

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

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

Complainant,

and

ERNEST H. NOMURA, ESQ., Deputy
Corporation Counsel; LORI KAHIKINA,
Director, Department of Environmental
Services; ROSS S. SASAMURA, P.E.,
Director, Department of Facility
Maintenance; CAROLEE KUBO, Director,
Department of Human Resources; and
KIRK CALDWELL, Mayor, City and
County of Honolulu,

Respondents.

CASE NO(S). 19-CE-01-926

ORDER NO. 3544

ORDER GRANTING MOTION FOR
BOARD CONSENT TO WITHDRAW,
WITHOUT PREJUDICE, THE
COMPLAINT FILED BY UPW ON
APRIL 26, 2019 AND CLOSING CASE

ORDER GRANTING MOTION FOR BOARD
CONSENT TO WITHDRAW, WITHOUT PREJUDICE,
THE COMPLAINT FILED BY UPW ON APRIL 26, 2019 AND CLOSING CASE

On April 26, 2019, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW or Complainant) filed with the Hawai'i Labor Relations Board (Board) a prohibited practice complaint (Complaint) alleging that Respondents ERNEST H. NOMURA, ESQ., Deputy Corporation Counsel (Respondent); LORI KAHIKINA, Director, Department of Environmental Services (Respondent); ROSS S. SASAMURA, P.E., Director, Department of Facility Maintenance (Respondent); CAROLEE KUBO, Director, Department of Human Resources (Respondent); and KIRK CALDWELL, Mayor, City and County of Honolulu (Respondent) (collectively Respondents), wilfully violated Hawai'i Revised Statutes (HRS) §§ 89-

3, 89-10.8, 89-13(a)(1), (7), and (8) by their alleged conduct regarding certain arbitration decisions, awards, and proceedings.

On July 31, 2019, the UPW filed a Motion for Board Consent to Withdraw, Without Prejudice, the Complaint filed by UPW on April 26, 2019 pursuant to Hawai'i Administrative Rules (HAR) §§ 12-42-44 and 12-42-8(g)(3)(C) (Motion for Board Consent to Withdraw).

On August 7, 2019, Respondents filed Respondents' Statement of No Position on Complainant's Motion for Board Consent to Withdraw, Without Prejudice, the Complaint Filed by UPW on April 26, 2019, Filed July 31, 2019.

HAR § 12-42-44 states:

§12-42-44 Withdrawal. Any complaint may be withdrawn at any time prior to the issuance of a final order thereon, upon motion and with the consent of the board. Whenever the board approves withdrawal of such complaint, the case shall be closed.

Based on the foregoing, the Board grants the UPW's Motion for Board Consent to Withdraw. This case is closed.

DATED: Honolulu, Hawai'i, August 8, 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 to:

Herbert R. Takahashi, Esq.

Molly A. Stebbins, Deputy Corporation Counsel