administrative Rules (HAR) § 12-42-8(g)(3)(C) and based on the Declaration of UPW's counsel requesting that the HOM be continued due to conflicts in the counsel's calendar for the months of May, June, and July 2019. The Motion to Continue was also supported by four exhibits containing, among other things, communications with counsel for Complainant DANIEL EDWARD PARKER (Parker or Complainant) and counsel for Respondent DEPARTMENT OF PUBLIC SAFETY, State of Hawai'i (PSD). The

communications indicated both PSD and Parker agreed in principle to continue the case if there were new dates to continue the hearing on the merits that worked for all parties.

On April 26, 2019, the Complainant filed Complainant Daniel Edward Parker's Position Statement in Response to UPW's Motion to Continue. Complainant has no objection to the Motion to Continue. However, Complainant requests that the Union confirm that Dayton Nakanelua will be available for the new hearing dates, so that there will be no issues with subpoenaing Mr. Nakanelua for dates that he may be unavailable. Complainant requests the same confirmation from the State regarding Garrett Medeiros' availability.

Respondent PSD did not file a response to UPW's Motion to Continue within five days after the service of the Motion to Continue¹.

ORDER

For all the reasons set forth above, the Board grants, in part, and denies, in part, Respondent UPW's Motion to Continue, and cancels and removes from the calendar the HOM currently scheduled to be held in Honolulu from May 13-16, 2019; and

NOTICE IS HEREBY GIVEN that the **HOM will be held on Monday, June 17, 2019 at 10:00 a.m., and Tuesday, June 18, 2019 at 9:00 a.m.** in the Board's hearing room, Room 434, 830 Punchbowl Street, Honolulu, Hawai'i 96813.

DATED: Honolulu, Hawai'i, _____ May 3, 2019 _____.

HAWAII LABOR RELATIONS BOARD



MARCUS R. OSHIRO, Chair



SESNITA A.D. MOEPONO, Member



J.N. MUSTO, Member



Copies sent to:

Richard B. Rost, Esq.

Herbert Takahashi, Esq.

Dennis K. Ferm, Deputy Attorney General

ⁱ Hawai'i Administrative Rules § 12-42-8(g)(3)(C)(iii) states in relevant part:

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.

PARKER v. UPW, ET AL.

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ORDER GRANTING, IN PART, AND DENYING, IN PART, RESPONDENT UNITED
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