

STATE OF HAWAI'I
HAWAI'I LABOR RELATIONS BOARD

In the Matter of

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

Complainant(s),

and

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

Respondent(s).

CASE NO(S). CE-01-539

ORDER NO. 3741A

AMENDMENT TO ORDER NO. 3741

AMENDMENT TO ORDER NO. 3741

The Hawai'i Labor Relations Board (Board) issued Order No. 3741, Granting, in Part, and Denying, in Part, Motion for Remedy and Attorney's Fees and Costs. After the issuance of Order No. 3741, Complainant UNITED PUBLIC WORKERS, AFSCME, LOCAL 646, AFL-CIO (UPW) filed a Motion for Clarification and Modification of Order No. 3741.

Respondents CHRISTINA KISHIMOTO, Superintendent, Department of Education, State of Hawai'i; and CONNECTIONS, A NEW CENTURY PUBLIC CHARTER SCHOOL (Respondents) did not respond to the Motion for Clarification and Modification within the five days provided for by Hawai'i Administrative Rules (HAR) § 12-42-8(g)(3)(C)(iii)¹.

After consideration of the motion, the Board hereby amends Order No. 3741 as follows:

1. The second paragraph of Section 3.1.2., Mitigation, is amended to read:

According to the evidence submitted, Ah Sing did not work in 2003 after his employment with Connections ended; he received **\$11,752.29** in wages in 2004 from his various employers; and he received \$21,877.33 in wages in 2005. As noted above, Ah Sing did not receive vacation leave or pay from any of these employers.

2. The second paragraph of Section 3.1.3., Total Back Pay, is amended to read:

Calculating the difference between what Ah Sing would have received at Connections and what he actually made at his various employers, the Board awards Ah Sing **\$31,412.54** in back pay for lost wages.

3. The first item of Section 5, Order, is amended to read:

1. Respondents to pay to Ah Sing a total of **\$31,412.54** in lost wages and \$11,583.60 in vacation pay, with interest compounded daily, less all appropriate federal and state taxes;

DATED: Honolulu, Hawai‘i, June 2, 2021.

HAWAI‘I LABOR RELATIONS BOARD

MARCUS R. OSHIRO, Chair

SESNITA A.D. MOEPONO, Member

J N. MUSTO, Member

Copies sent to:

Lisa Gruebner, Esq.
James Halvorson, Deputy Attorney General

ⁱ HAR § 12-42-8(g)(3)(C)(iii) provides:

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.