

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;
DEPARTMENT OF PUBLIC SAFETY,
State of Hawai'i,

Respondents.

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

ORDER NO. 3513

ORDER DENYING RESPONDENT
UPW'S MOTION TO CONTINUE JUNE
13, 2019 HEARING AND JUNE 14,
2019 DEADLINE ON UNION
RESPONDENT'S EXHIBITS HH-TT

ORDER DENYING RESPONDENT UPW'S
MOTION TO CONTINUE JUNE 13, 2019 HEARING AND
JUNE 14, 2019 DEADLINE ON UNION RESPONDENT'S EXHIBITS HH-TT

On June 4, 2019, the Hawai'i Labor Relations Board (Board) issued Board Order No. 3511 (Order No. 3511), Denying Complainant Daniel Edward Parker's Motion to Strike Union Respondent's Untimely Exhibits. Order No. 3511, among other things, notified the parties of a hearing on June 13, 2019 at 9:00 a.m. in the Board's hearing room to receive any records subpoenaed by Respondent UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) that had been previously identified by as UPW's Exhibits HH-TT. Order No. 3511 also set a June 14, 2019 deadline for copies of Exhibits HH-TT to be sent to the parties and filed with the Board.

On June 6, 2019, UPW filed with the Board an Application for Issuance of Subpoenas for the appearance and production of documents for Garret Medeiros (Medeiros), Shelley Nobriga Harrington (Nobriga Harrington), and Melanie Saito (Saito) on June 13, 2019.

On June 7, 2019, the Board issued the subpoenas applied for by the UPW for Medeiros, Nobriga Harrington, and Saito.

On June 10, 2019, UPW filed Union Respondent's Motion to Continue June 13, 2019 Hearing and June 14, 2019 Deadline on Union Respondent's Exhibits HH-TT (Motion to Continue) pursuant to Hawai'i Administrative Rule § 12-42-8(g)(3)(C). In the Declaration in support, UPW's counsel declared that the Medeiros subpoena was served and the Saito subpoena was served voluntarily. UPW's counsel declared that the Nobriga Harrington subpoena was unable to be served because she is out of town, and Dennis K. Ferm (Ferm), the deputy attorney general assigned to this case for Respondent DEPARTMENT OF PUBLIC SAFETY, State of Hawai'i (PSD), stated he was not authorized to accept service on her behalf. UPW's counsel further declared that he had an agreement with Complainant DANIEL EDWARD PARKER (Complainant or Parker) and PSD to continue the hearing and deadline.

On the same day, the Board staff called Richard B. Rost, counsel for the Complainant, and Ferm, who confirmed their agreement to the continuance requested by UPW. Ferm stated that he was notified that service would be made on Nobriga Harrington on Wednesday, June 12, 2019. However, Ferm represented that if Nobriga Harrington is not served, he would voluntarily produce her as a witness and the requested documents at the June 13, 2019 hearing. Ferm also stated that Nobriga Harrington has a pre-existing medical appointment at 8:30 a.m. on June 13, 2019, and would appear before the Board immediately after the appointment at approximately 9:30 a.m.

ORDER

Based on the record in this case and the reasons set forth above, the Board hereby:

- 1) Denies UPW's Motion to Continue;
- 2) Orders that if UPW is unable to serve the subpoena on Shelley Nobriga Harrington, she appear and produce the requested documents voluntarily at the hearing on Thursday, June 13, 2019 at approximately 9:30 a.m. in accordance with Ferm's representation;
- 3) Permits Complainant and his legal counsel to appear telephonically at the June 13, 2019 hearing, with the understanding that the Board will make available live videoconferencing of the witnesses at the hearing to provide Complainant with an opportunity to view and question the witnesses; and
- 4) Agrees to provide bates stamped copies of the documents produced by Medeiros, Nobriga Harrington, and Saito at the June 13, 2019 hearing in response to the subpoenas to all parties.

DATED: Honolulu, Hawai'i, _____ June 10, 2019 _____.

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:

Richard B. Rost, Esq.

Herbert Takahashi, Esq.

Dennis K Ferm, Deputy Attorney General

PARKER v. UPW, et al.

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ORDER DENYING RESPONDENT UPW'S MOTION TO CONTINUE

JUNE 13, 2019 HEARING AND JUNE 14, 2019 DEADLINE ON UNION

RESPONDENT'S EXHIBITS HH-TT

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